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The French Treaty—Iron Ore—Question of Mr. Lyall 1472
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Revenue and Expenditure—Resolution—The Commercial Treaty with France—The Budget—(First Night) 1475
Valuation of Rateable Property (Ireland) Bill—Order for Committee read—Amendment of Mr. Blackburn that this House will resolve itself into the said Committee upon this day Six Months—Amendment, by leave, *withdrawn*—House in Committee 1541

WEDNESDAY, FEBRUARY 22.

The Treaty with France—Question of Mr. Newdegate 1543
Public Improvements Bill—Order for Committee read—Amendment of Mr. Walter that this House will upon this day Six Months resolve itself into the said Committee—Amendment and Motion by leave *withdrawn*—Committee *deferred* till *Wednesday* 7th March 1544
Window Cleaning Bill—Order for Second Reading Read—Amendment of Sir George Lewis that the Bill be read a Second Time this day Six Months—Amendment *agreed to*—Second Reading *put off* for Six Months ... 1548
Attorneys and Solicitors Bill—House in Committee 1551
Election Petitions Act (1848) Amendment Bill—Bill read 2° and *committed*—Motion made and Question proposed that the Bill be committed to a Select Committee—Debate *adjourned* till *To-morrow* 1552

THURSDAY, FEBRUARY 23.

Messengers of the Customs and Excise Department—Question of Mr. Astell ... 1565
Superintendents of Police—Question of Mr. Bowyer 1565
Drawback on Foreign Wines—Question of Mr. Wood 1566
Duties on Silks—Question of Sir Joseph Paxton 1567
Defence of Lucknow—Question of Mr. Jones 1567
Bonding of Foreign Wines—Question of Major Stuart Knox 1568
Billeting—Wine and Beer Licences—Question of Mr. Wyld 1569
Annexation of Savoy to France—Question of Mr. Kinglake 1569
Salmon Fishing (Scotland)—Question of Mr. Steuart 1570

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Cavalry Commissions—Question of Sir Henry Stracey 1570
Drawback on British Wines—Question of Mr. T. Duncombe 1571
Income Tax—Question of Mr. H. B. Sheridan 1571
Poor Rates (St. Pancras)—Question of Mr. John Locke 1572
Corrupt Practices Prevention Act (1854) &c.—Motion of Mr. T. Duncombe—That Mr. H. Berkeley's name be added to the Committee—Motion *negatived* ... 1572
Revenue and Expenditure—Resolution—The Commercial Treaty with France—The Budget—Adjourned Debate (Second Night)—Order read for resuming Adjourned Debate on Question [21st February]—Debate *resumed*—Debate *further adjourned* till *To-morrow* 1573

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Malt for Cattle-Feeding—Question of Lord Henry Thynne 1701
Drawback on Paper—Question of Baron Lionel Rothschild 1701
Salaries of Colonial Chaplains—Question of Sir John Pakington ... 1702
Prisons (Scotland) Question of Mr. E. Crawfurd 1702
The Irish Post Office—Question of Mr. Vance 1702
Note Circulation—(India)—Question of Mr. R. W. Crawford 1703
Business of the House—Question of Mr. Disraeli 1704
National Education (Ireland)—Question of Lord Naas 1704
The Wine and Spirit Duties—Question of Mr. T. Duncombe 1705
The Chinese Expedition—Question of General Peel 1707
China—Lord Elgin and Sir Michael Seymour—Personal Explanation of Sir Michael Seymour 1708
Queen's Officers and the Company's Officers—Question of Mr. Coningham ... 1709
The Revolted Provinces of the Pope—Question of Mr. M'Evoy ... 1711
China—Lord Elgin and Sir Michael Seymour—Observations of Mr. Cumming Bruce 1714
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The Commercial Treaty with France—Question of Sir Henry Willoughby ... 1719
Intended Prize Fight—Question of Mr. Hadfield 1722
Marriage with the Brother of a Deceased Husband—Question of Mr. Collins ... 1723
Treaty with France—Coals—Question of Mr. Horsman 1725
Revenue and Expenditure—Resolution—The Commercial Treaty with France—The Budget—Adjourned Debate (Third Night)—Order read for resuming Adjourned Debate on Question—[21st February]—Debate *resumed*—Motion *negatived* by a Majority of 116—Division List 1725

MONDAY, FEBRUARY 27.

Statue of Richard Cœur De Lion—Nelson Monument—Question of Mr. Hankey 1837
Duties on French and Spanish Wines—Question of Mr. Bentinck ... 1838
Cemetery at Clapton—Question of Sir De Lacy Evans 1838
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China—Question of Sir John Pakington 1840
Public-house Licences—Question of Lord Fermoy 1840
Export of Coal—Question of Mr. Horsman 1841
Customs Act—House in Committee—Wine Duties 1842
Packet Service (Transfer of Contracts) Bill—Second Reading—Bill read 2° ... 1904
Medical Acts Amendment Bill—Order for Second Reading read—Amendment of Mr. Craufurd that the Bill be read a Second Time this Day Six Months—Amendment *negatived*—Bill read 2° 1906

TUESDAY, FEBRUARY 28.

Mr. Pope Hennessy and the Committee of Selection 1930
Collection of Taxes—Question of Mr. T. Duncombe 1932

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Postal Rates—Question of Mr. Dawson 1933
Annexation of Savoy to France—Question of Mr. Monckton Milnes ... 1933
Annexation of Savoy and Nice to France—Motion of Mr. Kinglake for Papers—Motion *agreed to* 1936
Customs Acts—Report *brought up* by Mr. Massey 1970
Customs Acts—House in Committee 1971

Wednesday, February 29.

Ways and Means—House in Committee 2008
Qualification of Offices Abolition Bill—Second Reading—Adjourned Debate—Order read for resuming Adjourned Debate on Question [1st February] That the Bill be now read a Second Time—Debate *resumed*—Motion *agreed to*—Bill read 2° 2008
Masters and Operatives Bill—Order for Second Reading read—Amendment of Sir George Lewis that the Bill be read a Second Time this day Six Months—Amendment and Motion, by leave, *withdrawn*—Second Reading *deferred* till *Wednesday*, 28th of March 2010
Adulteration of Food or Drink Bill—House in Committee 2025
Ecclesiastical Vestments Bill—Motion of Mr. Danby Seymour for leave to bring in a Bill—Leave given—Bill read 1° 2043

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Great Yarmouth Election—Determination of the Committee that Sir Edmund Henry Knowles Lacon, Baronet, and Sir Henry Josias Stracey, Baronet, are duly Elected 2047
Mr. John Pope Hennessy—Telegraphic Message read by Mr. Speaker ... 2047
Dublin Corporation Water Bill—Order for Second Reading read—Second Reading *deferred* till *Thursday* next 2048
Foreign Duty on Herrings—Question of Mr. W. Miller 2049
Rumoured Austro-Russian Treaty—Question of Mr. Steuart 2049
Representation of the People Bill—Motion of Lord John Russell for leave to bring in a Bill—Leave given—Bill read 1° 2050
Representation of the People (Ireland) Bill—Motion of Mr. Cardwell for leave to bring in a Bill—Leave given—Bill read 1° 2073
Representation of the People (Scotland) Bill—Motion of the Lord Advocate for leave to bring in a Bill—Leave given—Bill read 1° 2085
Masters and Operatives—Motion of Mr. Mackinnon for a Select Committee—Motion *agreed to*—Select Committee *appointed* 2095
The Serpentine—Nomination of the Committee 2095
Customs Acts—House in Committee 2099

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Cavalry Field Officers—Question of Captain Archdall 2219
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III. NEW MEMBERS SWORN.

TUESDAY, JANUARY 24, 1860.

Devonport.—Sir Arthur Buller, *v.* The Right Hon. James Wilson—Manor of Hempholme.

Hertford.—Right Hon. William Francis Cowper, Vice-President of the Committee of Council for Trade—Re-elected.

Bodmin.—James Wyld, Esq., *v.* William Michell, Esq. M.D., Manor of Northstead.

Kingston-upon-Hull.—Joseph Somes, Esq., *v.* Joseph Hoare, Esq.—Void-election.

Berwick-upon-Tweed.—Dudley Coutts Marjoribanks, Esq., *v.* Ralph Anstruther Earle, Esq.—Chiltern Hundreds.

Salop County (*Southern Division*).—Sir Baldwin Leighton, Bart., *v.* Hon. Robert Windsor Clive—Deceased.

Ayrshire.—Sir James Fergusson, Bart., *v.* Lord James Stuart.—Deceased.

Whitby.—Harry Stephen Thompson, Esq., *v.* Robert Stephenson, Esq.—Deceased.

Lewes.—John George Blencowe, Esq., *v.* Right Hon. Henry FitzRoy—Deceased.
Durham.—William Atherton, Esq., Solicitor General—Re-elected.
Reading.—Sir Francis Henry Goldsmid, *v.* Sir Henry Singer Keating, one of the Justices of the Court of Common Pleas.

THURSDAY, JANUARY 26.
Liskeard.—Ralph Bernal Osborne, Esq., *v.* Ralph William Grey, Esq.—Manor of Northstead.

THURSDAY, FEBRUARY, 2.
Pontefract.—Hugh Culling Eardley Childers, Esq., *v.* William Overend, Esq.—Chiltern Hundreds.

FRIDAY, FEBRUARY 3.
Scarborough.—John Dent Dent, Esq., *v.* The Hon. William Henry Forester Denison, now Lord Londesborough.

FRIDAY, FEBRUARY 3.
Beverley.—James Robert Walker, Esq., *v.* Ralph Walters, Esq.—Void Election.

TUESDAY, FEBRUARY, 7.
Forfarshire.—Right Hon. Charles Carnegie, *v.* Viscount Duncan, now Earl of Camperdown.

TUESDAY, FEBRUARY 14.
Hertford Borough.—Right Hon. William Francis Cowper, First Commissioner of Works—Re-elected.
Gateshead.—William Hutt, Esq., *v.* Vice President of the Committee of Privy Council for Trade—Re-elected.

MONDAY, FEBRUARY 27.
Ennis.—William Stackpole, Esq., *v.* The Right Hon. John David FitzGerald, one of the Judges of the Court of Queen's Bench in Ireland.

THE MINISTRY

AS IT STOOD AT THE MEETING OF PARLIAMENT.

THE CABINET.

First Lord of the Treasury	Right Hon. Viscount Palmerston.
Lord Chancellor	Right Hon. Lord Campbell.
President of the Council	Right Hon. Earl Granville.
Lord Privy Seal	His Grace the Duke of Argyll.
Secretary of State, Home Department	Right Hon. Sir George Cornewall Lewis, Bt.
Secretary of State, Foreign Department	Right Hon. Lord John Russell.
Secretary of State for Colonies	His Grace the Duke of Newcastle.
Secretary of State for War	Right Hon. Sidney Herbert.
Secretary of State for India	Right Hon. Sir Charles Wood, Bt.
Chancellor of the Exchequer	Right Hon. William Ewart Gladstone.
First Lord of the Admiralty	His Grace the Duke of Somerset.
President of the Board of Trade	Right Hon. Thomas Milner Gibson.
Postmaster General	Right Hon. Earl of Elgin.
Chancellor of the Duchy of Lancaster	Right Hon. Sir George Grey.
Chief Commissioner of the Poor Law Board	Right Hon. Charles Pelham Villiers.
Chief Secretary for Ireland	Right Hon. Edward Cardwell.

NOT IN THE CABINET.

General Commanding-in-Chief	H.R.H. Duke of Cambridge.
Paymaster of the Forces, and Vice-President of the Board of Trade	Right Hon. William Hutt.
Vice President of the Committee of Privy Council for Education	Right Hon. Robert Lowe.
Chief Commissioner of Works and Public Buildings	Right Hon. William Francis Cowper.
Lords of the Treasury	Edward Hugessen Knatchbull, Esq., Sir William Dunbar, Bt., and John Bagwell, Esq.
Lords of the Admiralty	Vice Admiral the Hon. Sir Richard Saunders Dundas, K.C.B., Rear Admiral the Hon. Frederick Thomas Pelham, C.B., Captain Charles Eden, C.B., Captain Charles Frederick, and Samuel Whitbread, Esq.
Joint Secretaries of the Treasury	Hon. Henry Bouverie William Brand, and Samuel Laing, Esq.
Secretary of the Admiralty	Rear Admiral Lord Clarence Edward Paget, C.B.
Secretary to the Poor Law Commissioners	Charles Gilpin, Esq.
Under Secretary for the Home Department	George Clive, Esq.
Under Secretary for Foreign Affairs	Right Hon. Lord Wodehouse.
Under Secretary for the Colonies	Chichester Samuel Fortescue, Esq.
Under Secretary for War	Right Hon. Earl De Grey and Ripon.
Under Secretary for India	Thomas George Baring, Esq.
Judge Advocate General	Right Hon. Thomas Emerson Headlam.
Attorney General	Sir Richard Bethell, Knt.
Solicitor General	Sir William Atherton, Knt.

SCOTLAND.

Lord Advocate	Right Hon. James Moncreiff.
Solicitor General	Edward Francis Maitland, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of Carlisle.
Lord Chancellor	Right Hon. Maziere Brady.
Chief Secretary	Right Hon. Edward Cardwell.
Attorney General	Right Hon. Rickard Deasy.
Solicitor General	Thomas O'Hagan, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Right Hon. Earl of St. Germans.
Lord Chamberlain	Right Hon. Viscount Sydney.
Master of the Horse	Most Hon. Marquess of Ailesbury.
Treasurer of the Household	Right Hon. Viscount Bury.
Comptroller of the Household	Right Hon. Lord Proby.
Vice Chamberlain of the Household	Right Hon. Viscount Castlerosse.
Captain of the Corps of Gentlemen at Arms	Right Hon. Lord Foley.
Captain of the Yeomen of the Guard	Right Hon. Earl of Ducie.
Master of the Buckhounds	Right Hon. Earl of Bessborough.
Chief Equerry and Clerk Marshal	Lord Alfred Henry Paget.
Mistress of the Robes	Duchess of Sutherland.

ROLL OF THE

LORDS SPIRITUAL AND TEMPORAL

In the Second Session of the Eighteenth Parliament of the United Kingdom of Great Britain and Ireland.

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23 VICTORIÆ, 1860.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest, and so, when the House sends a Committee to a Conference with the Commons, the Lord Highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

His Royal Highness The Prince of Wales.

His Royal Highness George Frederick Alexander Charles Ernest Augustus Duke of Cumberland and Teviotdale. (*King of Hanover.*)

His Royal Highness George William Frederick Charles Duke of Cambridge.

John Bird Archbishop of Canterbury.

John Lord Campbell, *Lord Chancellor.*

Thomas Archbishop of York.

John George, Archbishop of Armagh.

Granville George Earl Granville, *Lord President of the Council.*

George Douglas Lord Sundridge. (*Duke of Argyll.*) *Lord Privy Seal.*

Henry Granville Duke of Norfolk, *Earl Marshal of England.*

Edward Adolphus Duke of Somerset.

Charles Duke of Richmond.

Henry Duke of Grafton.

Henry Charles Fitzroy Duke of Beaufort.

William Amelius Aubrey de Vere Duke of Saint Albans.

George Godolphin Duke of Leeds.

Francis Duke of Bedford.

William Duke of Devonshire.

John Winston Duke of Marlborough.

Charles Cecil John Duke of Rutland.

William Alexander Anthony Archibald Duke of Brandon. (*Duke of Hamilton*).

William John Duke of Portland.

William Drogo Duke of Manchester.

Henry Pelham Duke of Newcastle.

Algernon Duke of Northumberland.

Arthur Richard Duke of Wellington.

Richard Plantagenet Duke of Buckingham and Chandos.

George Granville Duke of Sutherland.

Henry Duke of Cleveland.

John Marquess of Winchester.

George Marquess of Tweeddale. (*Elected for Scotland.*)

Henry Marquess of Lansdowne.

John Marquess Townshend.

James Brownlow William Marquess of Salisbury.

John Alexander Marquess of Bath.

James Marquess of Abercorn.

Richard Marquess of Hertford.

John Patrick Marquess of Bute.
Brownlow Marquess of Exeter.
Charles Marquess of Northampton.
George Charles Marquess Camden.
Henry Marquess of Anglesey.
George Horatio Marquess of Cholmondeley.
Henry Weysford Charles Plantagenet Marquess of Hastings.
George William Frederick Marquess of Ailesbury.
George Thomas John Marquess of Westmeath. (*Elected for Ireland.*)
Frederick William Marquess of Bristol.
Archibald Marquess of Ailsa.
John Marquess of Breadalbane.
Richard Marquess of Westminster.
Constantine Henry Marquess of Normanby.
James Andrew Marquess of Dalhousie.

Edward Granville Earl of Saint Germans. *Lord Steward of the Household.*
Henry John Earl of Shrewsbury.
Edward Geoffrey Earl of Derby.
Francis Theophilus Henry Earl of Huntingdon.
Robert Henry Earl of Pembroke and Montgomery.
William Reginald Earl of Devon.
Charles John Earl of Suffolk and Berkshire.
William Basil Percy Earl of Denbigh.
Francis William Henry Earl of Westmorland.
George Augustus Frederick Albemarle Earl of Lindsey.
George Harry Earl of Stamford and Warrington.
George James Earl of Winchilsea and Nottingham.
George Earl of Chesterfield.
John William Earl of Sandwich.
Arthur Algernon Earl of Essex.
James Thomas Earl of Cardigan.
George William Frederick Earl of Carlisle.
Walter Francis Earl of Doncaster (*Duke of Buccleuch and Queensberry.*)
Anthony Earl of Shaftesbury.
——— Earl of Berkeley.
Montagu Earl of Abingdon.
Richard George Earl of Scarbrough.
George Thomas Earl of Albemarle.
George William Earl of Coventry.
Victor Albert George Earl of Jersey.
John Earl Poulett.
Sholto John Earl of Morton (*Elected for Scotland.*)
James Earl of Caithness. (*Elected for Scotland.*)
Cospatrick Alexander Earl of Home. (*Elected for Scotland.*)
Thomas George Earl of Strathmore. (*Elected for Scotland.*)
George Earl of Hadington (*Elected for Scotland.*)
David Graham Drummond Earl of Airlie. (*Elected for Scotland.*)
David Earl of Leven and Melville. (*Elected for Scotland.*)
Dunbar James Earl of Selkirk. (*Elected for Scotland.*)
Thomas John Earl of Orkney. (*Elected for Scotland.*)
Sewallis Edward Earl Ferrers.
William Walter Earl of Dartmouth.
Charles Earl of Tankerville. (*In another place as Lord Ossulston.*)
Heneage Earl of Aylesford.
Francis Thomas de Grey Earl Cowper.
Philip Henry Earl Stanhope.
Thomas Augustus Wolstenholme Earl of Macclesfield.
George William Richard Earl of Pomfret.
James Earl Graham. (*Duke of Montrose.*)
William Frederick Earl Waldegrave.
Bertram Earl of Ashburnham.
Leicester Fitzgerald Charles Earl of Harrington.
Isaac Newton Earl of Portsmouth.
George Guy Earl Brooke and Earl of Warwick.
Augustus Edward Earl of Buckinghamshire.
William Thomas Spencer Earl Fitzwilliam.
Francis Earl of Guilford.
Charles Philip Earl of Hardwicke.
William Thomas Horner Earl of Ilchester.
George John Earl De La Warr.
William Earl of Radnor.
John Poyntz Earl Spencer.

Henry George Earl Bathurst.

Arthur Wills Blundell Sandys Trumbull Windsor Earl of Hillsborough. (*Marquess of Downshire.*)

George William Frederick Earl of Clarendon.

William David Earl of Mansfield.

William Earl of Abergavenny.

George Augustus Frederick John Earl Strange. (*Duke of Athol.*)

Ernest Augustus Earl of Mount Edgcumbe.

Hugh Earl Fortescue.

George Earl of Beverley.

Henry Howard Molyneux Earl of Carnarvon.

George Earl Cadogan.

James Howard Earl of Malmesbury.

George John Danvers Earl of Lanesborough. (*Elected for Ireland.*)

Francis William Earl of Charlemont. (*In another place as Lord Charlemont.*) (*Elected for Ireland.*)

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

Henry John Reuben Earl of Portarlington. (*Elected for Ireland.*)

Robert Earl of Mayo. (*Elected for Ireland.*)

John Earl of Erne. (*Elected for Ireland.*)

John Otway O'Connor Earl of Desart. (*Elected for Ireland.*)

William Earl of Wicklow. (*Elected for Ireland.*)

George Charles Earl of Lucan. (*Elected for Ireland.*)

Somerset Richard Earl of Belmore. (*Elected for Ireland.*)

Francis Earl of Bandon. (*Elected for Ireland.*)

James Alexander Earl of Rosslyn.

William Earl of Craven.

Arthur George Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edward James Earl of Powis.

Horatio Earl Nelson.

William Earl of Rosse. (*Elected for Ireland.*)

Charles Herbert Earl Manvers.

Horatio Earl of Orford.

Henry Earl Grey.

William Earl of Lonsdale.

Dudley Earl of Harrowby.

Henry Thynne Earl of Harewood.

William Hugh Earl of Minto.

Alan Frederick Earl Cathcart.

James Walter Earl of Verulam.

John William Spencer Brownlow Earl Brownlow.

Edward Granville Earl of Saint Germans. (*In another place as Lord Steward of the Household.*)

Edmund Earl of Morley.

George Augustus Frederick Henry Earl of Bradford.

Henry Beauchamp Earl Beauchamp.

Richard Earl of Bantry. (*Elected for Ireland.*)

George Frederick Samuel Earl De Grey. (*In another place as Earl of Ripon.*)

John Earl of Eldon.

Richard William Penn Earl Howe.

Charles Sommers Earl Sommers.

John Edward Cornwallis Earl of Stradbroke.

George Henry Robert Charles William Earl Vane.

William Pitt Earl Amherst.

John Frederick Earl Cawdor.

William George Earl of Munster.

Adam Earl of Camperdown.

Thomas George Earl of Lichfield.

George Frederick D'Arcy Earl of Durham.

George Frederick Samuel Earl of Ripon. (*In another place as Earl De Grey.*)

Granville George Earl Granville. (*In another place as Lord President of the Council.*)

Henry Earl of Effingham.

Henry John Earl of Ducie.

Charles Anderson Worsley Earl of Yarborough.

James Henry Robert Earl Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

Thomas Earl of Zetland.

Charles Noel Earl of Gainsborough.

Edward Earl of Ellenborough.

George Granville Francis Earl of Ellesmere.

John Earl of Strafford.
Charles Edward Earl of Cottenham.
Henry Richard Charles Earl Cowley.
Charles John Earl Canning.
Archibald William Earl of Winton. (*Earl of Eglintoun.*) (*In another place as Lord Ardrossan.*)

John Robert Viscount Sydney, *Lord Chamberlain of the Household.*
Robert Viscount Hereford.
William Henry Viscount Strathallan. (*Elected for Scotland.*)
Henry Viscount Bolingbroke and St. John.
Evelyn Viscount Falmouth.
George Viscount Torrington.
Augustus Frederick Viscount Leinster. (*Duke of Leinster.*)
Henry Viscount Maynard.
John Robert Viscount Sydney. (*In another place as Lord Chamberlain of the Household.*
Francis Wheler Viscount Hood.
Arthur Viscount Dungannon. (*Elected for Ireland.*)
Thomas Viscount De Vesci. (*Elected for Ireland*).
James Viscount Lifford. (*Elected for Ireland.*)
Edward Viscount Bangor. (*Elected for Ireland.*)
Hayes Viscount Doneraile. (*Elected for Ireland.*)
Carnegie Robert John Viscount St. Vincent.
Henry Viscount Melville.
William Leonard Viscount Sidmouth.
George Viscount Gordon. (*Earl of Aberdeen.*)
Edward Viscount Exmouth.
Richard John Viscount Hutchinson. (*Earl of Donoughmore.*)
William Thomas Viscount Clancarty. (*Earl of Clancarty.*)
Stapleton Viscount Combermere.
Charles John Viscount Canterbury.
Rowland Viscount Hill.
Charles Stewart Viscount Hardinge.
Hugh Viscount Gough.
Stratford Viscount Stratford de Redcliffe.
Charles Viscount Eversley

Archibald Campbell Bishop of London.
Charles Thomas Bishop of Durham.
Charles Richard Bishop of Winchester.
George Bishop of Rochester.
Henry Bishop of Exeter.
George Bishop of Peterborough.
Connop Bishop of St. David's.
Henry Bishop of Worcester.
Ashhurst Turner Bishop of Chichester.
John Bishop of Lichfield.
Thomas Bishop of Ely.
Samuel Bishop of Oxford.
Thomas Vowler Bishop of St. Asaph.
James Prince Bishop of Manchester.
Renn Dickson Bishop of Hereford.
John Bishop of Chester.
Alfred Bishop of Llandaff.
John Bishop of Lincoln.
Walter Kerr Bishop of Salisbury.
Robert John Bishop of Bath and Wells. (*In another place as Lord Auckland*).
Henry Montagu Bishop of Carlisle.
Charles Bishop of Gloucester and Bristol.
Robert Bishop of Ripon.
John Thomas Bishop of Norwich.
Robert Bishop of Cashel, Emly, Waterford, and Lismore.
William Bishop of Derry and Raphoe.
Henry, Bishop of Limerick, Ardfert, and Aghadoe.

William Lennox Lascelles Lord De Ros.
Jacob Henry Delaval Lord Hastings.
George Edward Lord Audley.
Peter Robert Lord Willoughby de Eresby.
Thomas Crosby William Lord Dacre.
Charles Rodolph Lord Clinton.
Thomas Lord Camoys.
Henry Lord Beaumont.
Charles Lord Stourton.
Henry William Lord Berners.
Robert John Lord Willoughby de Broke.
Sackville George Lord Conyers.
George Lord Vaux of Harrowden.
St. Andrew Beauchamp Lord St. John of Bletso.
Charles Augustus Lord Howard de Walden.

William Bernard Lord Petre.

Frederick Benjamin Lord Saye and Sele.

Henry Benedict Lord Arundell of Wardour.

John Stuart Lord Clifton. (*Earl of Darnley.*)

Joseph Thaddeus Lord Dormer.

George Henry Lord Teynham.

Henry Valentine Lord Stafford.

George Anson Lord Byron.

William Lord Ward.

Charles Hugh Lord Clifford of Chudleigh.

Charles Lord Ossulston. (*In another place as Earl of Tankerville.*

Alexander Lord Saltoun. (*Elected for Scotland.*)

John Lord Gray. (*Elected for Scotland.*)

Charles Lord Blantyre. (*Elected for Scotland.*)

Charles John Lord Colville of Culross. (*Elected for Scotland.*)

Henry Francis Lord Polwarth. (*Elected for Scotland.*)

Richard Edmund Saint Lawrence Lord Boyle. (*Earl of Cork and Orrery.*)

Thomas Robert Lord Hay. (*Earl of Kinnoul.*)

Henry Lord Middleton.

William John Lord Monson.

Hugh Lord Fortescue.

George John Brabazon Lord Ponsonby. (*Earl of Bessborough.*)

Henry Lord Wycombe.

George John Lord Sondes.

Alfred Nathaniel Holden Lord Scarsdale.

George Ives Lord Boston.

George James Lord Lovel and Holland (*Earl of Egmont.*)

George John Lord Vernon.

Edward Saint Vincent Lord Digby.

George Douglas Lord Sundridge. (*Duke of Argyll.*) (*In another place as Lord Privy Seal.*

Edward William Lord Hawke.

Thomas Henry Lord Foley.

George Rice Lord Dinevor.

Thomas Lord Walsingham.

William Lord Bagot.

Charles Lord Southampton.

Fletcher Lord Grantley.

Robert Dennett Lord Rodney.

Richard Noel Lord Berwick.

John Lord Sherborne.

John Lord Tyrone. (*Marquess of Waterford.*)

Richard Lord Carleton. (*Earl of Shannon.*)

Charles Lord Suffield.

Guy Lord Dorchester.

Lloyd Lord Kenyon.

Richard Cornwallis Lord Braybrooke.

George Hamilton Lord Fisherwick. (*Marquess of Donegal.*)

Henry Hall Lord Gage. (*Viscount Gage.*)

Edward Thomas Lord Thurlow.

Robert John Lord Auckland. (*In another place as Bishop of Bath and Wells.*)

George William Lord Lyttelton.

Henry Lord Mendip. (*Viscount Clifden.*)

John Lord Stuart of Castle Stuart. (*Earl of Moray.*)

Randolph Lord Stewart of Garlies. (*Earl of Galloway.*)

James George Henry Lord Saltersford. (*Earl of Courtown.*)

Charles Lord Brodrick. (*Viscount Midleton.*)

Frederick Lord Calthorpe.

Robert John Lord Carrington.

Henry Lord Bayning.

William Henry Lord Bolton.

John Lord Wodehouse.

George Lord Northwick.

Thomas Atherton Lord Lilford.

Thomas Lord Ribblesdale.

Richard Hobart Lord Fitzgibbon. (*Earl of Clare.*)

Cadwallader Davis Lord Blayney. (*Elected for Ireland.*)

Henry Lord Farnham. (*Elected for Ireland.*)

John Cavendish Lord Kilmaine. (*Elected for Ireland.*)

Robert Lord Clonbrock. (*Elected for Ireland.*)

Edward Lord Crofton. (*Elected for Ireland.*)

Eyre Lord Clarina. (*Elected for Ireland.*)

HENRY FRANCIS SEYMOUR Lord MOORE. (*Marquess of Drogheda.*)

JOHN HENRY WELLINGTON GRAHAM Lord LOFTUS. (*Marquess of Ely.*)

GRANVILLE LEVESON Lord CARYSFORT. (*Earl of Carysfort.*)

GEORGE RALPH Lord ABERCROMBY.

JOHN THOMAS Lord REDESDALE.

GEORGE Lord RIVERS.

ARTHUR MOYSES WILLIAM Lord SANDYS.

GEORGE AUGUSTUS FREDERICK CHARLES Lord SHEFFIELD. (*Earl of Sheffield.*)

THOMAS AMERICUS Lord ERSKINE.

GEORGE JOHN Lord MONT EAGLE. (*Marquess of Sligo.*)

ARCHIBALD WILLIAM Lord ARDROSSAN. (*Earl of Eglintoun.*) (*In another place as Earl of Winton.*

JAMES Lord LAUDERDALE. (*Earl of Lauderdale.*)

GEORGE ARTHUR HASTINGS Lord GRANARD. (*Earl of Granard.*)

HUNGERFORD Lord CREWE.

WILLIAM Lord PONSONBY of IMOKILLY.

ALAN LEGGE Lord GARDNER.

JOHN THOMAS Lord MANNERS.

JOHN ALEXANDER Lord HOPETOUN. (*Earl of Hopetoun.*)

FREDERICK WILLIAM ROBERT Lord STEWART of STEWART'S COURT (*Marquess of Londonderry.*)

RICHARD Lord CASTLEMAINE. (*Elected for Ireland.*)

CHARLES Lord MELDRUM. (*Marquess of Huntly.*)

JAMES Lord ROSS. (*Earl of Glasgow.*)

WILLIAM WILLOUGHBY Lord GRINSTEAD. (*Earl of Enniskillen.*)

WILLIAM HENRY TENNISON Lord FOXFORD. (*Earl of Limerick.*)

FRANCIS GEORGE Lord CHURCHILL.

GEORGE FRANCIS ROBERT Lord HARRIS.

CHARLES Lord COLCHESTER.

WILLIAM SCHOMBERG ROBERT Lord KER. (*Marquess of Lothian.*)

FRANCIS NATHANIEL Lord MINSTER. (*Marquess Conyngham.*)

JAMES EDWARD WILLIAM THEOBALD Lord ORMONDE. (*Marquess of Ormonde.*)

FRANCIS Lord WEMYSS. (*Earl of Wemyss.*)

ROBERT Lord CLANBRASSILL. (*Earl of Roden.*)

ROBERT Lord KINGSTON. (*Earl of Kingston.*)

EDWARD MICHAEL Lord SILCHESTER. (*Earl of Longford.*)

WILLIAM RICHARD ARTHUR Lord MARYBOROUGH. (*Earl of Mornington.*)

JOHN Lord ORIEL. (*Viscount Massereene.*)

HENRY THOMAS Lord RAVENSWORTH.

HUGH Lord DELAMERE.

JOHN GEORGE WELD Lord FORESTER.

JOHN JAMES Lord RAYLEIGH.

ULYSSES Lord DOWNES. (*Elected for Ireland.*)

ROBERT FRANCIS Lord GIFFORD.

PERCY ELLEN FREDERICK WILLIAM Lord PENSHURST. (*Viscount Strangford.*)

ULICK JOHN Lord SOMERHILL. (*Marquess of Clanricarde.*)

JAMES Lord WIGAN. (*Earl of Crawford and Balcarres.*)

THOMAS GRANVILLE HENRY STUART Lord RANFURLY. (*Earl of Ranfurly.*)

GEORGE Lord DE TABLEY.

EDWARD MONTAGUE STUART GRANVILLE Lord WHARNCLIFFE.

WILLIAM Lord FEVERSHAM.

JOHN SINGLETON Lord LYNDHURST.

JOHN HENRY Lord TENTERDEN.

THOMAS SPAN Lord PLUNKET. (*Bishop of Tuam, Killala, and Achonry.*)

WILLIAM Lord HEYTESBURY.

ARCHIBALD JOHN Lord ROSEBERY. (*Earl of Rosebery.*)

RICHARD Lord CLANWILLIAM. (*Earl of Clanwilliam.*)

EDWARD Lord SKELMERSDALE.

WILLIAM SAMUEL Lord WYNFORD.

HENRY Lord BROUGHAM and VAUX.

WILLIAM HENRY Lord KILMARNOCK. (*Earl of Erroll.*)

ARTHUR JAMES Lord FINGALL. (*Earl of Fingall.*)

WILLIAM PHILIP Lord SEFTON. (*Earl of Sefton.*)

WILLIAM SYDNEY Lord CLEMENTS. (*Earl of Leitrim.*)

GEORGE WILLIAM FOX Lord ROSSIE. (*Lord Kinnaird.*)

THOMAS Lord KENLIS. (*Marquess of Headfort.*)

WILLIAM Lord CHAWORTH. (*Earl of Meath.*)

Charles Adolphus Lord Dunmore. (*Earl of Dunmore.*)

Robert Montgomerie Lord Hamilton. (*Lord Belhaven and Stenton.*)

John Hobart Lord Howden.

Fox Lord Panmure.

Augustus Frederick George Warwick Lord Poltimore.

Edward Mostyn Lord Mostyn.

Henry Spencer Lord Templemore.

Edward Lord Cloncurry.

James Lord De Saumarez.

Lucius Bentinck Lord Hunsdon. (*Viscount Falkland.*)

Thomas Lord Denman.

Robert Campbell Lord Abinger.

Philip Lord De L'Isle and Dudley.

William Bingham Lord Ashburton.

Charles Lord Glenelg.

Edward John Lord Hatherton.

George Stevens Lord Strafford.

Archibald Lord Worlingham. (*Earl of Gosford.*)

Edward Berkeley Lord Portman.

Thomas Alexander Lord Lovat.

William Bateman Lord Bateman.

Francis William Lord Charlemont. (*In another place as Earl of Charlemont.*)

Francis Alexander Lord Kintore. (*Earl of Kintore.*)

George Ponsonby Lord Lismore. (*Viscount Lismore.*)

Henry Robert Lord Rossmore.

Robert Shapland Lord Carew.

Charles Frederick Ashley Cooper Lord De Mauley.

John Lord Wrottesley.

Thomas Charles Lord Sudeley.

Frederick Henry Paul Lord Methuen.

Edward John Lord Stanley of Alderley.

Henry Lord Stuart de Decies.

William Henry Lord Leigh.

Beilby Richard Lord Wenlock.

Charles Lord Lurgan.

Ralph Lord Dunfermline.

Thomas Spring Lord Monteagle of Brandon.

John Lord Seaton.

Edward Arthur Wellington Lord Keane.

John Lord Campbell. (*In another place as Lord Chancellor.*)

North Lord Oxenfoord. (*Earl of Stair.*)

Charles Crespigny Lord Vivian.

John Lord Congleton.

Denis St. George Lord Dunsandle and Clanconal. (*Elected for Ireland.*)

Richard Lord Dartrey. (*Lord Cremorne.*)

James Lord Elgin. (*Earl of Elgin and Kincardine.*)

Frederick Temple Lord Clandeboye. (*Lord Dufferin and Claneboye.*)

William Henry Forester Lord Londesborough.

Samuel Jones Lord Overstone.

Charles Robert Claude Lord Truro.

Robert Monsey Lord Cranworth.

John Cam Lord Broughton.

John Lord De Freyne.

Edward Burtenshaw Lord Saint Leonards.

Richard Henry FitzRoy Lord Raglan.

Gilbert John Lord Aveland.

Thomas Lord Kenmare. (*Earl of Kenmare*).

Richard Bickerton Pemell Lord Lyons.

James Lord Wensleydale.

Edward Lord Belper.

James Lord Talbot de Malahide.

Robert Lord Ebury.

James Lord Skene. (*Earl Fife.*)

Charles Compton Lord Chesham.

Frederic Lord Chelmsford.

John Lord Churston.

John Charles Lord Strathspey. (*Earl of Seafield.*)

Colin Lord Clyde.

Thomas Lord Kingsdown.

George Lord Leconfield.

William Tatton Lord Egerton.

Charles Morgan Robinson Lord Tredegar.

John Lord Elphinstone.

Robert Vernon Lord Lyveden.

Benjamin Lord Llanover.

Henry Lord Taunton.

LIST OF THE COMMONS.

LIST OF MEMBERS

Returned from the respective Counties, Cities, Towns, and Boroughs, to serve in the *Eighteenth Parliament* of the United Kingdom of *Great Britain and Ireland*: Amended to the Opening of the Second Session on the 24th Day of January, 1860.

ABINGDON.
John Thomas Norris.

ANDOVER.
William Cubitt,
Hon. Dudley Francis Fortescue.

ANGLESEY.
Sir Richard Bulkeley Williams Bulkeley, bt.

ARUNDEL.
Rt. hon. (Edward Howard) Lord E. Howard.

ASHBURTON.
John Harvey Astell.

ASHTON-UNDER-LINE.
Rt. hon. Thomas Milner Gibson.

AYLESBURY.
Thomas Tyringham Bernard,
Samuel George Smith.

BANBURY.
Sir Charles Eurwicke Douglas, knt.

BARNSTAPLE.
John D. F. Davie,
George Potts.

BATH.
William Tite,
Arthur Edwin Hay.

BEAUMARIS.
Hon. William Owen Stanley.

BEDFORDSHIRE.
Richard Thomas Gilpin,
Francis Charles Hastings Russell.

BEDFORD.
Samuel Whitbread,
William Stuart.

BERKSHIRE.
Hon. Philip Pleydell Bouverie,
John Walter,
Leicester Viney Vernon.

BERWICK-UPON-TWEED.
Charles William Gordon,
Dudley Coutts Marjoribanks.

BEVERLEY.
Henry Edwards.

BEWDLEY.
Sir Thomas Edward Winnington, bt.

BIRMINGHAM.
William Scholefield.
John Bright.

BLACKBURN.
William Henry Hornby,
James Pilkington.

BODMIN.
Hon. Edward Frederick Leveson Gower,
James Wyld.

BOLTON-LE-MOORS.
William Gray,
Joseph Crook.

BOSTON.
Herbert Ingram,
Meaburn Staniland.

BRADFORD.
Henry Wickham Wickham,
Titus Salt.

BRECKNOCKSHIRE.
Hon. Godfrey Charles Morgan.

BRECKNOCK.
John Lloyd Vaughan Watkins.

BRIDGNORTH.
Henry Whitmore,
John Pritchard.

BRIDGWATER.
Charles John Kemeys Tynte,
Alexander William Kinglake.

BRIDPORT.
Thomas Alexander Mitchell,
Kirkman Daniel Hodgson.

BRIGHTHELMSTONE.
Sir George Richard Pechell, bt.,
William Coningham.

BRISTOL.
Hon. Francis Henry Fitzhardinge Berkeley,
William Henry Gore Langton.

BUCKINGHAMSHIRE.
Caledon George Du Pré,
Rt. hon. Benjamin Disraeli,
Hon. William George Cavendish.

BUCKINGHAM.
Sir Harry Verney, bt.,
John Gellibrand Hubbard.

BURY.
Rt. hon. Frederick Peel.

BURY ST. EDMUND'S.
Hon. (Alfred Hervey) Lord A. Hervey,
Joseph Alfred Hardcastle.

CALNE.
Rt. hon. Robert Lowe.

CAMBRIDGESHIRE.
Edward Ball,
Henry John Adeane,
Hon. Eliot Thomas Yorke.

CAMBRIDGE (UNIVERSITY).
Rt. hon. Spencer Horatio Walpole,
Charles Jasper Selwyn.

CAMBRIDGE.
Kenneth Macaulay,
Andrew Steuart.

CANTERBURY.
Hon. Henry Butler Johnstone,
Rt. hon. Sir William Meredyth Somerville, bt.

CARDIFF.
James F. C. D. Stuart.

CARDIGANSHIRE.
William Thomas Rowland Powell.

CARDIGAN.
Edward Lewis Pryse.

CARLISLE.
Rt. hon. Sir James Robert George Graham, bt.,
Wilfrid Lawson.

CARMARTHENSHIRE.
David Jones,
David Pugh.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
Hon. Edward Gordon Douglas Pennant.

CARNARVON.
Charles Wynne.

CHATHAM.
Sir John Mark Frederick Smith, knt.

CHELTENHAM.
Francis William Fitzhardinge Berkeley.

CHESHIRE.
(Northern Division.)
George Cornwall Legh,
Hon. Wilbraham Egerton.

(Southern Division.)
Sir Philip de Malpas Grey Egerton, bt.,
John Tollemache.

CHESTER.
Hon. Hugh Lupus (Grosvenor) Earl Grosvenor,
Philip Stapleton Humberstone.

CHICHESTER.
Humphrey William Freeland,
Hon. (George Charles Henry Gordon Lennox) Lord G. C. H. G. Lennox.

CHIPPENHAM.
William John Lysley,
Richard Penruddocke Long.

CHRISTCHURCH.
John Edward Walcott.

CIRENCESTER.
Allen Alexander Bathurst,
Hon. Ashley George John Ponsonby.

CLITHEROE.
John Turner Hopwood.

COCKERMOUTH.
John Steel,
Rt. hon. Richard Southwell (Bourke) Lord Naas.

COLCHESTER.
Taverner John Miller,
Philip O. Papillon.

CORNWALL.
(Eastern Division.)
Thomas James Agar Robartes,
Nicholas Kendall.

(Western Division.)
Richard Davey,
John Saint Aubyn.

COVENTRY.
Rt. hon. Edward Ellice,
Sir Joseph Paxton, knt.

CRICKLADE.
Ambrose Lethbridge Goddard,
Hon. Anthony (Ashley) Lord Ashley.

CUMBERLAND.
(Eastern Division.)
Hon. Charles Wentworth George Howard,
William Marshall.

(Western Division.)
Henry Wyndham,
Henry Lowther.

DARTMOUTH.
John Dunne.

DENBIGHSHIRE.
Sir Watkin Williams Wynn, bt.,
Robert Myddelton Biddulph.

DENBIGH.
Townshend Mainwaring.

DERBYSHIRE.
(Northern Division.)
Hon. (George Henry Cavendish) Lord G. H. Cavendish,
William Pole Thornhill.

(Southern Division.)
Thomas William Evans,
William Mundy.

DERBY.
Michael Thomas Bass,
Samuel Beale.

DEVIZES.
Christopher Darby Griffith,
John Neilson Gladstone.

DEVONPORT.
Sir Michael Seymour, K.C.B.
Sir Arthur William Buller, knt.

DEVONSHIRE.
(Northern Division.)
James Wentworth Buller,
Hon. Charles Henry Rolle Trefusis.

(Southern Division.)
Lawrence Palk,
Samuel Trehawke Kekewich.

DORCHESTER.
Richard Brinsley Sheridan,
Charles Napier Sturt.

DORSETSHIRE.
Hon. William Henry Berkeley Portman,
Henry Gerard Sturt,
Henry Ker Seymer.

DOVOR.
Sir Henry John Leeke, K.C.B.,
William Nicol.

DROITWICH.
Rt. hon. Sir John Somerset Pakington, bt.

DUDLEY.
Henry Brinsley Sheridan.

DURHAM.
(Northern Division.)
Robert Duncombe Shafto,
Hon. (Adolphus Frederick Charles William Vane-Tempest) Lord A. F. C. W. Vane-Tempest.

(Southern Division.)
Henry Pease,
James Farrer.

DURHAM (CITY).
Sir William Atherton, knt.
Rt. hon John Robert Mowbray.

ESSEX.
(Northern Division.)
Rt. hon. William Beresford,
Charles Du Cane.

(Southern Division).
Thomas William Bramston,
J. W. Perry Watlington.

EVESHAM.

Sir Henry Pollard Willoughby, bt.,
Edward Holland.

EXETER.

Edward Divett,
Richard Sommers Gard.

EYE.

Sir Edward Clarence Kerrison, bt.

FINSBURY.

Thomas Slingsby Duncombe,
Sir Samuel Morton Peto, bt.

FLINTSHIRE.

Hon. Thomas Edward Mostyn Lloyd Mostyn.

FLINT, &c.

Sir John Hanmer, bt.

FROME.

Hon. (Edward Thynne) Lord E. Thynne.

GATESHEAD.

Rt. hon. William Hutt.

GLAMORGANSHIRE.

Christopher Rice Mansel Talbot,
Henry Hussey Vivian.

GLOUCESTERSHIRE.

(Eastern Division.)

Sir Christopher William Codrington, bt.,
Robert Stayner Holford.

(Western Division.)

Robert Nigel Fitzhardinge Kingscote,
John Rolt.

GLOUCESTER.

GRANTHAM.

Glynne Earle Welby,
Hon. Frederick James Tollemache.

GREENWICH.

David Salomons,
William Angerstein.

GRIMSBY (GREAT).

Hon. Charles (Anderson-Pelham) Lord Worsley.

GUILDFORD.

William Bovill,
Guildford Onslow.

HALIFAX.

Rt. hon. Sir Charles Wood, bt,
James Stansfeld.

HAMPSHIRE.

(Northern Division.)

William Wither Bramston Beach,
George Sclater Booth.

(Southern Division.)

Hon. Ralph Heneage Dutton,
Sir Jervoise Clarke Clarke-Jervoise, bt.

HARWICH.

Henry G. W. Jervis,
Hon. William Frederick Campbell.

HASTINGS.

Frederick North,
Hon. (Harry George Vane) Lord H. G. Vane.

HAVERFORDWEST.

John Henry Philipps.

HELSTON.

John Jope Rogers.

HEREFORDSHIRE.

James King King,
Hon. (Montagu William Graham) Lord M. W. Graham,
Humphrey Francis Mildmay.

HEREFORD.

Henry Morgan Clifford,
George Clive.

HERTFORDSHIRE.

Rt. hon. Sir Edward George Lytton Bulwer-Lytton, bt.,
Christopher William Giles Puller,
Abel Smith.

HERTFORD.

Rt. hon. William Francis Cowper,
Sir Walter Minto Townshend Farquhar, bt.

HONITON.

Joseph Locke,
Alexander Dundas Baillie Cochrane.

HORSHAM.

William Robert Seymour Vesey FitzGerald.

HUDDERSFIELD.

Edward Aldam Leatham.

HUNTINGDONSHIRE.

Edward Fellowes,
Hon. (Robert Montagu) Lord R. Montagu.

HUNTINGDON.

Rt. hon. Jonathan Peel,
Thomas Baring.

HYTHE.

Baron Mayer Amschel de Rothschild.

IPSWICH.

John Chevallier Cobbold,
Hugh Edward Adair

KENDAL.

George Carr Glyn.

KENT.

(Eastern Division.)

Sir Brooke William Bridges, bt.,
William Deedes.

(Western Division.)

Hon. (William Pitt) Viscount Holmesdale,
Sir Edmund Filmer, bt.

KIDDERMINSTER.

Alfred Rhodes Bristow.

KING'S LYNN.

Rt. hon. Edward Henry (Stanley) Lord Stanley,
John Henry Gurney.

KINGSTON-UPON-HULL.

James Clay,
Joseph Somes.

KNARESBOROUGH.

Basil Thomas Woodd,
Thomas Collins.

LAMBETH.

William Roupell,
William Williams.

LANCASHIRE.

(Northern Division.)

John Wilson Patten,
Hon. Spencer Compton (Cavendish) Marquess of Hartington.

(Southern Division.)

Hon. Algernon Fulke Egerton,
William John Legh.

LANCASTER.

William James Garnett,
Samuel Gregson.

LAUNCESTON.

Thomas Chandler Haliburton.

LEEDS.

Edward Baines,
George Skirrow Beecroft.

LEICESTERSHIRE.

(Northern Division.)

Rt. hon. (John James Robert Manners) Lord J. J. R. Manners,
Edward Bouchier Hartopp.

(Southern Division.)

Charles William Packe,
Hon. George Augustus Frederick Louis (Curzon Howe) Viscount Curzon.

LEICESTER.

John Biggs,
Joseph William Noble.

LEOMINSTER.

Gathorne Hardy,
Hon. Charles Spencer Bateman Hanbury.

LEWES.

John George Blencowe,
Hon. Henry Bouverie William Brand.

LICHFIELD.

Hon. (Alfred Henry Paget) Lord A. H. Paget,
Hon. Augustus Henry Archibald Anson.

LINCOLNSHIRE.

(Parts of Lindsey.)

James Banks Stanhope,
Sir Montagu John Cholmeley Cholmeley, bt.

(Parts of Kesteven and Holland.)

Sir John Trollope, bt.,
George Hussey Packe.

LINCOLN.

Gervaise Tottenham Waldo Sibthorp,
George Fieschi Heneage.

LISKEARD.

LIVERPOOL.

Thomas Berry Horsfall,
Joseph Christopher Ewart.

LONDON.

Sir James Duke, bt.,
Rt. hon. (John Russell) Lord J. Russell,
Robert Wygram Crawford.
Baron Lionel Nathan De Rothschild.

LUDLOW.

Hon. Percy Egerton Herbert,
Beriah Botfield.

LYME REGIS.

William Pinney.

LYMINGTON.

William Alexander Mackinnon, jun.,
Sir John Rivett Carnac, bt.

MACCLESFIELD.

John Brocklehurst,
Edward Christopher Egerton.

MAIDSTONE.

William Lee,
Charles Buxton.

MALDON.

George Montagu Warren Peacocke,
Thomas Sutton Western.

MALMESBURY.

Hon. Henry Charles (Howard) Viscount Andover.

MALTON.

Hon. Charles William Wentworth Fitzwilliam,
James Brown.

MANCHESTER.

Thomas Bazley,
James Aspinall Turner.

MARLBOROUGH.

Rt. hon. (Ernest Augustus Charles Brudenell Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).

Thomas Peers Williams,
Brownlow William Knox.

MARYLEBONE.

Edwin John James,
Rt. hon. Edmund Boyle (Roche) Lord Fermoy.

MERIONETHSHIRE.

William Watkin Edward Wynne.

MERTHYR TYDVIL.

Henry Austin Bruce.

MIDDLESEX.

Robert Hanbury,
Hon. George Henry Charles Byng.

MIDHURST.

William Townley Mitford.

MONMOUTHSHIRE.

Charles Octavius Swinnerton Morgan,
Poulett George Henry Somerset.

MONMOUTH.

Crawshay Bailey.

MONTGOMERYSHIRE.

Herbert Watkins Williams Wynn.

MONTGOMERY.

David Pugh.

MORPETH.

Rt. hon. Sir George Grey, bt.

NEWARK-UPON-TRENT.

Grosvenor Hodgkinson,
John Handley.

NEWCASTLE-UNDER-LYME

William Jackson,
William Murray.

NEWCASTLE-UPON-TYNE.

George Ridley,
Rt. hon. Thomas Emerson Headlam.

NEWPORT, ISLE OF WIGHT.

Robert William Kennard,
Philip Lybbe Powys.

NORFOLK.

(Eastern Division.)

Hon. Wenman Clarence Walpole Coke,
Edward Howes.

(Western Division.)

George William Pierrepont Bentinck,
Charles Brampton Gurdon.

NORTHALLERTON.

William Battie Wrightson.

NORTHAMPTONSHIRE.

(Northern Division.)

Hon. William Alleyne (Cecil) Lord Burghley,
George Ward Hunt.

(Southern Division.)

Rainald Knightley,
Henry Cartwright.

NORTHAMPTON.

Charles Gilpin,
Rt. hon. Anthony (Henley), Lord Henley.

NORTHUMBERLAND.

(Northern Division.)

Hon. Algernon George (Percy) Lord Lovaine,
Sir Matthew White Ridley, bt.

(Southern Division.)

Wentworth Blackett Beaumont,
Hon. Henry George Liddell.

NORWICH.

NOTTINGHAMSHIRE.

(Northern Division.)

Hon. (Robert Renebald Pelham-Clinton) Lord R. R. Pelham Clinton,
Rt. hon. John Evelyn Denison.

(Southern Division.)

William Hodgson Barrow,
Hon. Charles (Pierrepont) Viscount Newark.

NOTTINGHAM.

Charles Paget,
John Mellor.

OLDHAM.

William Johnson Fox,
John Morgan Cobbett.

OXFORDSHIRE.
Rt. hon. Joseph Warner Henley,
John Sidney North,
George Granville Vernon Harcourt.

OXFORD (CITY).
James Haughton Langston,
Rt. Hon. Edward Cardwell.

OXFORD (UNIVERSITY).
Rt. Hon. William Ewart Gladstone,
Sir William Heathcote, bt.

PEMBROKESHIRE.
Hon. John Frederick Vaughan (Campbell) Viscount Emlyn.

PEMBROKE.
Sir John Owen, bt.

PENRYN AND FALMOUTH.
Thomas George Baring,
Samuel Gurney.

PETERBOROUGH.
Thomson Hankey,
George Hammond Whalley.

PETERSFIELD.
Rt. Hon. Sir William George Hylton Jolliffe, bt.

PLYMOUTH.
Hon. William Henry (Edgcumbe) Viscount Valletort,
Robert Porrett Collier.

PONTEFRACT.
Richard Monckton Milnes,

POOLE.
George Woodroffe Franklyn,
Henry Danby Seymour.

PORTSMOUTH.
Sir James Dalrymple Horn Elphinstone, bt.,
Rt. hon. Sir Francis Thornhill Baring, bt.

PRESTON.
Richard Asheton Cross,
Charles Pascoe Grenfell.

RADNORSHIRE.
Sir John Benn Walsh, bt.

RADNOR (NEW).
Rt. hon. Sir George Cornewall Lewis, bt.

READING.
Francis Pigott,
Sir Francis Henry Goldsmid, bt.

REIGATE.
Hon. William John Monson

RETFORD (EAST).
Rt. hon. George Edward Arundell (Monckton-Arundell) Viscount Galway,
Francis John Savile Foljambe.

RICHMOND.
Henry Rich,
Marmaduke Wyvill.

RIPON.
John Greenwood,
John Ashley Warre.

ROCHDALE.
Richard Cobden.

ROCHESTER.
Philip Wykeham Martin,
John Alexander Kinglake.

RUTLANDSHIRE.
Hon. Gerard James Noel,
Hon. Gilbert Henry Heathcote.

RYE.
William Alexander Mackinnon.

ST. IVES.
Henry Paull.

SALFORD.
William Nathaniel Massey.

SALISBURY.
Edward Pery Buckley,
Matthew Henry Marsh.

SALOP, OR SHROPSHIRE.
(Northern Division.)
Hon. Rowland Clegg Hill,
John Ralph Ormsby Gore.

(Southern Division.)
Rt. hon. Orlando George Charles (Bridgeman) Viscount Newport,
Sir Baldwin Leighton, bt.

SANDWICH.
Edward Knatchbull-Hugessen,
Hon. Clarence Edward (Paget) Lord C. E. Paget.

SCARBOROUGH.
Hon. William Henry Denison,
Sir John Vanden Bempde Johnstone, bt.

SHAFTESBURY.
George Grenfell Glyn.

SHEFFIELD.
John Arthur Roebuck,
George Hadfield.

SHIELDS (SOUTH).
Robert Ingham.

SHOREHAM (NEW).
Sir Charles Merrik Burrell, bt.,
Stephen Cave.

SHREWSBURY.
George Tomline,
Robert Aglionby Slaney.

SOMERSETSHIRE.
(Eastern Division.)
Sir William Miles, bt.,
William Francis Knatchbull.

(Western Division.)
Charles Aaron Moody,
Sir Alexander Fuller Acland Hood, bt.

SOUTHAMPTON.
William Digby Seymour,
Brodie M'Ghie Willcox.

SOUTHWARK.
Sir Charles Napier, K.C.B.,
John Locke.

STAFFORDSHIRE.
(Northern Division.)
Rt. hon. Charles Bowyer Adderley,
Hon. Charles John (Talbot) Viscount Ingestre.

(Southern Division.)
Henry John Wentworth Foley,
William Orme Foster.

STAFFORD.
John Ayshford Wise,
Thomas Salt.

STAMFORD.
Hon. (Robert Talbot Gascoyne Cecil) Lord R. T. G. Cecil,
Sir Stafford Henry Northcote, bt.

STOCKPORT.
James Kershaw,
John Benjamin Smith.

STOKE-UPON-TRENT.
John Lewis Ricardo,
William Taylor Copeland.

STROUD.
George Poulett Scrope,
Rt. hon. Edward Horsman.

SUFFOLK.
(Eastern Division.)
Rt. hon. John (Henniker-Major) Lord Henniker,
Sir FitzRoy Kelly, knt.

(Western Division.)
Hon. Frederick William (Hervey), Earl Jermyn,
Windsor Parker.

SUNDERLAND.
Henry Fenwick,
William Schaw Lindsay.

SURREY.
(Eastern Division.)
Thomas Alcock,
Hon. Peter John Locke King.

(Western Division.)
John Ivatt Briscoe,
Henry Drummond.

SUSSEX.
(Eastern Division.)
John George Dodson,
Hon. Henry North (Holroyd) Viscount Pevensey.

(Western Division.)
Hon. Charles Henry (Gordon Lennox) Earl of March,
Hon. Henry Wyndham.

SWANSEA.
Lewis Llewellyn Dillwyn.

TAMWORTH.
Sir Robert Peel, bt.,
Hon. John (Townshend) Viscount Raynham.

TAUNTON.
Arthur Mills,
George Cavendish Bentinck.

TAVISTOCK.
Sir John Salusbury Trelawny, bt.,
Arthur John Edward Russell.

TEWKESBURY.
Hon. Frederick Lygon,
James Martin.

THETFORD.
Hon. William Henry (FitzRoy) Earl of Euston,
Alexander Hugh Baring.

THIRSK.
Sir William Payne Gallwey, bt.

TIVERTON.
Rt. hon. Henry John (Temple) Viscount Palmerston,
Hon. George Denman.

TOTNESS.
Hon. George (Hay) Earl of Gifford,
Thomas Mills.

TOWER HAMLETS.
Acton Smee Ayrton,
Charles Salisbury Butler.

TRURO.
Montagu Edward Smith,
Augustus Smith.

TYNEMOUTH.
Hugh Taylor.

WAKEFIELD.

WALLINGFORD.
Richard Malins.

WALSALL.
Charles Forster.

WAREHAM.
John Wanley Erle Drax.

WARRINGTON.
Gilbert Greenall.

WARWICKSHIRE.
(Northern Division.)
Charles Newdigate Newdegate,
Richard Spooner.

(Southern Division.)
Evelyn Philip Shirley,
Sir Charles Mordaunt, bt.

WARWICK.
George William John Repton,
Edward Greaves.

WELLS.
Rt. hon. Sir William Goodenough Hayter, bt.,
Hedworth Hylton Jolliffe.

WENLOCK.
Rt. hon. George Cecil Weld Forester,
James Milnes Gaskell.

WESTBURY.
Sir Massey Lopes, bt.

WESTMINSTER.
Sir John Villiers Shelley, bt.,
Sir De Lacy Evans, G.C.B.

WESTMORELAND.
Hon. Henry Cecil Lowther,
Hon. Thomas (Taylour) Earl of Bective.

WEYMOUTH AND MELCOMBE REGIS.
Robert Brooks,
Hon. Arthur Edward (Egerton), Viscount Grey de Wilton.

WHITBY.
Harry Stephen Thompson.

WHITEHAVEN.
George Lyall.

WIGAN.
Hon. James Lindsay,
Henry Woods.

WIGHT (ISLE OF).
Charles Cavendish Clifford.

WILTON.
Edmund Antrobus.

WILTSHIRE.
(Northern Division.)
Walter Long,
Rt. hon. Thomas Henry Sutton Sotheron Estcourt.

(Southern Division.)
Rt. hon. Sidney Herbert,
Hon. Henry Frederick (Thynne) Lord H. F. Thynne.

WINCHESTER.
Sir James Buller East, bt.,
John Bonham Carter.

WINDSOR.
William Vansittart,
George William Hope.

WOLVERHAMPTON.
Rt. hon. Charles Pelham Villiers,
Sir Richard Bethell.

WOODSTOCK.
Hon. Alfred (Churchill), Lord A. Churchill.

WORCESTERSHIRE.
(Eastern Division.)
John Hodgetts Hodgetts Foley,
Hon. Frederick Henry Gough Calthorpe.

(Western Division.)
Frederick Winn Knight,
Hon. Henry (Pyndar) Viscount Elmley.

WORCESTER.
William Laslett,
Osman Ricardo.

WYCOMBE (CHIPPING).
Sir George Henry Dashwood, bt.,
Martin Tucker Smith.

YARMOUTH (GREAT).
Sir Edmund Henry Knowles Lacon, bt.,
Sir Henry Josiah Stracey, bt.

YORKSHIRE.
(North Riding.)
Edward Stillingfleet Cayley,
Hon. William Ernest Duncombe.

YORKSHIRE—*continued.*

(*East Riding.*)

Rt. hon. Beaumont (Hotham) Lord Hotham,
Hon. Arthur Duncombe.

(*West Riding.*)

Sir John William Ramsden, bt.,
Frank Crossley.

YORK.

Joshua Proctor Brown Westhead,
John George Smyth.

SCOTLAND.

ABERDEENSHIRE.

Hon. George John James (Gordon) Lord Haddo.

ABERDEEN.

William Henry Sykes.

ARGYLLSHIRE.

Alexander Struthers Finlay.

AYRSHIRE.

Sir James Fergusson, bt.

AYR, &c.

Edward Henry John Craufurd.

BANFFSHIRE.

Lachlan Duff Gordon.

BERWICKSHIRE.

David Robertson.

BUTESHIRE.

Rt. hon. David Mure.

CAITHNESS-SHIRE.

George Traill.

CLACKMANNAN AND KINROSS-SHIRES.

William Patrick Adam.

CUPAR, ST. ANDREWS, &c.

Edward Ellice.

DUMBARTONSHIRE.

Patrick Boyle Smollett.

DUMFRIES-SHIRE.

John James Hope Johnstone.

DUMFRIES, &c.

William Ewart.

DUNDEE.

Sir John Ogilvy, bt.

DYSART, KIRCALDY, &c.

Robert Ferguson.

EDINBURGHSHIRE.

Hon. William Henry Walter (Montague-Douglas-Scott) Earl of Dalkeith.

EDINBURGH.

Adam Black,
Rt. hon. J. Moncreiff.

ELGINSHIRE AND NAIRNE.

Charles Lennox Cumming Bruce.

ELGIN, &c.

Mountstuart Grant Duff.

FALKIRK, &c.

James Merry.

FIFESHIRE.

J. H. Erskine Wemyss.

FORFARSHIRE.

GLASGOW.

Walter Buchanan,
Robert Dalglish.

GREENOCK.

Alexander Murray Dunlop.

HADDINGTONSHIRE.

Hon. Francis Wemyss (Charteris) Lord Elcho.

HADDINGTON, &c.

Sir Henry Robert Ferguson Davie, bt.

INVERNESS-SHIRE.

Henry James Baillie.

INVERNESS, &c.

Alexander Matheson.

KILMARNOCK, RENFREW, &c.

Rt. hon. Edward Pleydell Bouverie.

KINCARDINESHIRE.

Hon. Hugh Arbuthnott.

KIRKCUDBRIGHTSHIRE.

James Mackie.

KIRKWALL, WICK, &c.

Samuel Laing.

LANARKSHIRE.

Sir Thomas Edward Colebrooke, bt.

LEITH, &c.

William Miller.

LINLITHGOWSHIRE.

W. Ferrier Hamilton.

MONTROSE, &c.

William Edward Baxter.

ORKNEY AND SHETLAND.

Frederick Dundas.

PAISLEY.

Humphrey Ewing Crum Ewing.

PEEBLES-SHIRE.

Sir Graham Graham Montgomery, bt.

PERTHSHIRE.

William Stirling.

PERTH.

Hon. Arthur FitzGerald Kinnaird.

RENFREWSHIRE.

Sir Michael Robert Shaw Stewart, bt.

ROSS AND CROMARTY SHIRES.

Sir James Matheson, bt.

ROXBURGHSHIRE.

Sir William Scott, bt.

SELKIRKSHIRE.

Allan Eliott Lockhart.

STIRLINGSHIRE.

Peter Blackburn.

STIRLING, &c.

James Caird.

SUTHERLANDSHIRE.

Hon. George Granville William (Leveson-Gower) Marquess of Stafford.

WIGTONSHIRE.

Sir Andrew Agnew, bt.

WIGTON, &c.

Sir William Dunbar, bt.

IRELAND.

ANTRIM.

Thomas Henry Pakenham,
Hon. George Frederick Upton.

ARMAGH.

Sir William Verner, bt.,
Maxwell Charles Close.

ARMAGH (CITY).

Joshua Walter MacGeough Bond.

ATHLONE.

John Ennis.

BANDON BRIDGE.

Hon. William Smyth Bernard.

BELFAST.

Sir Hugh MacCalmont Cairns, knt.,
Richard Davison.

CARLOW.

William Bunbury M'Clintock Bunbury,
Henry Bruen.

CARLOW (BOROUGH).

Sir John Emerich Dalberg Acton, bt.

CARRICKFERGUS.

Robert Torrens.

CASHEL.

John Lanigan.

CAVAN.

Hon. James Pierce Maxwell,
Hon. Hugh Annesley.

CLARE.

C. M. Vandeleur,
Luke White.

CLONMEL.
John Bagwell.

COLERAINE.
John Boyd.

CORK COUNTY.
Rt. hon. Rickard Deasy,
Vincent Scully.

CORK (CITY).
Francis Bernard Beamish,
Francis Lyons.

DONEGAL.
Thomas Conolly,
Sir Edmund Samuel Hayes, bt.

DOWNSHIRE.
Hon. (Arthur Edwin Hill) Lord A. E. Hill,
William B. Forde.

DOWNPATRICK.
David Stewart Ker.

DROGHEDA.
James McCann.

DUBLIN.
James Hans Hamilton,
Thomas Edward Taylor.

DUBLIN (CITY).
Sir Edward Grogan, bt.,
John Vance.

DUBLIN (UNIVERSITY).
Anthony Lefroy,
Rt. hon. James Whiteside.

DUNDALK.
George Bowyer.

DUNGANNON.
Hon. William Stuart Knox.

DUNGARVAN.
John Francis Maguire.

ENNIS.
Rt. hon. John David FitzGerald.

ENNISKILLEN.
Hon. John Lowry Cole.

FERMANAGH.
Mervyn Edward Archdall,
Hon. Henry Arthur Cole.

GALWAY.
Sir Thomas John Burke, bt.,
William Henry Gregory.

GALWAY (BOROUGH).
John Orrell Lever,
Hon. Ulick Canning (De Burgh) Lord Dunkellin.

KERRY.
Rt. hon. Henry Arthur Herbert,
Rt. hon. Valentine Augustus (Browne) Viscount Castlerosse.

KILDARE.
William Henry Ford Cogan,
Rt. hon. Richard More O'Ferrall.

KILKENNY.
Hon. Leopold George Frederick Agar Ellis,
John Greene.

KILKENNY (BOROUGH).
Michael Sullivan.

KING'S COUNTY.
John Pope Hennessy,
Patrick O'Brien.

KINSALE.
John Arnott.

LEITRIM.
John Brady,
William Richard Ormsby Gore.

LIMERICK.
Rt. hon. William Monsell,
Samuel A. Dickson.

LIMERICK (CITY).
Francis William Russell,
George Gavin.

LISBURN.
Jonathan Joseph Richardson.

LONDONDERRY.
Robert Peel Dawson,
Sir Frederick William Heygate, bt.

LONDONDERRY (CITY).
Sir Robert Alexander Ferguson, bt.

LONGFORD.
Henry White,
Fulke Southwell Greville.

LOUTH.
Chichester Samuel Fortescue,
Richard Montesquieu Bellew.

MALLOW.
Robert Longfield.

MAYO.
Roger William Palmer,
Hon. John Thomas (Browne) Lord J. T. Browne.

MEATH.
Matthew Elias Corbally,
Edward McEvoy.

MONAGHAN.
Charles Powell Leslie,
Sir George Forster, bt.

NEWRY.
Peter Quinn.

PORTARLINGTON.
Lionel Dawson Damer.

QUEEN'S COUNTY.
Michael Dunne,
Francis Plunket Dunne.

ROSCOMMON.
Fitzstephen French,
Thomas William Goff.

ROSS (NEW).
Charles Tottenham.

SLIGO.
Sir Robert Gore Booth, bt.,
Charles William Cooper.

SLIGO (BOROUGH).
Rt. hon. John Arthur Wynne.

TIPPERARY.
O'Donoghoe, Daniel (The O'Donoghoe),
Lawrence Waldron.

TRALEE.
Daniel O'Connell.

TYRONE.
Rt. hon. Henry Thomas Lowry Corry,
Rt. hon. (Claud Hamilton) Lord C. Hamilton.

WATERFORD.
John Esmonde,
Hon. Walter Cecil Talbot.

WATERFORD (CITY).
Michael Dobbyn Hassard,
John Aloysius Blake.

WESTMEATH.
Sir Richard George Augustus Levinge, bt.,
William Pollard Urquhart.

WEXFORD.
Patrick McMahon,
John George.

WEXFORD (BOROUGH).
John Edward Redmond.

WICKLOW.
William Wentworth Fitzwilliam Hume,
Hon. Granville Leveson (Proby) Lord Proby.

YOUGHAL.
Isaac Butt.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE *EIGHTEENTH PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 31 MAY, 1859, AND THENCE CONTINUED
TILL 24 JANUARY, 1860, IN THE TWENTY-THIRD YEAR OF THE
REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, January 24, 1860.

MINUTES.] *Sat First in Parliament.*—The Viscount St. Vincent after the Death of his Grandfather; The Earl of Camperdown, after the Death of his Father; The Earl Cathcart, after the Death of his Father.

Took the Oaths.—The Right Honourable Henry Labouchere, having been created Baron Taunton—was (in the usual Manner) introduced—Several Lords.

PUBLIC BILLS.—1ª Select Vestries.

MEETING OF THE PARLIAMENT.

THE PARLIAMENT, which had been prorogued successively to the 27th October, thence to the 15th December, and thence to the 24th January, met this day for Despatch of Business.

The Session was opened by THE QUEEN in Person.

SELECT VESTRIES.

Bill, *pro formâ,* read 1ª

THE QUEEN'S SPEECH.

THE QUEEN being seated on the Throne, and the Commons being at the Bar, with their Speaker, HER MAJESTY was pleased to make a most gracious Speech to both Houses of Parliament, as follows:—

"*My Lords, and Gentlemen,*

IT is with great Satisfaction that I again meet you in Parliament, and have recourse to your Assistance and Advice.

MY Relations with Foreign Powers continue to be on a friendly and satisfactory Footing.

AT the Close of the last Session I informed you, that Overtures had been made to Me, to ascertain whether, if a Conference should be held by the Great Powers of *Europe,* for the Purpose of settling Arrangements connected with the present State and future Condition of *Italy,* a Plenipotentiary would be sent by Me to assist at such a Conference. I have since received a formal Invitation from the Emperor of *Austria* and from the Emperor of the *French* to send a Plenipotentiary to a Congress, to consist of the Representatives of the Eight Powers who were Parties to the Treaties of *Vienna* of 1815; the Objects of such Congress being stated to be, to receive Communication of the Treaties concluded at *Zurich;* and to deliberate, associating with the above-mentioned Powers the Courts of *Rome,* of *Sardinia,* and of the *Two Sicilies,* on the Means best adapted for the Pacification of *Italy,* and for placing its Prosperity on a solid and durable Basis.

Desirous, at all Times, to concur in Proceedings having for their Object the Maintenance of Peace, I accepted the Invitation, but, at the same Time, I made known that in such a Congress I should steadfastly maintain the Principle that no external Force should be employed to impose upon the People of *Italy* any particular Government or Constitution.

Circumstances have arisen which have led to a Postponement of the Congress, without any Day having been fixed for its Meeting; but whether in Congress or in separate Negotiation, I shall endeavour to obtain for the People of *Italy* freedom from Foreign Interference by Force of Arms, in their internal Concerns; and I trust that the Affairs of the *Italian* Peninsula may be peacefully and satisfactorily settled.

Papers on this Subject will soon be laid before you.

I am in communication with the Emperor of the *French,* with a view to extend the Commercial Intercourse between the Two Countries, and thus to draw still closer the Bonds of friendly Alliance between them.

A Dispute having arisen between *Spain* and *Morocco* I endeavoured, by friendly Means, to prevent a Rupture; but, I regret to say, without Success.

I will direct Papers on this Subject to be laid before you.

My Plenipotentiary and the Plenipotentiary of The Emperor of the *French* having, in obedience to their Instructions, proceeded to the Mouth of the *Peiho* River, in order to repair to *Pekin* to exchange in that City the Ratifications of the Treaty of *Tien-tsin,* in pursuance of the Fifty-sixth Article of that Treaty, their further Progress was opposed by Force, and a Conflict took place between the *Chinese* Forts at the Mouth of the River and the Naval Forces by which the Plenipotentiaries were escorted.

The allied Forces displayed on this Occasion their usual Bravery; but, after sustaining a severe Loss, were compelled to retire.

I am preparing, in Concert and Cooperation with the Emperor of the *French,* an Expedition intended to obtain Redress and a Fulfilment of the Stipulations of the Treaty of *Tien-tsin.*

It will be gratifying to Me if the prompt Acquiescence of the Emperor of *China* in the moderate Demands which will be made by the Plenipotentiaries shall obviate the Necessity for the Employment of Force.

I have directed that Papers on this Subject shall be laid before you.

An unauthorized Proceeding by an Officer of the *United States* in regard to the Island of *San Juan,* between *Van Couver's Island* and the Mainland, might have led to a serious Collision between My Forces and those of the *United States.* Such Collision, however, has been prevented by the judicious Forbearance of My Naval and

Civil Officers on the Spot, and by the equitable and conciliatory provisional Arrangement proposed on this Matter by the Government of the *United States.*

I trust that the Question of Boundary out of which this Affair has arisen may be amicably settled in a Manner conformable with the just Rights of the Two Countries, as defined by the First Article of the Treaty of 1846.

The last Embers of Disturbance in My *East Indian* Dominions have been extinguished; My Viceroy has made a peaceful Progress through the Districts which had been the principal Scene of Disorder, and by a judicious Combination of Firmness and Generosity My Authority has been everywhere solidly, and, I trust, permanently established. I have received from My Viceroy the most gratifying Accounts of the Loyalty of My *Indian* Subjects, and of the good Feeling evinced by the Native Chiefs and the great Landowners of the Country. The Attention of the Government in *India* has been directed to the development of the internal Resources of the Country; and I am glad to inform you that an Improvement has taken place in its financial Prospects.

I have concluded a Treaty with the Tycoon of *Japan*, and a Treaty regarding Boundaries with the Republic of *Guatemala.* I have directed that these Treaties shall be laid before you.

"*Gentlemen of the House of Commons,*

I have directed the Estimates for the ensuing Year to be laid before you. They have been prepared with a view to place the Military and Naval Services, and the Defences of the Country, upon an efficient Footing.

I am glad to be able to inform you that the Public Revenue is in a satisfactory Condition.

"*My Lords, and Gentlemen,*

I have accepted, with Gratification and Pride, the extensive Offers of voluntary Service which I have received from My Subjects. This Manifestation of Public Spirit has added an important Element to our System of National Defence.

Measures will be laid before you for amending the Laws which regulate the Representation of the People in Parliament, and for placing that Representation upon a broader and firmer Basis.

I earnestly recommend you to resume your Labours for the Improvement of our Jurisprudence, and particularly in regard to Bankruptcy, the Transfer of Land, the Consolidation of the Statutes, and such a further Fusion of Law and Equity as may be necessary to insure that in every suit the Rights of the Parties may be satisfactorily determined by the Court in which the Suit is commenced.

I am deeply gratified to observe that the great Interests of the Country are generally in a sound and thriving Condition; that Pauperism and Crime have diminished; and that, throughout the whole of My Empire, both in the United Kingdom and in my Colonies and Possessions beyond Sea, there reigns a Spirit of Loyalty, of Contentment, of Order, and of Obedience to the Law.

With heartfelt gratitude to the Almighty Ruler of Nations for these inestimable Blessings, I fervently pray that His beneficent Power may guide your Deliberations for the Advancement and Consolidation of the Welfare and Happiness of My People.

Her Majesty then retired.
House adjourned during pleasure.
House resumed.

ADDRESS IN ANSWER TO HER MAJESTY'S SPEECH.

Her Majesty's Speech having been *reported* by the Lord Chancellor,

Earl FITZWILLIAM, in rising to move that an humble Address be presented by this House in answer to Her Majesty's most gracious Speech, said:—My Lords, it is with diffidence that I rise to address your Lordships for the first time, and the greater is that diffidence when I recollect that although for many years I had the honour of a seat in the other House of Parliament, I remained throughout that time a silent actor in all the scenes to which my duties called me; but I will be brief, and the observations which I make shall be few, and I trust you will not weigh in too nice a balance any expressions which may fall from me on this occasion.

We hear from Her gracious Majesty that it is with gratification She meets her Parliament, that She continues on terms of friendship with all foreign countries; but while there is this general cause for satisfaction, there is, in my estimation, one reason for still greater congratulation. I heard but yesterday that a Commercial Treaty had been signed between the Government of the Emperor of the French and the Government of this country. I for one cannot hear of this Treaty otherwise than with the greatest satisfaction, as it appears to me more calculated to promote the prosperity, peace, and happiness of mankind than anything which could have been proposed, and tended more especially to bind together those two countries whose interests are more immediately at issue.

One circumstance we cannot hear of without regret, namely, that those kindly offices which were tendered by Her Majesty to the Governments of Morocco and Spain have not been accepted. But I will turn from that topic to one which we as Englishmen cannot view without admiration. We cannot witness the noble efforts now being made by the Italian people to win for themselves those liberties which we have so long enjoyed, and so justly prized, without feelings of the deepest sympathy and respect—and having won them, I trust they will use them with the moderation and wisdom which their conduct has given us every reason to expect.

I will now turn to one other point of Her Majesty's Speech which we heard with feelings of the deepest gratitude. We learn that those vast territories over which Her Majesty rules in India are now tranquil—that the miseries and sufferings of their inhabitants have been brought to a close; and I cannot but hope that having been purified by those fiery trials through which they have passed, the people of those countries may become more moral, contented, and happy, than they have ever been.

My Lords, I said I would not detain you long by any observations I might offer, but there is one other point of Her Majesty's Speech to which I must allude, as from it we learn that the state of this country is one of the very greatest prosperity, and we have the happiness of learning that crime is decreasing, and pauperism dying out.

Allow me, my Lords, now to thank you for the kind forbearance with which you have listened to the few observations I have offered to your notice, but before resuming my seat, I have the honour to propose that an humble Address may be presented to Her Majesty, in answer to Her gracious Speech from the Throne.

The following is a copy of the Address *agreed to*:—

Most Gracious Sovereign,

"We, your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to offer our humble Thanks to Your Majesty for Your Majesty's most gracious Speech from the Throne.

"We humbly express to Your Majesty our Gratification in learning that Your Majesty's Relations with Foreign Powers continue to be on a friendly and a satisfactory Footing.

"We humbly thank your Majesty for the Information which Your Majesty has given us with regard to the Invitation which Your Majesty has received from The Emperor of *Austria* and from the Emperor of the *French* to send a Plenipotentiary to assist at a Conference of the Great Powers of *Europe*.

"We humbly express our Gratification at learning that Your Majesty has accepted the Invitation, while, at the same Time, making known that in such a Conference Your Majesty would steadfastly maintain the Principle that no external Force should be employed to impose upon the People of *Italy* any particular Government or Constitution.

"We assure Your Majesty that we humbly concur in the Purpose expressed by Your Majesty, that, whether in Congress or in separate Negotiation, Your Majesty will endeavour to obtain for the People of *Italy* Freedom from Foreign Interference by Force of Arms in their internal Concerns; and we trust with Your Majesty that the Affairs of the *Italian* Peninsula may be peacefully and satisfactorily settled.

"We humbly thank Your Majesty for commanding that Papers on this Subject should be laid before us.

"We humbly thank Your Majesty for informing us, that Your Majesty is in communication with The Emperor of the *French*, with a view to extend the Commercial Intercourse between the Two Countries, and thus to draw still closer the Bonds of friendly Alliance between them.

"We humbly assure Your Majesty, that we partake in the Regret expressed by Your Majesty that Your Majesty's Endeavours to prevent a Rupture between *Spain* and *Morocco* have been without Success.

"We thank Your Majesty for informing us, that Your Majesty's Plenipotentiary and the Plenipotentiary of The Emperor of The *French* having, in obedience to their Instructions, proceeded to the Mouth of the *Peiho* River, in order to repair to *Pekin*, to exchange in that City the Ratifications of the Treaty of *Tien-tsin*, in pursuance of the Fifty-sixth Article of that Treaty, their further Progress was opposed by Force, and that a Conflict took place between the *Chinese* Forts at the Mouth of the River and the Naval Forces by which the Plenipotentiaries were escorted; and that Your Majesty is preparing, in Concert and Co-operation with The Emperor of the *French*, an Expedition intended to obtain Redress, and a Fulfilment of the Stipulations of the Treaty of *Tien-tsin*.

"We humbly assure Your Majesty that we shall participate in Your Gratification if the prompt Acquiescence of the Emperor of *China* in the moderate Demands which will be made by the Plenipotentiaries shall obviate the Necessity for the Employment of Force.

"We thank Your Majesty for directing that Papers on this Subject should be laid before us.

"We assure Your Majesty that we learn with Satisfaction that a Collision which might have occurred between Your Majesty's Forces and those of the *United States*, arising from an unauthorized Proceeding by an Officer of the *United States* in regard to the Island of *San Juan*, has been prevented by the judicious Forbearance of Your Majesty's Naval and Civil Officers on the Spot, and by the equitable and conciliatory provisional Arrangement proposed on this Matter by the Government of the *United States;* and we trust with Your Majesty that the Question of Boundary out of which this affair has arisen, may be amicably settled in a Manner conformable with the just rights of the Two Countries, as defined by the First Article of the Treaty of 1846.

"We humbly express our heartfelt Thankfulness in learning that the last Embers of Disturbance in Your Majesty's *East Indian* Dominions have been extinguished; that Your Majesty's Viceroy has made a peaceful Progress through the Districts which had been the principal Scene of Disorder; that by a judicious Combination of Firmness and Generosity Your Majesty's Authority has been everywhere solidly established; and that Your Majesty has received from Your Majesty's Viceroy most gratifying Accounts of the Loyalty of Your Majesty's *Indian* Subjects, and of the good Feeling evinced by the Native Chiefs, and the great Landowners of the Country.

"We humbly thank Your Majesty for informing us, that the Attention of the Government in *India* has been directed to the Development of the internal Resources of the Country, and that an Improvement has taken place in its financial Prospects.

"We humbly express our Satisfaction that Your Majesty has concluded a Treaty with the Tycoon of *Japan*, and a Treaty regarding Boundaries with the Republic of *Guatemala.*

"We humbly thank your Majesty for graciously expressing to us the Feelings with which Your Majesty has accepted the extensive Offers of voluntary Service which Your Majesty has received from Your Subjects.

"We thank Your Majesty for informing us, that Measures will be laid before us for amending the Laws which regulate the Representation of the People in Parliament, and for placing that Representation upon a broader and firmer Basis; and we assure Your Majesty that we will give our best Consideration to this important Subject.

"We assure Your Majesty that we will give our serious Attention to Your Majesty's Recommendation that we should resume our Labours for the Improvement of our Jurisprudence, and particularly in regard to Bankruptcy, the Transfer of Land, Consolidation of the Statutes, and such a further Fusion of Law and Equity as may be necessary to ensure that in every Suit the Rights of the Parties may be satisfactorily determined by the Court in which the Suit is commenced.

"We humbly express our Gratification in learning that the great Interests of the Country are generally in a sound and thriving Condition; that Pauperism and Crime have diminished; and that, throughout the whole of Your Majesty's Empire, both in the United Kingdom and in Your Majesty's Colonies and Possessions beyond Sea, there reigns a Spirit of Loyalty, of Contentment, of Order, and of Obedience to the Law.

"We humbly assure Your Majesty that in common with Your Majesty we fervently pray that the beneficent Power of the Almighty Ruler of Nations may guide our Deliberations for the Advancement and Consolidation of the Welfare and Happiness of Your Majesty's People.

Lord TRURO said, he knew when slender abilities and inexperience appealed to their Lordships' consideration, that appeal was not in vain. He did so then. They had just heard in the words of Her Majesty's Speech that She came to her Parliament with feelings of unmixed satisfaction. It might well be so, announcing as the Sovereign had that day done from the Throne, the good-will of all nations towards this country, pledging Her Ministers to the introduction of measures of high national concern, and gladdening the hearts of Her people with the prospect of an expanded commerce. And when their Lordships were informed that the revenue was never in a sounder condition, that manufactures were never more prosperous, that crime had decreased, and pauperism was less burthensome, they had had laid before them the just grounds for the Royal satisfaction that had been expressed. He congratulated their Lordships when he reflected on the recent Continental strife, at the assurances that while this country had held aloof from political complications, while she had steadfastly adhered to the policy she had avowed and the principles she had promulgated, she had yet, by a spirit of forbearance and conciliation, maintained with all the Powers of Europe the most friendly and amicable relations. That upon the cessation of the Italian war this country was invited to enter a Congress, to receive communications in regard to the Treaty of Zurich, and to consider the future condition of Italy. This acknowledgment of the necessity for her advice in the resettlement of that country was only to be expected. It was due to her rank and natural influence in Continental affairs, and he rejoiced to learn from the Throne that her compliance was unaccompanied by the smallest departure from the principles of non-armed interference, which England had, by her public men, distinctly avowed, and by the organs of public opinion made known to Europe. He congratulated the country upon the prospect, at last, of mutual reductions of tariff between England and France —that pledge of mutual prosperity, that guarantee of friendly relations, that special security for the prolonged peace of the world. It could not but be agreeable to the country to indulge the hope that under the guidance and sagacity of the Emperor of the French, a course of enlightened commercial policy was about to be substituted for a warlike and aggressive attitude. But if this country had been free from apprehension of war on the Continent, she had not been without grave alarm in the Far West, where the unbounded activity and restlessness of our excellent cousins had, for a moment, raised serious fears in the people of this country. But, however uncontrollable might be some of the spirits of the United States, and unauthorized and unjustifiable their acts and outrages, it was only due to the Government of that great republic to acknowledge the promptitude of their suppression, and their willingness to enter into a frank reinvestigation of treaty engagements. From this satisfactory picture of our Foreign relations, he invited their Lordships to turn to a scene which but lately had been but a gloomy illustration of chequered fortune — where but two years since an empire was in flames, and all that is horrible of war and massacre was ruthlessly perpetrated. It was not too much to say that India had been reconquered amidst scenes of bravery, devotion, and heroism not surpassed by the deeds of old days, when that vast country was first subjugated. Greatly was it to be deplored that they could not be recorded by the same historian, but the House and the country had but lately grieved the genius that had enshrined the deeds of Clive in terms of unsurpassed eloquence and beauty. Their Lordships had, indeed, to deplore a good and a great man; a brilliant example, an experienced councillor, a nation's instructor. Whatever doubts might be entertained of the policy and propriety of our recent dealings with China, he conceived there could be but one opinion of the treacherous duplicity of the blow lately dealt to Her Majesty's forces in the Chinese waters—a blow for which the people of this country would never be satisfied without voluntary reparation, or forcible redress. He would turn for a moment to a measure of domestic legislation which had been promised to them—the Reform Bill—a measure, the necessity for which had been admitted by all parties. A measure with which all had severally dealt, which had been submitted for acceptance but to meet with rejection, and which now came, it was to be hoped, for the last time before the country for the approbation of their Lordships. It appeared to be conceded on all hands that no extensive changes are demanded; a great extension of the franchise was nowhere required; but the necessity for a moderate measure of reform was, in his opinion, imperative. The country looked forward to such a measure with deep interest if not with anxiety; and it would expect from the great Conservative party that disinterested patriotism in its support which its provisions would, he believed, be found to deserve. And it was because he recognized in the words of the Royal Speech, the determination of Ministers to deal with the questions of the day without postponement or evasion that he invited their Lordships to adopt the Address which he had then the honour to second.

[*See page* 8.]

EARL GREY: It appears to me that, with one exception, there is no part of the Address to which any of your Lordships are likely to object; on the contrary, that the greater part of it, as of the Speech of which it is the echo, must have been heard by your Lordships with very high satisfaction. It must be a source of pleasure to us to learn that Her Majesty is able to congratulate us on the peaceful state of our relations with foreign States. We must also rejoice that Her Majesty is able to congratulate us upon the generally prosperous condition of her people, and upon the well-being of the great mass of our fellow-countrymen, as shown by the diminution of pauperism and the state of the revenue and of trade; upon the loyalty and good order so generally prevalent throughout Her dominions; upon the fact that the last embers of rebellion have been extinguished in India; and upon the circumstance that the dispute with the United States respecting the island of San Juan is likely to be settled amicably. Above all, we must have heard with great satisfaction—because upon that point some of us might have entertained misgivings which are thus removed—the paragraphs relating to Italian affairs and to the assemblage of the proposed Congress. I, for one, at least heartily thank Her Majesty's Ministers for having advised Her to inform us that She is determined to maintain the principle that no external force shall be employed to impose upon the people of Italy any particular Government or Constitution. I rejoice to find that the British Government is to be no party to any scheme for cutting and carving the territory of Italy according to the real or supposed interest of other Powers or of foreign Princes, but will maintain the principle that it is the right of the Italians themselves to settle to what form of Government they shall submit. I trust that, taking their stand upon this plain principle of justice, Her Majesty's Government may succeed in conducting these affairs to a satisfactory conclusion, and that we may have the happiness of seeing established in Italy a powerful, independent, and free State. That I am certain is the conclusion which is most desirable for the Italians themselves, and which is also best calculated to promote the general welfare of Europe and that of this country. One paragraph of the Speech relating to a topic of foreign policy I have not, I confess, heard with so much satisfaction. I allude to the passage in which Her Majesty informs us that She is "in communication with the Emperor of the French with a view to extend the commercial intercourse between the two countries, and thus to draw still closer the bonds of friendly alliance between them." No man can desire more earnestly than myself that every obstacle to freer commercial intercourse between England and France should be removed, and a more intimate relation established. It is greatly to be regretted that two great nations so well calculated to promote each other's welfare should have so little commercial intercourse; that by artificial restrictions mutual trade, which might be so beneficial to both, should be so interrupted, and that a commerce which might be so great should be restricted within such narrow limits. But, my Lords, although I am most anxious to see an increase of commercial intercourse between the two countries, yet, if this passage in the Royal Speech is meant to announce to us, as we are led to believe, that a treaty is to be entered into by which France and England shall mutually stipulate to lower their duties upon each other's productions,—if this is what is really intended I must declare my conviction that it will be an unfortunate step backward in our financial and commercial policy. To commercial treaties, within their proper limits, I see no objection; but those limits are very narrow. Beyond providing that each nation shall treat the other with as much favour as it extends to any other nation, and a few ordinary stipulations of that kind, I know of nothing which can properly be introduced into a commercial treaty. When you enter into stipulations as to the duties which each is to levy on the productions of the other, you make a very great mistake indeed. I cannot forget that at the conclusion of the great revolutionary war it was the opinion of almost every statesman of note in all countries, that it would be a common benefit to the civilized world if all nations would remove the obstructions which arbitrary legislation opposed to their commercial intercourse with each other. Unfortunately, with that opinion there prevailed this other—that in the removal of commercial restrictions the gain rested with the nation whose produce was admitted into the dominions of another, and that the maintenance of high import duties was beneficial to a people, provided that their exports were not unduly taxed by their neighbours. Entering upon diplomatic intercourse with that notion, the various countries of Europe, for more than a quarter of a century, went on trying, with much fruitless expenditure of labour and ingenuity, to remove the restrictiens which they had mutually imposed upon each other's trade. The spirit in which these negotiations were carried on was that which is so well described in Mr. Canning's well-known rhyming despatch:—

> "In matters of commerce the fault of the Dutch
> "Is giving too little, and asking too much."

That was the spirit in which each nation received the proposals of its rival. All thought that too much was asked with respect to their admission of the produce of other countries, and that too little was conceded with respect to the admission of their own by other nations, and the consequence was that they were all disposed to act upon the principle laid down by Mr. Canning at the end of his despatch:—

> "Nous frapperons Falck with twenty per cent.

These negotiations continued, as I have said, for nearly a quarter of a century, and at the end of that time left the commercial intercourse of Europe more fettered, if possible, than it was before. At length, my Lords, this country adopted a wiser policy. It came to the conclusion that it was contrary to common sense that we should punish ourselves because other nations refused to admit our productions to their markets; that the wiser course for us would be to regulate our own duties according to our commercial and financial interests, and to leave other nations to follow our example, or not, as they pleased, being convinced that if we opened our ports to foreign produce, it would, in some way or other, be paid for, and the general prosperity of the country would be increased. This policy was adopted at first with some degree of timidity, but afterwards with greater boldness, and was at length carried into complete effect by the repeal of the old Navigation Laws in 1849. We know that this great experiment has been attended with a success which has exceeded even the most sanguine expectations of its supporters. We have seen trade, manufactures, and every branch of the industry of the country improve with unexampled rapidity. We have seen ten millions of duties repealed, while the revenue derived from the Customs has not diminished. We have seen the welfare and general comfort of the people marvellously increase; and, lastly, we have seen other nations gradually begin, though with slow and hesitating steps, to follow our example. Those who are conversant with the commercial tariffs of Europe are aware that almost all nations have made some considerable improvement in their systems, and this, too, be it remembered, since we ceased to make their concessions preliminary to the improvement of our own legislation, or the participation by them in the freedom of our commerce. Unhappily, France is not among those nations who have been willing to make concessions in its tariff. The tariff of France is to this day highly restrictive; but, though I most earnestly desire that its tariff should be amended, I contend that is a step backward—a departure from the wise and sound policy which we have for several years pursued, if in the commercial treaty with France there are any stipulations binding us to reduce the duties upon any commodities of French produce in consideration of similar reductions in the duties upon British productions introduced into France. If there are any duties upon articles of French produce which, consistently with our financial exigencies, we can afford to reduce, let them be reduced at once, and without making similar concessions on the part of the French Government a condition preliminary to such reductions. I am persuaded that this, as it is the most generous, is by far the best and wisest policy. Let any duties of that kind, which you can afford to reduce, be diminished, and with the least possible delay; but, on the other hand, at the present moment, when the financial exigencies of the country, if I am rightly informed, are likely to prove not a little onerous and not a little difficult to meet, I utterly protest against any reduction of duties upon French produce, which is not expedient and prudent with reference to our own financial condition, with the view of obtaining relaxations of the commercial tariff of France. If France likes to maintain a restrictive tariff, she, and not we, will be the principal sufferer, and I am convinced that though she may for a time defer the adoption of a wiser policy, it is utterly impossible that she should long continue to do so. She cannot do so without seeing herself outstripped in the race of improvement by every nation in Europe, and finding herself left far behind in comparative prosperity by those countries which are wise enough to adopt a system of commercial freedom. Knowing, as I do, the intelligence of the French people, I am persuaded it is impossible that they can long witness the effects of their present system without discovering the prudence and the wisdom of changing it. I am aware it has been said that, though our general policy is opposed to commercial treaties, still it is expedient to depart from it in the case of France, because in that country there is so strong a feeling in favour of Protection that even the great power of the Emperor is unable to carry into effect an improvement of its commercial system unless the people can be reconciled to it by gaining some immediate advantage in return. My Lords, that reasoning seems to me to be based on an entire mistake. I firmly believe that in France, under the present or any other form of Government, public opinion will in the end prevail in regard to legislation of this kind; and I am convinced that public opinion is far less likely to be enlisted in favour of a sound commercial system if it is put to the people that they are to consent to the introduction of certain foreign goods, and to the admission of competition in respect to certain articles, not for the sake of the advantages which they will derive from this greater freedom of import, but in order to purchase an easier entrance for their own produce into another country. This is nothing less than the old principle which formerly prevailed amongst States come back again, and it will be represented, and very truly represented to France, that what she can gain by any changes which we may make in our financial policy will be so trifling compared with the effect of any real reform in the French tariff as to be totally inadequate to compensate her for her concessions. This is the light in which the matter will be put before the French people if the inducement you hold out to them for agreeing to the reduction of their import duties on coal, iron, cotton twist, or any other English commodities, is to be the hope that we shall take their silks or their wine more freely; instead of an expectation of the direct benefit which their commerce will receive from the removal of their own restrictions. And a very simple calculation, which the manufacturers of France are quite able to make, will suffice to show them how very small an equivalent they will, on this view of the question, obtain for what they are asked to give up. I believe, therefore, that by making this a matter of stipulation you will increase those jealousies which are the real obstacle to a permanent and effectual improvement. But, my Lords, though I could not permit this opportunity of noticing a question which occupies so prominent a place in the Speech to pass, I am happy to acknowledge that the passage which relates to it is so guardedly expressed and so carefully avoids committing the House to any opinion beforehand, that I have no difficulty whatever in concurring in the Address as it stands. But there is another portion of the Speech with respect to which I regret to say I cannot adopt the same course. In the paragraph which refers to the late calamity in China, and to the measures which Her Majesty's Ministers have taken in consequence, there is undoubtedly manifested a very laudable desire on the part of the Government to avoid to pledge the House prematurely to any opinion on some most important points involved in the transaction. They do not take the tone adopted by my noble Friend who seconded the Address, and ask us to express any opinion as to the conduct of the Chinese, or as to their having been guilty of any treachery of which we have a right to complain. They have no doubt studiously, and very properly, excluded any expression of that nature. But there is one respect in which it appears to me that the passage does commit the House to an admission which it ought not to make. We are asked to thank Her Majesty for having informed us of what has happened, and of the preparations which are making for the sending out of an expedition to China. My Lords, by so thanking Her Majesty for giving the information, but at the same time taking no notice of the delay which has occurred in bringing this subject under the consideration of Parliament, the House does clearly admit that it has no right to complain of that delay. I, for one, cannot consent to make such an admission, even by inference, because I believe that by acknowledging that Her Majesty's Government are not to blame for having failed to bring this question at an earlier period under the notice of Parliament the House would surrender one of its most important rights and privileges. To the Crown it undoubtedly belongs by the constitution to conduct the relations of this country with foreign Powers. The Crown also possesses the high prerogative of declaring war and making peace. But this high authority is most cautiously guarded by this rule,—that Her Majesty's servants are to be held strictly responsible for the manner in which it is exercised; and further, that whenever the situation of the country is such that it is necessary to arm with a view to probable, or even possible hostilities, it is the duty of the advisers of the Crown to make this known to Parliament, and to call on Parliament to provide for the expense to be thus incurred. My Lords, it is not requisite that war should be declared in order to create an occasion when such a communication ought to be made to the Legislature. It is sufficient if the state of things is such that a necessity arises for making naval and military preparations. I am convinced there are none of your Lordships who will dispute that I am laying down correctly what has hitherto been regarded as the law and practice of Parliament. I might quote many examples to show how rigidly this rule has been adhered to, but I shall trouble your Lordships with only two; and in doing so I hope I shall not be taking up too much of your time. These precedents, showing how in former times great Ministers have acted in these cases, will be valuable as a guide to your Lordships' judgment in the present instance. In the year 1790 some British vessels were seized by the Spaniards on the north-west coast of America. An application was made by our Government for redress. That application was not attended to. On the contrary, Spain replied by putting forward claims that were held to be inadmissible; and a fresh application was ordered to be made by the English Ambassador at Madrid. At the same time, on the 5th of May, a Message from the Crown was brought down to both Houses of Parliament, in which, after reciting at greater length than I have done the facts I have just stated, His Majesty made use of the following words:—

> "And, under these circumstances, His Majesty, having also received information that considerable armaments are carrying on in the ports of Spain, has judged it to be indispensably necessary to give orders for making such preparations as may put it in His Majesty's power to act with vigour and effect in support of the honour of his Crown and the interests of his people. And His Majesty recommends it to his faithful Commons, on whose zeal and public spirit he has the most perfect reliance, to enable him to take such measures and to make such augmentations of his forces as may be eventually necessary for this purpose."

This Message was brought down by Mr. Pitt before the Crown proceeded to increase the naval or military force of the country in the case of the Nootka Sound dispute. The Address in answer to the Royal Message was unanimously agreed to on the following day by both Houses; and subsequently the House of Commons gave a vote of credit of £1,000,000 to meet the expenses of the proposed armament. I need not tell your Lordships that, in consequence of the determined attitude of this country, the difference relative to Nootka Sound passed off without a war. There is another case. At the beginning of December, 1826, the Princess Regent of Portugal applied to England under the treaties between Portugal and this country for assistance to defend her dominions against an apprehended aggression on the part of Spain. The British Government determined that this appeal was one which should be responded to. Accordingly, on the 11th of December, 1826, a Message from the Crown was brought down to both Houses. On the following day, the 12th of December, Mr. Canning, in moving the Address in answer to the Message, informed the House of Commons that the decision of the Cabinet had been come to only on the Saturday preceding; that the pleasure of the Crown was taken on the Sunday, and on the Monday the Message was sent down to the House of Commons. Such, my Lords, was the course adopted on those two occasions. Contrast it with what happened in the present instance. *The Gazette* of the

16th of September last contained the despatches of the English Admiral giving an account of the repulse sustained by our force in China. I have no means of knowing how soon after that the decision of the Government was come to, but we know from the usual sources of information—the newspapers—that at a very early period afterwards preparations were commenced. My Lords, it is now more than four months since this intelligence was received, and during at least three of those months our ports and arsenals have resounded with the din of preparation. Measures have been taken, as we all know from the public sources of information, for despatching artillery, gunboats and stores to China. I do not know whether any troops have been ordered to proceed to China direct from this country, but troops have certainly been ordered to proceed thither from India, and preparations have been made for a large force, we are told not less than 10,000 men, in addition to our naval forces. Therefore a very large expense must already have been incurred, and I only ask your Lordships to contrast the course which had just been taken—all these measures being taken during three months without communication with Parliament till this moment—with what I have described as having been done on the occasions to which I have alluded by Mr. Pitt and Mr. Canning. They thought it their duty before they did anything else at once to ask Parliament to support the Crown in the measures they proposed to adopt. Is that, my Lords, to be the rule in future? If it is not, I say it is necessary that we should take some notice of the delay that has taken place. If we admit that a Minister may without blame for so long a period as I have mentioned continue warlike preparations without seeking the aid and sanction of Parliament to his measures, I say we admit that a principle which our greatest statesmen and most distinguished writers have always held an essential element in our constitution, is no longer binding upon our statesmen. The power of the Crown to enter on war is admitted, but it has always been held that it was only safe that this great power should be intrusted to the Executive Government of the day, because they were not at liberty to take even one step towards involving the country in war without associating Parliament in the measures they adopted; because they were bound, so soon as they imposed upon the country the expense of an armament, to obtain the sanction of Parliament for that expense; and because in making such an appeal to Parliament, the whole question of the policy and justice of the war was necessarily brought under the consideration of the great council of the nation, which had it in its power to check at the very beginning any steps which it might think inexpedient, or calculated to involve the country in an unjust or impolitic war. But what becomes of this security? What becomes of this guard against abuse if a Minister is to be allowed for such a time as I have described to carry on warlike preparations, keeping Parliament ignorant of them? It may, perhaps, be said that in the instances I have quoted, Parliament was sitting at the time, and therefore it was natural that Government should make a communication to it as soon as circumstances arose which, in their own opinion, made it expedient for the country to arm. My Lords, I can really scarcely believe that anybody will pretend that the mere accident of Parliament being sitting at the time should make the slightest difference. If it is proper to make a communication to Parliament, it is proper also to call Parliament together for the purpose of receiving that communication, and neither our convenience, nor the convenience of the members of the other House of Parliament, ought for a moment to be put into competition with the importance of maintaining a great constitutional principle; and, as it is in the power of the Government at any time, with very short delay, to call Parliament together, if it was their duty while Parliament was sitting to make such a communication, it was equally their duty to call Parliament together for the purpose of receiving it. There is another argument which, perhaps, may be used. I may be told that the large and liberal grants made by Parliament in last Session for our naval and military service rendered it unnecessary to make a further communication to Parliament, as the Government in their preparations have not exceeded those grants. My Lords, I trust we shall not have this argument brought forward, which would partake very much of the character of a quibble. It is, no doubt, true that Parliament made very large and liberal grants in the last Session for the naval and military service; but these grants were not more than sufficient to provide for the demands on the service which Parliament thought

ought to be provided for before these new demands on account of the Chinese war were known. What has occurred in China certainly in no degree diminishes the demand on those services elsewhere. If looked into we may, perhaps, find that demand rather increased than diminished. It may be possible that by postponing measures that cannot ultimately be abandoned, with a view of considering the more urgent demands of the Chinese war, no technical irregularity may have taken place, or any illegal appropriation of the sums voted by Parliament have been made. I am quite prepared to expect that such is the fact; but of this I am quite sure, that not only a large, but a very large, expenditure has already been incurred, which Parliament has not yet sanctioned, but for which it will ultimately have no alternative but to provide; that an expenditure has been incurred which may also lead to one far, far larger than anything we may yet dream of, and may prove to be but the beginning of an expense of almost incalculable amount. And I would point out to your Lordships that this question of expense is not a mere technical one of so many pounds paid under such and such a head of the Estimates; what is really wanted is this—that the country is not to be committed to any heavy expenditure, and, above all, to no heavy expenditure in the way of war, without first giving the great council of the nation an opportunity of inquiry into and considering the propriety of that war. I contend, therefore, my Lords, that in the course they have pursued on this subject Her Majesty's Government have been guilty of an unjustifiable departure from the well-established laws and practice of Parliament. And I am the more surprised that this should happen under the present Government, because it happens that there is in the present Government a very distinguished person who only three years ago laid down, in very clear terms, what is the correct rule to follow on this subject. In the debate which took place in the other House of Parliament upon the Address in the year 1857, I find that the following expressions were used with reference to the Persian war:—

> "If Her Majesty's Government have carried us into an English war it was their duty to have called Parliament together at the first moment when they ventured to contemplate so serious a step." . . . . "I will say, without fear of contradiction, that the practice of commencing wars without associating Parliament with the first measures is utterly at variance with the established practice of the country, dangerous to the constitution, and absolutely requiring the intervention of this House, in order to render the recognition of so dangerous a proceeding utterly impossible."—[3 *Hansard*, vol. cxliv. p. 145.]

My Lords, the person who made these comments with reference to the Persian war was the present Chancellor of the Exchequer—that Member of the Government whose duty it is to see that in the administration of the finances the rules of Parliament are strictly adhered to. Now, my Lords, the object of the Amendment which I shall think it my duty to move will be simply to enforce this sound view of the law and practice of Parliament. But there are many other important questions which will arise in regard to this Chinese war—questions which I hope your Lordships will have to consider at a very early period. There will arise the question whether we have any just cause of war with China at all—whether the Chinese, having had experience that it is dangerous to leave the access to their capital by the Peiho exposed and undefended were justified in fortifying it, and obstructing the mouth of the river,—whether by taking measures for that purpose publicly, and announcing them in the *Pekin Gazette*, they afforded any just ground of complaint to this country—whether we had any right to insist that the obstructions so placed in the mouth of the river should be removed in order to enable our ambassador to proceed to Pekin,—whether the treaty of Tien-tsin, having given us a right to send an ambassador to Pekin, but being silent as to the route which that ambassador should take ["hear, hear," from the Earl of Derby], our plenipotentiary was entitled to say, when offered another route, that he would proceed by no other than by the Peiho, and, this not being open, that he would force it,—whether, even if he had such a right, he was entitled to make use of force, without first appealing to the Imperial authorities at Pekin to see whether, by mere peaceable representations, they might not be induced to accede to his demands and withdraw the obstructions; whether it made any difference that those fortifications were stated to be garrisoned by a force of militia and not by the regular troops of the empire; whether this conflict in China must not be judged on the same principles as if it had happened here, and whether, if the ambassador of the Emperor of the French should insist on coming to London, accompanied by a number of gunboats up the Thames and should find obstructions to their further progress at

Gravesend, he would be entitled to remove those obstructions by force and to fire upon the troops defending them, because they happened to be manned only by a body of the Kent Militia; whether our now preferring a demand for redress for this affair, backed by the despatch of a large military and naval force to that country in a manner which will probably lead to war, is calculated to promote, in any one respect, the interests of England; and whether any conclusion to which such a contest may be brought can be conducive to our real benefit. We shall have further to consider, my Lords, whether any treaty which we may succeed in extorting from China, or any amount of degradation which we may impose upon her Government, is likely to place us in a better position in her regard, or whether we have any security that such a treaty would be acted upon one hour beyond the time at which the force by which it was wrung from the Chinese people may happen to be withdrawn; — we must consider whether our great trade with China—a trade which, directly and indirectly, contributes more to our prosperity than that which we carry on with any other nation of the world, with the single exception of the United States—a trade which is of such enormous importance both to our home and to our Indian revenue,—is likely to be promoted by burning the cities and slaughtering the inhabitants of that vast empire; whether they are likely to become better customers to us, and to be enabled to purchase more of our manufactures, and to give us in return more of those articles that China produces, by our spreading fire and devastation through their land;—whether it is wise and prudent that we should enter upon a contest from which, once it is commenced, there may be no retreat, save by pulling down the ancient and already tottering fabric of the Chinese Empire, and thus leaving that extensive empire and vast population a prey to anarchy and disorder. These, my Lords, are grave and momentous questions, which it will be our duty to consider with a deliberation commensurate to their importance. They open, however, too extensive a field to be adequately discussed on an occasion like the present. I now advert to the fact that such questions will arise simply as affording to my mind conclusive proof of the impropriety of the delay which has occurred on the part of Her Majesty's Government in bringing this subject under the consideration of the Legislature. It will be our duty to deal with these great questions in the course of this Session, but we cannot now do so with the same effect as we might have done three months ago. It is possible that Parliament may disapprove the policy which Her Majesty's Government have pursued in this matter; but if it should, it may now find it too late to correct many of the errors of that policy. Their orders have gone out to the other side of the world. Those orders may be (and I much fear they are) of such a character as to bring on the war for which their preparations have been made, so that this calamity which might some time ago have been avoided, if the judgment of Parliament had been appealed to in due course, may now be inevitable. We are at the present moment, for instance, far more deeply committed to France, who is to act as our ally in this contest, than we were at no very distant day. It is more difficult now than it was some few months since to make any propositions of a conciliatory kind to the Chinese Government with a chance of their leading to an amicable arrangement between the two countries. The very preparations for war which both we and the Chinese have made, according to recent accounts, diminish the chances of such a policy being attended with success. I have now, my Lords, I think, made out my case. It is, then, I repeat, contrary to the established rules and practice of Parliament that any Government should presume to take upon itself, without the sanction of the Legislature, to make preparations, as has been done in this instance, for what may turn out to be a frightfully disastrous contest. No merely theoretical, but a practical and substantial injury has, I contend, been done to the country by so great a departure from previous precedent and the established law of the constitution. If, therefore, we agree to the Address in answer to the Speech from the Throne in the form in which it now stands, thanking Her Majesty for the information which she has communicated to us upon this important subject, without saying one word as to the time at which that communication happens to have been made, we by clear implication admit that the point is one with respect to which we have no fault to find. It is, therefore, my object, in framing the Amendment which I am now about to submit to your Lordships' consideration, to take notice of the irregularity of which I complain in terms the most temperate which

I am able to devise. I may add, that if any noble Lord should suggest to me terms still milder, by which the views which I entertain upon this subject could be expressed, I shall be most happy to act upon the suggestion. My sole object in proposing this Amendment at all is to prevent the pernicious proceeding to which I advert from being drawn into a precedent. Bear in mind, my Lords, that the law of Parliament is to a great degree an unwritten law—that it rests on custom and usage. Every bad precedent which you set up in opposition to it therefore tends to break down a wholesome constitutional check. I am of opinion that this House was greatly to blame in omitting to notice the irregularity of which the Government was guilty with reference to the war with Persia. We see in what has since taken place the consequences of the course which was then pursued. If we now pass over with similar neglect a similar irregularity, we shall have gone far to establish a rule which may supersede the old law of Parliament; so that in future any man can hardly complain with justice of a Minister who during the Parliamentary recess should take measures and pledge the country to a policy, owing to which we may find ourselves, when the Legislature assembled, hopelessly involved in a great European war. These, my Lords, are the considerations upon which I venture to submit to your notice the Amendment which I am about to propose, and which, I trust, your Lordships will sanction. To the words in the Address thanking Her Majesty for the information which She has been graciously pleased to communicate to us with respect to the conflict at the mouth of the Peiho, and the measures which She proposes to take in co-operation with the Emperor of the French to obtain redress for what there took place, and to secure the fulfilment of the treaty of Tein-tsin, I beg to add words by way of Amendment:—

Amendment proposed, to insert—

"After the Words 'Stipulations of the Treaty of Tien-tsin,' "but humbly to express to Her Majesty our Regret that when the Preparations for the intended Expedition were commenced, Her Majesty's Servants did not advise Her Majesty to communicate to Parliament without Delay the Measures which had been decided upon, in order that Parliament might have an Opportunity of forming a Judgment on their Propriety, and that its previous Sanction might be obtained for the Expense they might occasion."

THE DUKE OF NEWCASTLE: I greatly regret, my Lords, that the noble Earl who

has just spoken has found it to be inconsistent with his duty to allow the Address of your Lordships' House to proceed to Her Majesty without having proposed his Amendment. The practice—the very wholsome practice, in my opinion—has of late grown up in the proceedings of the Legislature, of never moving an Amendment to the Address of the Sovereign in answer to the Royal Message at the commencement of the Session, unless some great political objects were in view and likely to be attained, or unless some assertion were made in that Address to which the Opposition found it impossible to assent. Now, the practice to which I allude has, I believe, prevailed in recent times mainly because it has been the custom of ministers, no matter to what party they may belong, to abstain from introducing into the Speech of the Sovereign, so far as it may lie in their power, any topic or phrase which might be likely to produce discord in the deliberations of the Legislature on the first evening of the Session. And, indeed, my noble Friend, the mover of the Amendment himself, expressly stated in the course of his speech that he is perfectly aware that Her Majesty's Government, in framing the Royal Speech, have studiously avoided the employment of any such expressions as were very fairly used by the noble Lord who seconded the Address in commenting on the proceedings which have taken place in China. As, however, my noble Friend has felt himself called upon to move this Amendment, it becomes my duty, on the part of the Government, to make some observations, not only upon the Amendment itself, but upon the arguments by which it has been supported. But before I proceed to do so, I hope the House will allow me to say a few words in reference to another topic of the Royal Speech upon which the noble Earl has commented unfavourably —I mean the treaty of commerce with France. I am sure your Lordships will not expect that any Member of the Government should at this moment, when the treaty was only signed yesterday, and there has been no opportunity of laying it before the House, enter into any discussion of its details or attempt a hypothetical defence of the transaction itself. But I at once concur in my noble Friend's observations as to the impolicy of commercial treaties generally. I readily admit a commercial treaty, as the term was understood in years gone by, to be at variance with the soundest principles of free trade, and that nothing but peculiar circumstances can justify on our part, in these days, recurrence to treaties of that nature. I am, however, firmly convinced that when this treaty is laid before Parliament, and when your Lordships come to consider the circumstances under which it has been proposed by one country and accepted by the other, you will concur in the opinion held by Her Majesty's Government, that circumstances have rendered the proceeding a justifiable one, to which you can give your approval. Without entering into details, I will only put it to the House and my noble Friend whether a treaty of commerce, if it be not absolutely contradictory to the principles of free trade, may not be justifiable as a means of cementing the union of two great countries like England and France; whether there can be any stronger or more reliable bond of union than an extension of the commerce between those countries, which, considering their enormous wealth, has been hitherto of a restricted nature. We may make bargains or engagements with Emperors and Kings, and Presidents, but they may be broken by those potentates or their successors, but an extension of commerce, on the other hand, forms a binding engagement between the people of two countries, and I believe, in proportion to its extension, will eventually make war between them less likely, I might almost say impossible. I am unwilling to trouble your Lordships now further upon this point, but the Amendment proposed by my noble friend requires me to notice some of his arguments. He started from an assumption that it was the established rule and practice to lay before Parliament an announcement of the intention of the Sovereign to enter into hostilities with a foreign nation. I am surprised that my noble Friend should have framed his proposition upon so broad a basis, for I believe writers upon international law have greatly differed upon the subject whether it is necessary to proclaim war under all circumstances, and if it be not, it can hardly be maintained that it is absolutely required to lay the intentions of the Sovereign before Parliament. But surely my noble Friend does not forget that, notwithstanding the example of 1790 and 1826, to which he has referred, the rule which he regards as an established rule has been repeatedly departed from during the last thirty years. My noble Friend shakes his head, but I believe I am not wrong in saying that, although what he describes may have been the general rule in cases of hostilities with European nations, yet there are few, if any, instances where it has been adhered to in cases of hostilities with eastern nations. The noble Earl must admit moreover, that it has not even been the universal rule with regard to European instances, for he cannot have forgotten the cases of Portugal in 1831, and of Greece at a subsequent period, not to mention other instances of smaller or greater importance. My noble Friend has said that he hopes the Government will not attempt to set up as their defence the fact that Parliament was not sitting, nor the argument that they had sufficient funds resulting from the Votes of Parliament for other purposes to enable them to carry on hostilities. As to the last-mentioned ground of defence, I certainly shall not have recourse to it. I am perfectly aware that, under whatever circumstances the revenue may be raised, Parliament only intended it to meet such contingencies as were contemplated at the time when the Estimates were framed. But the other ground—that Parliament was not sitting at the time—I consider to be an important and legitimate defence of the conduct of the Government. In the two cases which have been quoted by my noble Friend, in 1790 and 1826, it happens that both occurred while Parliament was sitting. Surely there is a great difference between the Sovereign communicating to Parliament, during the Session, the state of affairs with regard to foreign countries and his summoning Parliament together specially to consult it upon an event which might never occur. However, it is not necessary to rely upon that circumstance for a defence in the present instance, for my noble Friend has based his argument upon the supposition that we are about to commence war with a nation with whom we were previously at peace. I say that is not the case here. We are not commencing new hostilities with China; we have never been at peace with China for the last two years, and at the very moment when the transactions at the Peiho occurred we had possession, and still retain, one of the most important towns of the Chinese Empire. Surely that cannot be called a state of peace? A treaty, no doubt, was negotiated by my noble Friend near me (the Earl of Elgin), which Mr. Bruce was proceeding to Pekin to ratify, but it could not be a treaty of peace until it was ratified, and until that ratification took place we were not at peace with China. However, I shall not dwell upon this point at present, for my noble Friend himself has told us that there must be many other occasions when the subject of this Chinese war must be fully considered; but he has mentioned some of his objections to that war which I will slightly notice. My noble Friend says we had no right to attempt to pass up the Peiho, and that we should have taken some other route than that which we considered to be the highway to the capital. Her Majesty's Government will be prepared to enter into that question whenever it shall come fairly before Parliament, and I will only say now, that we had every right to consider that river to be the proper highway to Pekin, if not the only highway. In proof of this statement I may observe that in the Russian treaty, agreed to in May last, there is a clause—the second—giving the Russians a right to proceed to the capital of China either by their usual overland route or by this very route of the Peiho, or by any other route. I believe, without any attempt at special pleading, it might be shown that under the "favoured nation" clause of the treaty of 1843 we might insist upon this route, but I do not wish to urge it now, and only mention the last treaty with Russia to establish the fact that there was a deliberate determination on the part of the Emperor of China or his Government or people to treat the English nation differently from the Russians, and to exclude us from a route which was allowed to the latter nation as the proper route to the capital by treaty only a month before. My noble Friend also indulged in some general phrases with regard to the horrors of war. Now, I respect him for the feelings which he entertains on all occasions upon this subject, although I think that he sometimes allows them to carry him too far. But will my noble Friend maintain for one instant, that if the honour of the country is involved we ought to consider whether we may, to a certain extent, be endangering our commerce, and whether by carrying on hostilities with China we may not injure, even to a considerable extent, the tea trade? Those are no doubt important considerations in themselves, but when the country has been outraged by attacks upon its forces, in which 400 or 500 Englishmen were struck down, I cannot think that my noble Friend, having, as I know he has, the honour of his country at heart, would urge that then, being smitten on the one cheek, we should turn the other to be smitten also. If then, my Lords, it can be shown that we are bound to prepare this fleet and army, for the purpose of vindicating the national honour and of obtaining reparation for the injuries inflicted upon us, providing it can be obtained in no other way, I think that on a future occasion, when this subject comes to be discussed, I may claim the vote of my noble Friend himself, in common with the rest of your Lordships. That we were bound to take such a course, to uphold our honour as a nation, I firmly believe; but I will not enter upon the question now, and am only sorry that my noble Friend has forced me to say so much. Her Majesty has announced that papers will be laid before Parliament, and when those are forthcoming we shall be enabled to understand and to discuss this subject much more clearly. As to the point which forms the basis of my noble Friend's Amendment—that the Ministry have committed an act of disloyalty to the Parliament of Great Britain by not laying before them their intentions respecting China—I repeat that this is not an established rule, though it may be a convenient one; and, even if it were an established rule, I maintain that in the instance before us it has not been violated, because we have not been at peace with China, and had nothing, therefore, to communicate. All we could have informed Parliament of was that the treaty with China had not been ratified, and that the war was therefore continuing. But were we to call Parliament together in order to make such an announcement? I rose simply to answer the observations of my noble Friend, and I trust, therefore, I shall be excused if I do not enter now into the other topics of Her Majesty's Speech. I cannot help thinking, in conclusion, that your Lordships will not agree with my noble Friend on the issue he has raised, and will not support his Amendment.

The Marquess of NORMANBY, who was imperfectly heard, said, he, for one, agreed in the principle which had been laid down by his noble Friend (Earl Grey). In his opinion it would have accorded better with Parliamentary usage, and would have been more to the public advantage, if the Government had called Parliament together and acquainted it with their intentions when the new rupture with China took place. He would not, however, enter into any details on the question before their Lordships, as a more convenient opportunity of discussing it would arise; at the same time he might observe he could not agree with the noble Duke that no Amendment was to be moved upon the Address unless some great party question presented itself.

THE DUKE OF NEWCASTLE said, he had added, "or in case the Ministry of the day had inserted words in the Royal Speech with which it was impossible for the Opposition to agree."

THE MARQUESS OF NORMANBY said, seeing that no great unity of feeling could exist in the Cabinet as to the war with China, he thought the country had a right to information as to the course which was being taken. With respect to the treaty of commerce, it was certainly desirable that the discussion on that matter should be postponed for some more fitting occasion; but it had been rather forced upon them by the encomiums of the noble seconder of the Address. The treaty was described as a precursor of friendship and of peace between the two nations, and as a positive barrier to any future war. He was sorry to say he had lately read an address from the master manufacturers of France to the French Emperor, in which they hardly seemed to take the same view. "You have reduced us," they concluded, "to this alternative,—either we must submit to ruin, or must tear the treaty by cannon-balls." That certainly did not look as though the treaty would insure permanent concord between France and England. Only that morning he had received, from one on whose authority he thoroughly relied, a letter which by no means foreshadowed the halcyon age of peace and commerce now spoken of. Armaments of all kinds, his informant said, were now being pressed on in France with the utmost vigour. Naval armaments were continued as though war was expected next week. Munitions of war were being prepared, steel plating for ships was ordered all over the country, vessels were being built, guns proved, and the French dockyards rang with work night and day. Such preparations formed rather a curious concomitant of universal peace, and he could not forget that those who spoke of tearing the treaty with cannon-ball complained of the surprise practised on them by our illustrious neighbour, saying there had been a positive engagement that these changes should not be made without previous inquiry, and that the treaty with England had been hurried on as the means of breaking faith with them. Was this likely to promote good feeling between the two countries? Then, too, there was a strange kind of reciprocity in the treaty, for whereas England was to give at once all the advantages which were asked for, France delayed her concessions until a period extremely remote. He recollected that in 1848 he was very anxious that there should be a practical proof of the good feeling which existed between England and France; and he told M. Lamartine, who had made a great free-trade speech at Marseilles, that the best means of establishing a good understanding between the two countries was to enter freely into a consideration of their tariffs with a view to a relaxation of them; but the hopes which he entertained on that subject were unhappily not fulfilled. M. Lamartine told him that the more popular was the form of the French Government, the more difficulty would there be on this question. He confessed, therefore, considering the disposition of the people of France, that he did not anticipate such a halcyon summer in 1861 as had been predicted; and he was disposed to think it was rather dangerous to have fixed the precise day after which the proposed changes were to take place. He now came to another part of the Royal Speech, but he did not intend to move any Amendment upon it, although he entertained some objection to the phrases it contained: the part he referred to was the following:—

> "Desirous at all times to concur in proceedings having for their object the maintenance of peace, I accepted the invitation, but, at the same time, I made known that, in such a Congress, I should stedfastly maintain the principle that no external force should be employed to impose upon the people of Italy any particular Government or Constitution."

He quite agreed that these were not the times when this country should sanction any such proceeding, however unjust might often be the means by which the settled order of things had been upset; but he objected to the phrase put into Her Majesty's mouth respecting any particular government being imposed "upon the people of Italy." Who, he asked, were the people of Italy? [*Ironical cheers from the Ministerial side.*] He knew Italy as well as his noble Friends opposite, and felt as sincere an interest in that country, and therefore he thought that the ironical cheers of his noble Friends on the other side were hardly justified; but in reference to the people not yielding to external force, who, he again asked, were the people of Italy? Italy consisted of various States, with various dialects, governed by different Governments and separated from each other for ages. In short there was no nationality in Italy, and he recollected last Session his noble and learned Friend near him (Lord Brougham) saying there could be no such thing as a united Italy. He therefore felt that he was entirely justified in remarking on the particular phrase put into Her Majesty's mouth, to which he had called their Lordships' attention. Again, the phrase raised a question, which had hitherto been considered settled from the dark ages downwards. Were treaty obligations binding or were they no longer to be so considered? It was a novel and startling doctrine that popular outcry in any country was to establish a right to change the government and territorial arrangements. Besides, had it been ascertained that in this instance the popular outcry was the honest expression of the national will, and not brought about by foreign influence or gold, or intimidation practised by Foreigners who had usurped the Government? An expression of popular opinion created in that way was no justification for a change of Government and deposition of rulers. Again, if in 1860 they agreed to ratify a change of territorial limits in accordance with the popular outcry of the day, they must equally recognize the same principle in 1861, should the popular outcry turn round by that time. In 1848, Lombardy was annexed to Sardinia by a popular vote; and in the autumn of the same year deputies were sent to Paris to say that this was not what the people wished; and that the vote had been obtained by deception. General Cavignac requested I would see some of these deputies, as I had hitherto given him to understand that the policy of my Government was rather to encourage the annexation of Lombardy to Sardinia if there were to be any change of territorial limits. I conceived myself that nothing could then be so distateful to the Lombards as such an arrangement. If they acted at all in the matter, they should guard themselves against recognizing any new settlement, until they were quite satisfied it was in accordance with the opinion and the wishes of the people; and Ministers would have advised Her Majesty to express herself more correctly if the Royal Speech had said that any proposed new Government, or constitution, or change of territorial limits should be in accordance with the well ascertained independent vote of the natives of the State. The last time they had assembled in that House his noble Friend the Foreign Secretary had stated that he was content to leave the result to the well-matured deliberation of the Tuscan people. But what was the fact? There had been no deliberation whatever, and they afforded the only instance of a deliberate assembly, who, without one single word uttered, or one single reason given, had destroyed the constitution under which they had for years been governed, and had declared in favour of annexation to a State which was a stranger to their own. He would read a few lines which he had received from an Englishman who was well acquainted with Tuscany, and especially with its financial condition; and, perhaps, before both Houses of Parliament agreed that it was desirable to annex Tuscany to Piedmont, it might be well to ascertain what the effect of such a measure would be upon the interests of this country—interests which they had been that night told were to form the basis of international legislation. The letter stated:—

"There is no longer an *ad valorem* duty on English manufactures. The duty is regulated by weight; fine Saxony cloth pays the same duty as coarse Manchester fabrics; duty of cotton goods and produce of the Potteries is doubled; colonial produce doubled; mixed stuffs of silk and cotton are rated as pure silk—all to protect Piedmontese manufactures! Articles paying 15 per cent. now pay 10. Piedmont has no colonial possessions, no manufactures or commerce worth mentioning, but just sufficient to oblige them to adopt the protective duties. They cannot compete with England and France even with a duty of 20 per cent. I know of an hotel keeper at Genoa, who stated that in '48 he paid 60 francs a year duty on his house, and this is now increased to 1,500. . . . The equalization of taxation, which would compel all Tuscany, Parma, and Modena to pay from 50 to 60 per cent., would relieve Piedmont from the levy of 75 per cent. on her population."

He would next read a letter from a Tuscan gentleman of position and intelligence. The writer said:—

"If the English Government had followed their profession of absolute neutrality desired by the English people they would not so much have compromised the Government of England, which had always formerly been known as one desirous to maintain settled order in Europe. But since her statesmen and her organs of public opinion have allowed themselves to be deceived by the false reports of a factious and lying minority, they have deservedly exposed themselves to the criticism of all other nations for having, without due consideration, encouraged revolution and anarchy. The principles which the English Government now profess are such as must produce disorganization and ruin in any monarchy. The English Government pretends to sustain the rights of the people as claimed by the majority, and to free Italy from the yoke of the stranger. These principles, if well applied, might be praiseworthy and reasonable, but they have been willingly deceived in their application at the pleasure of a tyrannical majority. From whom have the British Government received their information as to the present condition of Tuscany? From honest men? Certainly not; they have always refused to listen to them, and the newspapers have refused to publish facts, though guaranteed by persons worthy of faith. They have confined their information to that which is published in the papers here, which is always at variance with the truth. They have received intelligence from the English Chargé d'Affaires at Florence."

The English Chargé d'Affaires spoken of had, he (the Marquess of Normanby) was informed, attended the reception of M. Buoncompagni. Now, he perfectly remembered that, in 1848, a distinct expression of opinion had been conveyed to him, on the part of Her Majesty's Government, that so long as there was no settled government in a country, no representative of England, acting unofficially, ought to take part in any public demonstration, and upon those recognized rules he had acted during the whole of the French Revolution until, in August 1848, he was regularly accredited to General Cavignac as head of the Executive Government, appointed by the National Assembly. The letter proceeded to state:—

"The great majority of loyal citizens have hitherto been cowed and silenced by imprisonment, by domiciliary visits, thousands of which have taken place, while a band of paid agitators, commanded by a certain Dolfi, daily threatens the well-disposed. The majority of loyal men comprises at least three-fourths of the population, but they have never yet been able to make their wishes public, because this armed portion of the dregs of the people menace with death any manifestation from those who are entirely unarmed, and have no means of meeting in order to overthrow these usurpers. Their silence has therefore been taken as showing assent to the present order of things. The foreign newspapers have been persuaded or bribed in a spirit of partiality to suppress all accounts of local disorders, all the significant manifestations which have occurred, anything, in short, from which could be inferred the real feeling of the country. The arms of Sardinia, which have been placed over all the public buildings in the town by order of the Government, are nightly bespattered with mud. The troops begin to mutiny, the dungeons are crowded with political prisoners, the homes of thousands have been violated. The National Guard never stir without loaded pieces. And yet we are told that the most perfect order reigns, and the English Government itself is so well and impartially informed that its members assert it is impossible that there should be more complete tranquillity."

There were some instances which had come to his own knowledge showing that the so-called popular party were in the habit of imprisoning arbitrarily, and in the most cruel manner, men who were more liberal than themselves. Of this nature was the injury inflicted on Signor Montecchi, who had held high office, and who was said at that time, 1849, although connected with the extreme party at Rome, to be enlightened and moderate in his own opinions. Letters were opened at the post-office, and in one, which was not signed, but supposed by the Government to come from Mazzini, were discovered some expressions to which a dangerous meaning was attached. He was arrested at Leghorn, and having been thrown into a dungeon but without being brought to trial, the utter absence of any evidence to connect him with political offences was so apparent as to cause the charge against him to be dismissed. The Tuscan correspondent of *The Times* had published the fact to the world, adding that Signor Montecchi's letters gave painful details of his treatment; but if these letters were published, as stated in many Foreign journals, the English press had never noticed them. Now, in a very curious document, entitled *La Politica Napoleonica e il Sovrano Toscano*, written by one of the most distinguished men of the liberal party in Italy, Signor Ampèri, but which from the place of its publication must be presumed to have the sanction of the Emperor, it was shown that the French Emperor had been deceived by Sardinia as to the amount of force which she had at her disposal, and the assistance which the Italian States might expect from her. Instead of keeping up her army to the amount of 100,000 men, which was the extent of her army in 1849, there were not 50,000 men in arms; and as stated by that author, he had good reason to believe that this was one of the reasons which tended to disgust the Emperor Louis Napoleon with the war, and induced him to sign the treaty of Villafranca. Another object of the writer seemed to be to show that the inhabitants of the Central Italian States were averse from annexation to Piedmont, and desired the restoration of their former rulers. He further said, that the noble Secretary for Foreign Affairs (Lord J. Russell) who was now so anxious to alter the relations of the Italian States with Austria, had on one occasion declared that Italy could not have a better guarantee for her liberties than was provided by the arrangements of the Treaty of Vienna; and it was asked how it was that that noble Lord, while joining in the cry of

"Italy for the Italians," imposed a foreign and hated rule upon the Ionians, and in many other parts of the world pursued a policy which he affected to condemn in the Cabinet of Vienna. The author concludes his notice of England by saying that the Italians are probably aware, however it may suit the temporary policy of England to thwart the Emperor Napoleon in the fulfilment of his engagements, that they could never expect the assistance of one penny or a single soldier. He was aware that papers were to be produced on this subject, and that other opportunities would be afforded for discussing them; but he could not help recollecting that this and the other House of Parliament was the only place where the voice of truth could be heard; and he had been urged by so many persons to undertake the task, as they complained that they could not otherwise get their case stated, that, unpleasant as the subject was, he felt bound to take up the question. He would object as much as any man to the restoration of any of the Sovereigns of Central Italy by military force; but he hoped that if the proposed Congress were to assemble it would prohibit foreign intervention in favour of, as well as against, the revolutionary Governments; and he would remind the House that in the treaty of Villafranca it was distinctly stipulated that the rulers of Central Italy should be recalled. It had been said that none of those Governments had countenanced any outrages upon persons or property, but he was informed that Farini had given an appointment in Modena to one of the principal instigators of the political assassinations in Parma. It was always unpleasant to labour against the popular feeling, but his sole object in the observations he had made was to promote the peace and prosperity of Italy, and to communicate to their Lordships facts which deserved to be published to the world.

Lord BROUGHAM said, that as he had been appealed to by the noble Marquess who had just sat down, he rose to say a few words in explanation. He would admit that in discussing the proceedings of the Unitarian party in Italy and considering their prospects, he had always lamented that Italy had hitherto been rather a geographical than a political name; that from all time, at the least from the time of Dante downwards, but long before, there had been animosity and divisions, not only between neighbouring states, but even between one city and town and another in its neighbourhood; nay, even between different streets of the same town, so little did the Italians deserve the name of a united people. It was deeply to be lamented; but there seemed no help for it. There seemed no chance by means of war, by the assistance of Sardinia against Austria, or by any other means, of their obtaining union among themselves, and in the great body of the nation. But times have changed; and the fortunes of nations change with events. When the Italian war was discussed he had expressed his opinion of the objects of both the parties to the making it. Of France he would now say nothing. He would not recall to their remembrance the language he then used; either as to the time she commenced the war, or the pretences, or, as in courtesy he might say, the reasons for commencing it. As to Sardinia, and what in equal courtesy he would call the reasons she had put forward for engaging in a war with Austria, he had expressed more than doubts—more than even his suspicions, that the war said to be for the liberation of Italy was really entered into to obtain for Sardinia a part of the Austrian dominions. Of this Italian war he had expressed the reprobation which he might almost say was the feeling of every one in this country. In that war England had no share. England did all in her power to prevent the war; she did all in her power to induce Austria to join in negotiations that would have prevented hostilities. Unhappily, we did not succeed; Austria would not yield to those recommendations, but went on in her own course. In the hostilities that ensued, the defeat of Austria was complete. From the beginning to the end there was not a single battle in which the armies of Austria were not defeated. There was not a single action in which Sardinia and her Ally were not entirely successful. And after a fearful amount of slaughter, after the greatest possible misery had been inflicted on the people of the north of Italy, the result was, that Austria was driven from the greater part of her dominions. The Treaty of Villafranca accomplished nearly, but not altogether, the object which Sardinia had in commencing the war. She virtually obtained the greater part of the territory of Austria, the whole of Lombardy, all Austrian Italy, but the Venetian territories. Such was the result of this short and successful campaign. Then came a totally new stateof things. Italy, that never before succeeded in uniting itself under one Government, was at last free from foreign domination. They had not perhaps established an Italian Kingdom, but they had freed from foreign domination several of the petty Italian States. One, two, three or four of those States had successively allied themselves to Sardinia, or declared their desire to do so. And all that England could now wish was, that foreign interference with Italy should be prevented; that the Italians should be left to themselves, to fight their own battles, to form their own Government, and choose their own rulers as they thought fit, provided they did it without Austrian, French, or any other interference. His noble Friend (Lord Normanby) objected to the expressions in the speech, people of Italy, because he said there was no such people. Would his noble Friend take the plural instead of the singular, and allow him to say, the peoples of Italy? He had yet to learn why several different Italian States, or a group of those States, should not secure their own freedom without the interference of the foreigner, the Modenese assisting the Tuscans, and the Tuscans assisting the people of Parma. No one was originally more opposed than he was to the treaties of Vienna in 1814-15. He condemned them in the other House of Parliament over and over again; but after they became as it were the statute law of Europe, it was in vain to argue against them. When Charles Albert attacked Austria, some twelve years ago, we objected to his conduct, because it was calculated to disturb the distribution of kingdoms which had been effected in 1815. That attack failed, but it had since been repeated, and had been signally successful—a result due not to want of valour, of the greatest valour, on the part of the soldiers of Austria, but to the errors of her councils, which were as great as those of the Aulic Council, which marshalled the way to the victories of the First Napoleon, and to the incapacity of her generals, each of whom showed himself to be almost more unfit for command than his predecessor. It was to be hoped that the struggle would be succeeded by a settlement in which regard would, of course, in some degree, be had to the relative force of the parties engaged in the contest, but in which deference would also be paid to a consideration of what was just and fair. He would not say what were his hopes rather than his expectations, but he was not without some disposition to believe that the victors would act with justice and moderation. His noble Friend had alluded to the expected treaty of commerce between this country and France. He had an old prejudice, if it be one, against commercial treaties, which was not wholly without effect in the present instance, thinking that duties ought to be levied or removed without regard to diplomatic views; but, nevertheless, he had less objection to this treaty than to almost any other of the kind that he remembered; and he was quite convinced that the greatest possible advantage would result to France and some to ourselves from the commercial policy which the Emperor had announced his intention to pursue, and which he had no doubt would be carried much further. In France he had heard great objections to the treaty. It was pretended that all the benefits resulting from it would fall to England, and that France would derive but little advantage from its operation. He would not go the length of saying that it was a treaty wholly for the benefit of France, because he believed that England would gain considerably by it, but he was quite clear that our gain from its operation would be as nothing compared with that of France. Our gain was to be postponed for eighteen months; our neighbour's would be immediate. Our gain would be to a very small extent; theirs to a very large one. The outcry against the treaty reminded him of what had frequently occurred in this country. No step was ever taken in the direction of free trade, or of the removal of restrictions, that a clamour was not immediately raised by some party which, though numerically large, was not so in comparison with the rest of the community, but the members of which made up for their want of numbers by the violence with which they strained their throats; so that, to listen to them, any one would have thought all England was against the measure. Probably the most extensive,—in deference to some of his noble friends near him, he would not say clamour—he could hardly call it argument or even declamation,—but he would only say the most extensive utterance was that against the repeal of the corn laws; and yet we had lived to see the day when a real, genuine, uncompromising Protectionist could only find his proper place in one of our museums, among the relics of the ancient world, or the specimens of extinct animals. The commercial policy of the Emperor tended to promote the friendly feeling between the two countries. Tranquillity, too, prevailed all over the Continent. The liberal policy now inaugurated by the French Government would tend to confirm and consolidate that peace. But, he had been asked in Paris, "If that be so, why do you go on arming?" In answer to that question he would remind his French friends of a proverb of their own:—"When it is fair weather, be sure to take your cloak with you; when it is foul weather, do as you please." At present all was peace. The storm had ceased, the wind no longer blew, the thunder, if it rolled at all, rolled at a distance, and the lightning was but sheet lightning, that glanced innocuous through the sky. Then according to the wise proverb, let us be prepared for all exigences. We lived in an armed world. There were prodigious armies all around us; armies of 500,000 men in one country, of 300,000 or 400,000 men in another; beside naval armaments, which were being increased, as they are told, in the time of peace. Who, moreover, could answer for the chapter of accidents, or predict what state of things might exist six years—aye, or six months hence? It was, therefore, absolutely necessary that we should be armed—he would not say to the teeth—but sufficiently to make all attacks upon us not only impossible to succeed, but impossible to be attempted. He had been in the north of England since Parliament was last prorogued. He there found that one question which once used to excite a very lively interest, he meant the question of Parliamentary reform, was asleep if not dead—dead even in Yorkshire, where it used to be quite a local question. But it was far otherwise with electoral corruption. He had taken the liberty, while among his old friends and constituents in that county, to chide them, and to chide them pretty severely, for the share they had in that corruption, some of the very worst cases of the kind having occurred in that quarter. He was zealously and constantly supported in all his references to that topic by those whom he had addressed, and they showed themselves as stoutly determined to put down by all possible means that curse of our representative system as he could have wished to see them. But the subject on which of all others there was the greatest earnestness and even enthusiasm, as well as the most perfect unanimity in those assemblages, was the defence of the country. Everywhere, and he found it the same in Northumberland as well as in his own county, and in Lancashire, every where there was the most entire agreement as to the necessity, at all costs, at all pains, and all risks, of putting the country, by every means which human wisdom could devise and human activity employ, on a footing of perfect and absolute security.

THE MARQUESS OF NORMANBY was understood to remark that Sardinia ought not to have any influence in the final settlement of the Italian question, but that the people ought to be left to declare their wishes without any extraneous influence.

THE EARL OF DERBY:—My Lords, I do no not recollect any occasion on which a Speech from the Throne, touching on such a variety of important tropics, was treated in debate with greater silence by Her Majesty's Ministers than we have seen preserved by them in this instance. The noble Mover and Seconder of the Address, no doubt, made very excellent speeches; but, unfortunately, I was unable, from the tone of voice in which they spoke, to hear more than a word here and there of the one, and not a syllable perfectly of the other. And notwithstanding the great variety and importance of the subjects adverted to in Her Majesty's Speech, we have heard from Her Majesty's Ministers not one single word in the course of this discussion, except the few remarks which fell from the noble Duke opposite, in reply to the statements on the Amendment moved with great ability by the noble Earl. Of many of the topics referred to in the Queen's Speech no notice whatever has been taken by any preceding speaker; and I am not going, more than by a single word, to deviate from the course which others have followed. Even on those subjects to which our attention has been called, and on which I shall have to make a few observations, I trust I shall be able to confine myself within very moderate limits; for, as far as this discussion has gone, there does not seem to be any very serious difference of opinion between those who sit on different sides of this House. Certainly, among the great variety of topics which have been entirely passed over, I am not surprised that no notice should have been taken of the treaty concluded with the Tycoon of Japan, or of the Treaty regarding boundaries which has been entered into with the Republic of Guatemala—a very important subject, nevertheless, and one likely to have a very important influence on the serious questions pending between this country and the United States. I do not suppose that the silence with respect to those treaties arises from the fact that they were begun by the predecessors of Her Majesty's present Government, because the ratifications have been exchanged since the present Ministry came into office. But I certainly thought it probable that greater attention would have been paid, in the course of this debate, to proceedings which at one time threatened to lead to very grave consequences, consequences which, however, have been averted—as is most truly stated in the Speech—by the judicious forbearance and admirable behaviour of the naval and civil officers of Her Britannic Majesty in the neighbourhood of Vancouver's Island. I must also do justice to the conciliatory spirit in which the representations of our Government on this subject were met by the Government of the United States; and I can only concur in the earnest hope that the questions out of which this difference has arisen "may be amicably settled, in a manner conformable with the just rights of the two countries." There is, my Lords, another subject with regard to which I have listened to the remarks made to-night with unfeigned astonishment. Up to the present moment I certainly did expect to hear, even in your Lordships' House, some more complimentary mention than has yet been made of the question of Parliamentary Reform; but since the commencement of this debate the only hint we have had that this subject is under consideration, or has ever been discussed, fell from my noble and learned Friend who has just sat down, and who emphatically assured us that, from one end to the other of an important district, where there used to be a pretty extensive reforming element—as the noble and learned Lord in former days had reason to know—he did not find a single person who cared one farthing about reform. I had certainly thought that the zeal and enthusiasm on that question was not quite so great as has been represented, and I have seen hints tending to throw a wet blanket over it emanating from quarters of great eminence; but I was not prepared for the sweeping and unqualified statement of the noble and learned Lord as to the public indifference in respect to a subject which Her Majesty has recommended more than once to the careful consideration of her Parliament. I can only say, my Lords, that if Parliament proceeds to consider the question in the same cool and dispassionate spirit with which the people of Yorkshire and Lancashire appear to treat it there is little apprehension of any very serious danger to the constitution, or of any very revolutionary principle being introduced into the Bill of the Government. Now, having just touched on some points to which no attention has been called, there are others on which I am sure but one feeling must pervade all classes of Her Majesty's subjects, and that is, a feeling of universal satisfaction and gratitude to Providence for the happy prospects which Her Majesty is able to hold forth in the Speech from the Throne. I am sure all must deeply rejoice when Her Majesty states that "the great interests of the country are generally in a sound and thriving condition, that pauperism and crime have diminished, and that throughout the whole of my empire, both in the United Kingdom and in my Colonies and possessions beyond sea, there reigns a spirit of loyalty, of contentment, of order, and of obedience to the law." I say, every one must rejoice to hear such language from the Throne, and more especially as I believe in my conscience, with the exception of an ebullition of some little animated Irish feeling, the statement may be taken to be tolerably correct. No one, I repeat, can hear such a statement, which Her Majesty was justified in making to Parliament, without the most lively satisfaction and gratitude. Nor is it a less gratifying subject for congratulation, that by a mixture of firmness and humanity, by listening to the dictates of justice and policy, as well as by the combined devotion and energy of our troops, an end has not only been put to that formidable insurrection which so long disturbed our Indian empire, but there exists a reasonable expectation that the restoration of peace will be followed by good and friendly feeling between the Government and the Native Princes and a steady increase in the prosperity and welfare of Her Majesty's subjects in India. I cannot but rejoice to think that these happy results have been materially assisted by the adoption of the spirit of a proclamation which Her Majesty was advised to issue, of a policy at once just, generous, and conciliatory, and dealing, more especially with the revolted subjects of Oude, in a temper and manner more in accordance with that recommended by my noble Friend (the Earl of Ellenborough), who then filled the office of President of the Board of Control, than that which, whether rightly or wrongly, we had been led to apprehend was contemplated by the Governor-General of India. It is due, however, to that noble Earl to say that in his actual dealings with the talookdars of Oude he has combined with justice a wise and well-considered policy; and I believe that by his clemency, generosity, and more especially by his regard for territorial rights, he has done more to re-establish and maintain an empire in that part of India than could have been effected by all the measures of repression which any Government could devise or any army enforce. There is one other subject of congratulation, to which I gladly take this opportunity of referring. I cannot but rejoice that Her Majesty has been advised to express in the Speech from the Throne the gratification and pride with which she has received such extensive offers of voluntary service from her people. I think that expression was due to the spirit of loyalty and patriotism which has been manifested by all ranks and classes in the country in defence of Her Majesty's Crown. I trust in God that the service of my countrymen will never be required, for there is only one occasion on which such service can be rendered; but at the same time that does not diminish the merit due to the spirit in which they have come forward or diminish the value of the service they have thus rendered by its tender under present circumstances; for I am perfectly certain that with regard to our influence abroad, as well as our security at home nothing could produce a greater or more powerful effect than the spontaneous, universal burst of patriotic devotion which has shown that with all our wealth and with all our commercial anxieties and rivalries they will not for a single moment be put in the scale in comparison with the safety of our beloved country from the horrible prospect of invasion, from whatever quarter it may come. There are three topics, and only three, on which comments have been made in this discussion, and to which I would now allude. They are all of them most extensive and important; far too important and extensive for me to do more than allude to them in this discussion. The first of these questions is the Commercial Treaty, with regard to which it is rather singular that Her Majesty's Speech has not been able to furnish us with the latest information. Her Majesty's Speech says:—

> "I am in communication with the Emperor of the French, with a view to extend the commercial intercourse between the two countries, and thus to draw still closer the bonds of friendly alliance between them."

The fact, I believe, is that at the time we are speaking the treaty to which Her Majesty thus vaguely refers as the result of these communications has actually been signed at Paris. Among the few words I was able to collect from the noble Lord who seconded the Address was an expression in the terms of which I wholly concur, though I fear in a somewhat different sense from that in which he used it. The noble seconder of the Address has told us, he hardly knew in what terms to express his gratitude for the reductions in the tariff announced in Her Majesty's Speech. Now, I hardly know in what terms to express my gratification, but for a different reason, because I really do not know what the reductions are, or what is to be the extent of the sacrifices we are to be called on to make for these advantages. Being wholly unknown to me, I am unable, in adequate terms, to describe them; but I must confess that so far as I do know them I do not consider them a matter for unmixed congratulation. I have my doubts whether the peculiar time at which this treaty is signed, as being well calculated on by the Government and their friends across the water, is likely to produce a very favourable impression on the public mind; and all I can hope is, that the public mind in England will be well informed as to the nature of the arrangement before conclusions are formed as to the advantages to be received from it. I don't hesitate for a single moment to say, that the extension of commercial intercourse between this country and France is an object of the greatest national importance to both countries; and I should rejoice to see any opportunity taken for legitimately extending that trade, believing as I do that the extension of commercial intercourse, though it cannot be a complete preservative against the hazard of war between the two countries, must always exercise a great moral influence in indisposing both Frenchmen and the people of this country unnecessarily or rashly to enter into a war, and more especially as our commerce with France has certainly been much more restricted than might be desired or expected, considering the relative position of these countries and their means of supplying each other with the articles they respectively require. I sincerely and cordially rejoice in anything likely to extend the commercial intercourse between this country and France; but with regard to the terms on which this treaty proceeds, and the mode in which the Government have come to it. I must forbear expressing, nay, I must postpone even the formation of an opinion until I know more about it. The noble Earl who moved the Amendment discussed this subject with his usual ability and freedom. He laid down most distinctly and clearly the principles of free trade as he understands them, and no doubt he most accurately and most properly laid them down. He also drew a broad, clear, intelligible distinction between the principles of free trade—as he contended for them—and the principles of the extension of commercial intercourse through the medium of treaties of reciprocity or commercial treaties of any kind. I am not about to enter on a discussion of the abstract merits of the two principles. I do not at all dispute the proposition laid down by the noble Earl, that it is for the advantage of any country to make such reductions of duties as shall, consistently with its general interests and the purposes of revenue, enable its population to obtain articles of primary necessity on easy terms, irrespective altogether of corresponding reductions in the tariff of foreign countries as affecting its manufactures. But, on the other hand, I am not prepared to say, that there may not be occasions, and many occasions too, on which you may obtain essential advantages for the manufactures of your own country on condition of conceding similar advantages to the manufactures of other countries, and consequently the conferring of these advantages on the manufactures of other countries may be made a most powerful instrument in your hand for obtaining reciprocal advantages from other countries. But it appears to me that the Government has pursued a most extraordinary course on this subject, because the noble Lords opposite, condemning the principle of reciprocity and commercial treaties altogether, now enter into a commercial treaty giving advantages on one side in consideration of advantages on another. And when do they do it? At a time when no step whatever is taken by the country seeking these advantages from us, and when we have made almost every concession to the commerce of France it is possible for us to make. We first of all give away freely almost all we have to give, and having given away everything we then go to barter on the principle of commercial reciprocity, which they all along condemn. They first give away almost all they have, and then deal with their customers on the principle of exchange. I do not know, I have no means of knowing, what advantages we are to obtain, or what sacrifices we are to make; but, with regard to this treaty, if I am rightly informed, the conditions in the first place, as stated to-night, and not denied on the other side, are that on the one side the advantages we are to give are to come into operation immediately, whereas the corresponding reductions to be granted on the other side are not to come into operation for a period of eighteen months. I pass by the question that the articles which are about to be admitted into France at a lower rate of duty than is at present the case are those very articles which are of vital importance to her, more especially for warlike purposes, and shall content myself with simply observing that among the manufactures which she will, under the operation of the treaty, take from us—if, indeed, the term manufactures is applicable to them at all—are those very articles which require the least amount of skill and labour to be applied in their adaptation to use: whereas the article which we shall receive from France is a staple commodity of that country, the production of which involves the longest industrial occupation in which the French people are engaged. But if there be objections upon general grounds to the principle of a commercial treaty, I think those objections acquire considerably increased force in the case of a treaty such as that of which I am speaking, regulating as it does the precise amount of duty to be paid on certain articles; and if ever there was a time when the Government of this country ought to be cautious in committing itself to the reduction of a duty which now produces a revenue of nearly £2,000,000—the exact sum, I believe, is 1,800,000 and odd pounds—that time is surely the present, when, in connection with the loss of revenue thus created, the enormous demands which in all probability must be made upon the Exchequer, for objects the most vital and necessary, ought to be taken into consideration. It is, therefore, my Lords, that I cannot help regarding it as, under those circumstances, a most unfortunate policy to bind yourself to a large reduction of duty on an article of simple luxury by entering into a treaty by which, supposing it should not answer your expectations in a financial point of view, you would still be bound, and without the power of retracing your steps. Recollect that we are at this moment on a friendly footing with France.

The language contained in the Speech from the Throne is, nevertheless, significant. It contains nothing of the ordinary phraseology about a "due regard to economy." It, on the contrary, informs us that "the estimates have been prepared with a view to place the military and naval services and the defences of the country upon an efficient footing." Well, my Lords, that is, no doubt, a most admirable and necessary object, but it is an object the attainment of which will, I apprehend, render it difficult to effect any diminution of taxation. It is, indeed, far more probable that the taxation of the country must, as a consequence, undergo a considerable increase. Bear in mind that the income-tax was to have expired in the course of the present year. No man, however, now entertains a hope that such will be the case. The tax will have to be reimposed by the very Chancellor of the Exchequer who made it a *sine quâ non* of his financial policy that in 1860 it should die a natural death. Bear in mind also that if you reduce the duty on wines you are guilty of a gross injustice to the great bulk of your countrymen in maintaining the present duty on malt and upon hops. Recollect that the use of these two articles is likely to undergo diminution in proportion to the extent to which French wines are consumed. You are, therefore, in reducing the duty on wine, exposing yourselves to the risk of a double loss—the loss which would arise from the fact that the increased consumption of the one article would not be equal to the falling off in that of the others which I have just mentioned, and also the additional loss that must accrue, if you mean to deal with any degree of justice in the matter, by the reduction of the duty on malt and that upon hops. Her Majesty's Government, moreover, have not, I hope, forgotten that the war duties upon tea and sugar are at present in force. Are there, let me ask, any articles of consumption on which it is more desirable that the duties imposed should be at the earliest possible period reduced? I shall be surprised, indeed, but not more surprised than gratified, to learn that simultaneously with the reduction of the duties on wine, Her Majesty's Government find themselves in a position to diminish also the duties upon tea and sugar; but to reduce all those duties, or to take off any considerable amount of income tax, is impossible without having recourse to the imposition of other taxes to supply their places, and it is expedient, I think, that the imposition of those new taxes should obtain the sanction of Parliament before we give our assent to the treaty in question. Upon this subject, therefore, I can only say that while I concur in the policy of extending trade by all legitimate means, I am not yet prepared to maintain that this treaty of commerce is one which affords matter for congratulation to the people of this country, or one which they can with advantage accept; and I think it not improbable that, unless some explanation of the treaty very different from any which we have already heard be furnished by Her Majesty's Government, they will be very much disappointed in their expectations as to the effect which it is calculated to have on the public mind. I now proceed to the consideration of the question in connection with which an Amendment to the Address has been moved by the noble Earl opposite (Earl Grey). I allude to the unfortunate occurrences which have recently taken place in China. It is not, however, my intention on this occasion, to touch, even in the slightest degree, upon the merits or demerits of the policy which has led to our present position in that country. I am quite aware that great allowances must be made in judging of the conduct of any public servant who happens to be placed in a situation of so much difficulty and embarrassment as was the case with our officers in China, and who, under delicate circumstances, the nature of which could not have been foreseen by the writer of his instructions, is called upon to rely entirely on his own resources and his own discretion. Such allowance must, I think, be made for Mr. Bruce in dealing with the question of the policy of forcing the passage of the Peiho. It is at the same time due to my noble Friend near me (the Earl of Malmesbury), who held the seals of the Foreign Office under the late Administration, to state that, although he allowed Mr. Bruce a large latitude—a latitude which was, in my opinion, most properly continued to him, and the continuance of which was amply justified by the manner in which he discharged the important duties which devolved upon him—yet neither my noble Friend nor the Government of which he was a Member could contemplate the occurrence of such a state of things as Mr. Bruce found upon his arrival in China, while the course which he pursued is certainly not capable of being justified by the instructions which he received at our hands. Whether it is capable of justification by other instructions or on other grounds I am not now in a position to say. A grave question in connection with this point has been raised by the noble Earl who moved the Amendment. It is one, too, I am bound to say, which it is not easy to answer in the affirmative. That question is, whether all the blame of those unfortunate transactions which occurred at the mouth of the Peiho is to be thrown entirely upon the Chinese, and whether we ourselves are exempt from all charge of precipitation and imprudence in connection with the matter? The point is one which I do not now wish to discuss. We shall, in all probability, have at no distant day fuller information and more ample means to enable us to do justice to a subject so important and of such great extent. There is, however, one topic in connection with it which I must not pass over on the present occasion. It is a topic which I am sorry to find has not received publicly, whatever may be the case privately, that attention which it seems to me to fairly deserve. I now allude to the heroic conduct which was displayed by the Admiral and the seamen who were engaged in the conflict which took place at the mouth of the Peiho. In referring to that conduct your Lordships will, I am sure, concur with me in the justice of the sentiment that the meed of praise and honour is not to be the meed of success alone. I may add, that unsuccessful though this unfortunate expedition to the mouth of the Peiho may have been, I know of no other in which the daring gallantry and perseverance of British seamen and British troops have ever been more signally exhibited than in that unhappy encounter. I feel assured, too, that these brave men who have suffered so severely in person and in mind from the failure of their expedition will have justice done them by their fellow-countrymen, who, whatever they may think of the policy of the proceeding, will not fail to pay the tribute of their admiration to those unparalleled efforts by which success was sought to be attained, and which, even in the midst of defeat, were of a character nobly to maintain the national honour. The gallant officer who was chief in command of the expedition—Admiral Hope—received a most severe wound on the occasion; and the manner in which, after receiving it, he shifted his flag from one ship to the other, constantly placing himself in those positions most exposed to danger, furnishes, in my opinion, an example of almost unmatched devotion to his duty, and of an heroic bravery which cannot be surpassed by anything, even in the annals of the British naval service. Now, the noble Earl opposite (Earl Grey) has, in the course of this discussion, called our attention to what he considers to be the neglect of Her Majesty's Government in not immediately, upon the receipt of the intelligence of those events, calling Parliament together for the purpose of consulting it as to the course which ought to be pursued; and it is, undoubtedly, under ordinary circumstances the duty of the Ministers of the Crown to take no step so serious as that which involves their country in war without seizing the earliest opportunity to secure—if possible even before taking so serious a step—the sanction of the Legislature to the course which they desired to pursue. I doubt not, moreover, that if Parliament happened to be sitting at the time, the Government would have availed themselves of the earliest opportunity to bring the whole subject of the war with China under our notice. The noble Earl opposite, however, seems to think that it was equally their duty to take this course, even though Parliament was not assembled. Now, in that respect, I do not altogether concur in the view to which the noble Earl has given expression. There are other matters which must be taken into consideration in determining upon such a point, and other motives which might render the calling together of the Members of the Legislature on such occasions a matter of difficulty. I am also disposed to give some weight to the argument of the noble Duke (the Duke of Newcastle) that this is not, in point of fact, the first declaration of war with the Chinese. Hostilities had been previously sanctioned by Parliament, as I think most unfortunately. Not that I think we had no cause of complaint with the Chinese; but I thought the Government acted with great imprudence in sanctioning the act of an officer on the spot, who took on himself to decide for the Government whether there was or was not a sufficient cause for war. We never had since been really at peace with China, because peace has never been ratified by that Power. We continued then in the state, not of war, but of hostilities with China. But I must take the liberty of saying that that fact disposes of another argument of the noble Duke opposite, for if we were at war the

Chinese were fully justified in strengthening their ports, and if we were not at war there was no occasion nor justification for our destroying them. I dissent altogether from the opinion laid down that we had a perfect right to force our way up the Chinese river. On the question of right there was nothing whatever said in the treaty as regards the manner in which we should go to Tien-tsin. We were informed that barriers had been placed at the entrance to the river and that resistance would be offered to our passage; and under those circumstances we had no more right to force our way up that river than, as had been happily said in the course of the debate, a French squadron would have to force its way up the Thames with an Ambassador, accompanied by an armed escort. But the important point to which I wish to call the attention of Her Majesty's Government is this. We call on the Chinese to respect international rights and the usages of civilization. Do we expect them to deal with us in accordance with our views of those matters? I entreat the Government to take care that we deal the same measure to the Chinese which we require at their hands; and that if hostilities are to be renewed they shall be renewed on a more regular footing than hostilities were formerly waged against that people. I had some experience upon this subject during the time I had the honour of holding office, of the extreme difficulty and embarrassment to which this country might be exposed in consequence of an irregular mode of carrying on a war. Without a declaration of war we have no right to introduce a blockade, to force our way up the rivers of another power, to establish a prize court, or to capture a single vessel. We learn that at present the United States and Russia have had commercial advantages secured to them by treaties with China. I entreat the Government to consider what will be the consequences if, without a declaration of war, should it be necessary to resort to hostilities—which I earnestly trust it may not be—we, undertaking a blockade of the Chinese rivers, stop a vessel belonging to the United States or to Russia in the prosecution of a legitimate trade. Your blockade will be treated as wholly illegal, for illegal it will be, and you will be answerable for all the consequences of an irregular seizure. I hope, therefore, that by prudence and judgment the calamities of a protracted war with China, the results of which no human being can foresee, may be avoided; but should hostilities be inevitable, I trust the Government will take care that they are carried on, so far as we are concerned, in accordance with the usages of civilized countries. I admit, where any great party object is to be attained, it is a legitimate course to take advantage of the Address with that view; but not seeing in the tone of the Speech any cause for a serious difference of opinion, and not concurring with the noble Earl in the strong views he has expressed as to the *laches* alleged to have been committed by the Government with regard to calling Parliament together, I shall not be able to support his Amendment with my vote in the event of his pressing it to a division. I think, apart from the constitutional view of the case, it is rather a fortunate circumstance that Parliament was not called together on the receipt of the disastrous intelligence from China, because from the feeling which that intelligence excited in the country, Parliament—then imperfectly acquainted with the facts—might have been carried away in the adoption of a course, which in cooler moments and on a calmer consideration of the merits of the case they might not have been inclined to take. If I now touch upon another question it is rather with the view of eliciting some information from Her Majesty's Government which we do not at present possess than of discussing the merits of any particular course. Some suspicion has been excited in my mind by the introduction of a word into the part of the Speech relating to our sending a representative to the approaching Congress. I trust that expression does actually mean what at first sight it may be supposed to mean. I see we are promised that papers on that subject will "soon" be laid on the table. I have had some experience with reference to the production of papers, particularly by the noble Viscount now at the head of the Government, and I know there is a degree of latitude and elasticity about his movements in that respect, which would rather lead me to infer that the use of the word "soon" in that part of the Speech points to a remote rather than to an early fulfilment of the promise. Yet, in the present position of affairs, some information as to the views and policy of the Government ought to be furnished without delay; because we have been lately in a worse position than if we had received no information. We have had information, some of it anonymous, some of a semi-official character, and some on an authority so high as to place it beyond dispute. Now, I must say, when Parliament is ever disposed to press any Government for the production of papers, and when the Government states that the production of such papers at a particular time would be inconvenient, that is an excuse which is readily admitted; but I do think at the present period, when we have been obliged to take such information as we had from telegrams, many of them of high authority, from newspapers, and last of all from Imperial letters, Her Majesty's Government should set the public mind at rest by producing their own version of the actual state of things. I find it stated in the Speech at the close of the last Session that overtures had been made to Her Majesty with a view to ascertain whether, if Conferences should be held by the Great Powers of Europe for the purpose of settling arrangements connected with the present state and future condition of Italy, a Plenipotentiary would be sent by Her Majesty to assist at such Conferences; but Her Majesty went on to say that she had not yet received the information necessary to enable her to decide whether Her Majesty may think fit to take part in any such negotiations. I should like, therefore, to hear from the Government the precise nature of that proposition, and under what conditions the assent of Her Majesty had since been given to it. It has been also stated, in some of those sources of information to which I have referred, and I have not seen it denied, that, as long ago as August, Her Majesty's Government proposed to the Government of the Emperor of France, in the absence of a Congress, separate negotiations on the affairs of Italy between England and France, setting aside the other great Powers. What answer was given to that proposition at that time we have no means of knowing; but I believe there is no doubt that within the course of the present month—not from Her Majesty's Government, but from that of the Emperor of France — a proposition was made for a separate negotiation by England and France on the affairs of Italy, unconnected with the other Powers; but that —whether by a unanimous vote of the Cabinet or otherwise we know not, though Cabinets are always supposed to be unanimous—proposition was declined, and declined on the ground that such an alliance might be offensive to the other Powers, or might give rise to suspicion, and that, as Parliament was about to meet, it was not deemed expedient to take such a step until it had met, and both Houses had had an opportunity to consider the question. The reason why I advert to this is, that the paragraph in the Speech from the Throne would seem to indicate a probability that the Congress may never take place; yet I trust some member of the Government will explain how they mean, either "in Congress or in separate negotiation," to secure for the people of Italy freedom from foreign interference by force of arms in their internal concerns. These words appear to me to lead to the inference—especially when connected with the previous proposition to which I have referred—that now Parliament has met, and supposing the Congress to fail, the question of a separate intervention of France and England in the affairs of Italy has not been dropped, but may be again renewed. I wish, therefore, to have a full explanation of what is meant by a "separate negotiation for the settlement of the affairs of Italy, and for preventing the intervention by force of arms of any other country in the internal affairs of Italy." I beg your Lordships and the Government to consider the serious consequences to which an agreement like this might lead. If you bind yourselves to France by any engagement to prevent foreign armed intervention on the part of any other Power you tie yourselves to the heel of France, and may find yourselves bound to support her in whatever she may attempt to establish in Italy by any mode other than by force of arms. If France should establish a state of things in Italy calculated to excite the not unnatural jealousy of other Powers, and those other Powers should attempt to interfere with the view of preventing it, if you were to bind yourselves by such a treaty as I have referred to, you would be compelled to join with France whether she had acted rightly or wrongly, in order to stop the intervention of those Powers by force of arms. Now, foreign intervention in the affairs of Italy has been denounced in this and the other House of Parliament in the strongest terms. If there is one principle more recognized than another in this country it is that every State has an undoubted right to settle its own internal affairs at its own will and pleasure, whether with regard to the constitution it may wish to have, or the dynasty it may desire to establish, and that without the intervention of any foreign country. When I say this I am only stating what is the feeling of every Englishman. It is a principle which has, generally speaking, been steadily maintained by us. Even the great war consequent on the French Revolution was no departure from that principle, because that war was undertaken not in consequence of what had been done in France, but in consequence of what was done in France being deemed dangerous to the peace and tranquillity of other countries. There was, no doubt, a deviation from this principle in one particular instance, but that deviation has proved utterly ineffective—I mean the resolution which bound the Powers of Europe to prevent in all time coming a member of the family of Bonaparte from sitting on the throne of France. The Emperor who now sits on the throne of France, by the voice of the French people, has afforded an opportunity of enforcing this article of the Treaty of Vienna, and there is not a single Power in Europe that has ventured to do so, or to call in question the right of the people of France to elect their own ruler. I say not only that every country has a right to settle its internal affairs without foreign armed interference, but that it must be done without foreign assistance; and I am sure that, much as we may desire to see the independence of Italy secured, every one of us would join in saying this, that they ought to attain their own freedom,—that if they wish to place themselves under a constitutional Government they must achieve that great object, not by foreign assistance, but by their own unaided efforts. I go still further, and say that they must be strong reasons indeed which would justify other Powers in taking away any portion of territory from a particular country. Undoubtedly there are cases in which the transfer of a portion of territory from one country to another may be not only at variance with previous engagements, but may involve consequences so serious and dangerous as to render it a matter of universal European interest. If a State already powerful should seek to obtain from another, even with the consent of the people, a new line of frontier which, though not of large extent in point of territory, might be of great value in respect to the construction of fortifications, that would be a condition with regard to which not only the people to be transferred would be entitled to a voice, but which would give good grounds to the other countries of Europe for the gravest protest and remonstrance.

Applying this to the present state of affairs in Italy, I would observe that we were anxious in this country to prevent the war that ultimately broke out. So long as that rupture did not actually take place, so long as we were able to appeal to those treaties by which the various States of Europe were bound; and no man laid down more strongly than the French Emperor himself, that so long as Austria confined herself within the limits of those possessions secured to her by the treaty of Vienna he would recognize her rights, and had no power to interfere. But unhappily, and in an evil hour, Austria threw away her chance. I do not mean to say that she might not have had provocation to do as she did; but, unhappily for herself, she took the initiative, and the result was that she lost her possessions in Lombardy. By the treaty she has concluded with France she was compelled to make a sacrifice of a portion of her dominions. We are all familiar with the great evils that have arisen to Italy from the constant contests, not for the independence of Italy, but of the rival Powers of France and Austria to possess influence in that country. No doubt Austria had a perfect right to enter into treaties with the smaller States of Italy, and to afford them protection; but those treaties naturally excited the jealousy of other Powers, because by them, owing to the relative position of Austria and those minor States, the independence of the one was sacrificed in proportion as the other became a protector. But the provisions of those treaties which were most injurious, and by the sacrifice of which Austria might have retained her dominions, were those by which she not only guaranteed the Governments of the smaller States against external aggression, but against their own subjects. It was a violation of every right principle that the Governments of those States should be entitled to demand the assistance of Austria against their own people, and the refusal of Austria to concede this point naturally excited the opposition of other Powers. As to the state of things at Rome, I hope the noble Earl opposite will be able to give us satisfactory assurances on that subject, inasmuch as statements have been made that in my mind seriously impugn the position of Her Majesty's Government in regard to this subject. There has been, as your Lordships are aware, a remarkable correspondence between the Emperor of the French and the Pope, recently made public. The Pope has been told by the Emperor of the French that if he would give up the revolted provinces, not that he might hope or expect to be guaranteed, but that he should be guaranteed by the other Powers in his other possessions. I will not enter into the vexed question of the temporal power of the Pope. It is said by Roman Catholics that the maintenance of the temporal power of the Pope is absolutely essential to the maintenance of his spiritual power. That is not the question which the country has at the present moment to consider. No doubt, the spiritual power of the Pope is of great importance to all Roman Catholics, and if they believe that the temporal power of the Pope, although it was not considered necessary by St. Peter himself, is necessary for the maintenance of his spiritual power, I cannot question the sincerity of their anxiety that the Pope's temporal power should remain undisturbed. I can understand that for the due exercise of his high spiritual power, it is important the Pope should be placed beyond a suspicion of being controlled or influenced by any temporal Power, and that he should be, indeed, practically independent. But I ask any human being whether, during the course of the last ten or fifteen years, the Pope has been practically independent? Up to a late period, we have seen one portion of his territory defended by one Power, and another portion by another Power. One portion was ill maintained by the troops of one of these Powers, and the instant they were withdrawn, those provinces were in revolt. Now, I am not arguing as to what shall be done, or what steps shall be taken, but I say that this country can look upon the Sovereign Pontiff in no other light than it would look upon any other Sovereign whatever; and the same principles must be applied to him, as to other Sovereigns, as between himself and his subjects. Viewed in this light, his dynasty is capable of being overthrown, the constitution of his kingdom may be modified by the free will of his subjects, and no foreign Power has the right to interfere with the action of the Pope and his subjects. My Lords, these are the opinions and principles that ought to be acted upon throughout the whole of the Italian States. They are free to choose their own Government and their own constitution; but that constitution must be established of their own free will and under no foreign influence, domination, or interference. I should like to know from the Government, that with regard to these principles they have followed out that line of strict neutrality which was chalked out for them by their predecessors. I acquit them of any of that pro-Austrian tendency that was so liberally imputed to the late Government, because the course taken by Her Majesty's Government cannot be charged with any violation of neutrality in favour of the Austrian cause. But I ask the Government, who professedly desire that the Italian States should settle their affairs for themselves, on what ground one French army at the present moment occupies Lombardy, and another French army occupies Rome? Is that leaving it to the States of Lombardy and Rome to settle their own affairs according to their own free and unbiassed will? The Austrians have been withdrawn from the Roman States and Lombardy; they have crossed the Mincio, and Lombardy has been ceded to France, and by France handed over to Sardinia. Why, then, do the French troops remain in Lombardy, unless it is that there is some lurking apprehension that if the presence of the French troops is withdrawn from the Milanese or the Roman States, some manifestation of feeling would follow which might not be in accordance with the wish of the Sovereign who has sent those troops? The first step towards the due exercise by Italians of those rights which we admit them to possess, must be the withdrawal of foreign Powers and foreign interference, and then Sovereign and subjects will be free to exercise their constitutional rights without interference. We are now either to have a Congress or a separate negotiation for settling the affairs of Italy. How is that Congress to be carried out? What course are the separate negotiations to take? How the decisions of the Congress or the separate negotiations are to be enforced I do not understand. I object to any interference by England if it can possibly be helped in the settlement of a question in which she has no direct or immediate interest. I believe that it is in consequence of our having kept aloof from these embarrassments and from any interference that we have attained to the high position in which we now stand, and which has caused the opinion and the moral force of England to be looked up to, and given her the most powerful influence with all parties engaged in this contest. I admit, with the noble Earl, that there may be steps in regard to the recent changes which ought to have the assent of the Powers who were parties to the Treaty of Vienna. I do not say that we are not to go under any circumstances to a Congress. I only say that you ought to go into a Congress with the basis of negotiations clearly and strictly defined. I object to entering upon a Congress upon the vague and loose terms in which it is described in the Queen's Speech —namely, for the purpose of deliberating with eight Powers who were parties to the Treaty of Vienna, and three others who were not, as to the pacification of Italy, without laying down beforehand clearly and precisely the points on which the opinions of that Congress are to be taken. I protest against this country being bound by the acts of a Congress which may not only bind us to active interference, but to acquiesce in the principles and policy that may be laid down by the majority of the Powers who may be parties to that Congress. Last year the state of things was widely different. There were then no dynastic changes in agitation. There was then a hope that war might be prevented, and certain definite propositions previously agreed upon were laid down between the contending parties, to be submitted to the Congress. Even that Congress was not to take upon itself to do more than decide the questions submitted to it, and to give advice to parties whom it had a right to counsel with regard to the future government of those States. If the Congress does take place, of which, at present, I see little probability, I do not say we ought to refuse to go to it; but, unless I could see some fair prospect of such a result from its deliberations as this country could conscientiously and honourably sanction, and which would accord with public opinion, I think it would be far better not to go into it all. It would be better not to enter the Congress than to have to raise an ineffectual protest, or else to retire from it in the undignified position of being overruled by a council to which we had ourselves submitted our case. I have, I fear, detained your Lordships too long, but I thought it right to lay down the principles of policy which I consider applicable to this and other occasions. My object has been to elicit from the Government whether there is any truth in the statements which have been made as to the advice they have given, and offers they have made, in what position they stand at present to the other Powers of Europe, and what is the policy they are prepared to recommend.

Earl GRANVILLE: I was hardly prepared to hear a complaint that only one member of the Government had spoken in this debate. As long as Her Majesty's Government do not shrink from defending their opinions when they are attacked, I think it is better that they should not monopolize the whole debate, but that they should give an opportunity to independent Peers on both sides to take a share in it, instead of jumping up, one after an other, to say the same thing over and over again. At the same time, I feel, after the speech of the noble Earl, that it is quite necessary for me to make a few observations, though I am afraid at this hour of the evening many of your Lordships must be disposed to deprecate any extension of the debate, and would prefer not to have another member of the Government address you. I will make but a few remarks, though I must take longer than I should like if I can remember only a fifth of the numerous questions which the noble Earl addressed to me. Among the minor topics upon which the noble Earl began by touching were the treaties with Japan and Guatemala. For the first of these he, perhaps very naturally, claimed some credit to his Government; as to the other—an excellent treaty in its way—when I tell you that it was negotiated under the instructions of one Government, made during the tenor of another, and ratified by a third, I think you will admit that the proportion of merit to be claimed by the noble Earl is not so great as he would wish your Lordships to believe. Another subject adverted to by the noble Earl was the subject of Parliamentary reform, which he treated with considerable humour, citing the speech of a noble and learned Lord as an instance of the want of excitement and enthusiasm on this subject.

The Earl of DERBY: I did not take it up myself, but merely used the language of the noble Lord.

Earl GRANVILLE: A great deal of stress has been laid by the noble Earl on the intelligence which appeared in the shape of newspaper telegrams, and through the same source we learned recently that the noble Earl had been taking part in a convivial meeting of some of his supporters at Manchester, and the pith of the speech he made to them was that he would support a very substantial reform, and that the question must be settled during the present Session. Now, I flatter myself that the measure which Her Majesty's Government will shortly be prepared to bring before the House will merit the title of a substantial reform.

THE EARL OF DERBY: I never used the word "substantial." If the noble Earl is anxious to know what I really did say, I may tell him it was just this,—that I thought it important that the question of reform should be settled during the present Session, and that if the Government brought forward a fair, temperate, and reasonable measure—such as I apprehended they would—they would have no reason to anticipate hostility from those who generally sat opposite to them, but, on the contrary, I should be very glad to give them my support, and settle the question.

EARL GRANVILLE: I am delighted to hear the noble Earl's resolution, and can only say that I have been deluded, like himself, by the report of a telegram. I cordially concur in the very just compliment which the noble Earl next paid to the volunteer movement in this country—a movement which has met with the cordial encouragement and support of Her Majesty's Government. There is only one perfect test by which to measure the utility of this movement, and that is an invasion of our shores, which I trust and believe, though, of course, one cannot be certain on that point, will never take place. That this movement will be of the greatest use I cannot for a moment doubt, but of how much use will depend on a variety of circumstances—on how steadily the volunteers go on in the same spirited, resolute way in which they began, and are now engaged in perfecting their training for the work they have undertaken, on the degree of organization applied to this large force, on the discipline and obedience displayed by them, and on the readiness of officers of the regular army to avail themselves of this powerful instrument, placed ready to their hands. Though I have no doubt in my own mind of what will be the result, this is, as yet, only a matter of conjecture, and has never been put to the proof; but what is certain is, that already the spirit shown by these volunteers has had a great effect upon foreign nations. I believe that, while it is generally acknowledged to be a perfectly unexceptional movement on our part—purely and entirely defensive in its nature, and impossible to be diverted to purposes of attack,—no two things have raised the prestige of this country more than, first of all, that marvellous resistance offered by a small number of military men and civilians in India against the millions who had been excited to rebel against our sway; and, secondly, that sort of warlike spirit which has sprung up among a nation certainly not military in its nature, and which any power which might venture to touch or attack our shores—as I hope and believe none think of doing at this time—would find very troublesome and difficult to deal with. It is, I think, a matter of especial congratulation that the time at which this movement is going on, and an increase of our defences is being made, is one when we are on good terms with our neighbours and other countries. If such steps were taken at a moment of great and sudden panic, such as certainly prevailed some months ago, it would stamp them with a different character; but, as it is not stamped with any characteristic of panic, it leaves us clearly and unmistakeably in the attitude of merely taking those measures of permanent and reliable defence which the nation has a right to insist upon that the Government should adopt, and which are intended merely to render us independent of any casualty which may arise. The next point referred to by the noble Earl was India; and I entirely agree with what he has said on this subject. I am especially glad to hear such a tribute of praise accorded to the moderation and judgment of the Indian Administration. The noble Earl said that whatever might have been the mind of the Government of India previous to the proclamation as to Oude, subsequently the instructions of the late Government of Her Majesty had been carried out in a most conciliatory manner. But it is in my power to state what was the mind of the Government of India at that time, and that not from any private information, but from that celebrated despatch in which the Governor General stated what his plans were with regard to Oude, and expressly intimated that he had given the Talookdars to understand that the confiscation of the land was not to be regarded by them as a permanent deprivation, but merely as a means of placing in the hands of the Government the power of punishing or rewarding them according to whether they joined the insurgents or co-operated with the Government in the restoration and maintenance of peace. They were to understand that titles coming to them with the authority of the Government would be much more substantial than the very insecure titles which they previously held, and that the acceptance of them would be coupled with conditions by which some guarantee would be taken for their fealty and good conduct. The noble Earl then reproached my noble Friend on account of his approbation of the commercial treaty with France, of which he could know nothing, and then himself went into all sorts of assumptions and calculations in regard to it, which a better acquaintance with the purport and details of the convention would, I am sure, have dispelled. In thinking over the probable points of attack which would be made use of against us, and bearing in mind the axiom delivered by the noble Earl last year, that when one was bound to find fault one was sure to be able to do so, I had no doubt that some points in our policy would be selected as vulnerable. I anticipated pretty closely the style of objection to this treaty which might be made by the noble Earl who followed the seconder of the Address, and which I might characterize as the very purism of free trade. I have really no ground for knowing what the opinions of the noble Earl opposite may be at this moment on free trade and protection. I believe the last speech on this question which he made in this House was one in which he deferred to public opinion, although he prophesied national ruin, and even appealed to the Freetraders to know how far the gratification of their vanity would prompt them to carry the desolation of the land. Well, I thought we should arrive at what his principles were. He broached two principles, one that laid down by the noble Earl (Earl Grey), and the other a strict reciprocity system. The first admitted certain concessions to free trade, but I remarked throughout the whole argument the old anti-free trade principle coming out strong; whenever he mentioned advantages, it meant always the advantages of sending out our goods to other nations, and not of what we should receive from them. A great deal of what was said by the noble Earl (Earl Grey) was very true. He said it was bad for the nations of Europe to be continually haggling to see which could obtain the best terms, and he could not conceive anything more suicidal than when a nation considered a reduction good for itself that it should wait for the pleasure of another nation to make a corresponding reduction. Our great difficulty formerly was to make a commercial treaty at all. No human thing is perfect, but supposing that our tariff is perfection itself, then perhaps it would be suicidal to alter it; but supposing that there are improvements which can be introduced in our tariff, and when it comes to be discussed it will be seen that it would be the height of pedantry to refuse to insert those amendments in any treaty when by so doing you extend to an immense amount the commercial intercourse with so important a country as France. Nobody doubts that there are great disadvantages to the mercantile and commercial interests of France under the present protective system, but it is also disadvantageous to ourselves. It is injurious to both parties, and it will be undoubtedly an advantage to both sides to remove those artificial restrictions to commerce. I happened by accident lately to open a speech of Sir R. Peel, in which he said that he favoured a better understanding with France, because it would lead to a more extended commercial intercourse, which would have the effect of increasing our mutual prosperity, as well as of increasing the guarantees for peace and goodwill between the two countries. That speech was made more than a quarter of a century ago, and during the time which has elapsed since that period the example on which the noble Lord relies, though it has had an immense effect on other nations, has had no effect on commerce; and now when we are assured that the effect of the treaty will be to introduce a more liberal system in France, combined with improvements in the economy of our tariff, it would be a monstrous thing to throw away the undoubted and immense advantage which increased commercial intercourse would confer upon both nations in the increased security for the maintenance of peace. It is true that we may have close commercial intercourse, and yet go to war with another nation; yet where there is that great commercial intercourse there will also be found a large body of persons whose personal interests will lead them to use their utmost efforts to avoid that which would destroy their profits. The other question—that of revenue—broached by the noble Earl, is one which of course it is impossible for me to enter upon now, as no one can expect me to anticipate the statement of the Chancellor of the Exchequer upon this difficult and important subject. The noble Earl suggested that this treaty had been managed by us to act as a sort of firework to produce an effect at the opening of Parliament, but I can assure him nothing of the sort is the case. There is no secret about it. A distinguished man, Mr. Cobden, having, to my regret, declined to join the present Government, for certain reasons of his own went to Paris, and I think it reflects wonderful credit upon that gentleman, and is an extraordinary circumstance, that after having by his influence and eloquence exercised a decisive effect upon the multitudes of a free country in inducing them to adopt a certain policy, he has been enabled to exercise a similar influence upon a very few intelligent men at the head of a wholly different institution of Government, and to bring them to entertain similar convictions. An error not much to the credit of this country has been that sometimes there has been an adulation of the Emperor of the French, and at others a vituperation of him and his acts. I have never gone to either extreme, which are equally offensive to good taste as well as to other considerations, but I must say that this act of the Emperor, which, I believe, will be one of the most beneficial to the country he reigns over, has been one of his best acts, and one which I have no doubt required great moral courage to perform. The noble Marquess had referred to the representation of certain Protectionists in France, which afford a proof of the immense force which a strong organization offers to acts of this kind, and the noble Earl (Earl Grey) says that the Treaty will strengthen the feelings of the French against commercial liberty. There may at first be a feeling against reductions in favour of other nations, but the story of Sam Slick is quite apposite. He left clocks at cottages not for sale, but when he returned he found the cottagers had become, from their use, so alive to the value of the clocks that they would not part with them. A greater freedom of commercial intercourse on the part of France would have another effect, for it would show to other nations that there was nothing peculiar in the institutions and position of England which rendered free-trade possible for it, since so great a continental nation as France had taken the same course. The next subject touched upon by the noble Earl is the subject of the Amendment, namely, China; and I am rather embarrassed how to deal with it. It appears to me that the question—the technical question—of whether we were right or wrong in not calling Parliament together upon that subject has been so completely answered by the noble Duke near me (the Duke of Newcastle) and by the noble Earl opposite (the Earl of Derby) that I need not attempt to repeat their arguments. But then comes the general question of China, upon which both the noble Earls professed their intention not to enter, but using the usual oratorical figure, said they would not say the thing which they meant to say, and which they did say nevertheless. I think, however, I judge rightly the feeling of the House if I postpone my remarks upon the subject until a future and a more fitting occasion, and I hope the noble Earl, having had an opportunity of expressing his sentiments, will not press the Amendment he has moved. I next come to the subject of the Congress. The noble Earl has spoken of the imperfect information he possessed upon the subject, but a noble Friend near me assures me that further details will be speedily laid before the House. The noble Earl referred to various statements gathered from various sources, and asked me for an answer to them. I must say the whole of them are almost without foundation. I am not aware of any sort of negotiation or proposition having been made to the French Government in August such as he alluded to. I have no official communication as to any offensive or defensive treaty, and perhaps the best way of answering all those questions is by stating that the Government is perfectly unfettered, free from any pledge or engagement or guarantee to or with any nation whatever. Then there comes the question of our going into Congress at all, which the noble Earl deprecates. I will state shortly what the reasons were which induced the Government to consent to go into the Congress. If we had refused, one of two things would have happened—either the Congress would not have met, and then any complications which arose would have been imputed to our refusal; or the Congress would have met, and whatever dissatisfaction Italy might entertain as to its results would have been brought home to us. I believe it will be found that, with nations as with individuals, in political opinions there is no such thing as a secession from duties naturally belonging to them. Supposing that the Congress had met without us and adopted conclusions respecting the Italian people, opposed to our feelings, what answer could we have made to reproaches addressed to us that we had neglected to use the influence naturally belonging to us upon so interesting a subject?

And when we are asked under what conditions we would go into Congress there is the simple answer in Her Majesty's Speech which has made known to Europe that the condition was non-interference by arms in the affairs of the Italian people. We thought it necessary to preserve perfectly free action in the Congress, so that we might either retire or take any other line we thought proper; but to say that other nations had got into a difficulty, and they might get out of it as they could, would have been a selfish sort of policy accompanied with great discredit and fatal effects to this country. With regard to the future, I believe that our policy is very simple. I do not believe that the settlement of Italy is a very simple one. The various interests and feelings in Italy make the settlement a very difficult subject; but the policy of this Government is, I think, as clear and simple as noonday. Indeed, I agree with all the noble Earl has said as to using our influence to prevent armed interference with a country dealing with her own internal concerns. As long as we do that our influence will have a great effect, and if we obtain the result we seek, we shall obtain that which is the real interest of England, and also consistent with the real interests of Europe—namely, the maintenance of a condition of things likely to insure lasting peace. With regard to separate negotiations it is clear that, if we move at all and there is no Congress, it must be by separate negotiations; but I can assure the noble Earl that the interpretation of that point which he has suggested is entirely without foundation. The noble Earl has put to me questions which I certainly do not feel called upon to answer. He has asked me to explain what is the necessity for the temporal power of the Pope in support of his spiritual power, but I must decline to enter into that question. In a great deal which fell from the noble Earl I entirely concur. I am sorry to see a tendency among Catholics, and even among some Protestants, to treat it as a religious question. I do not think it is a religious question. I think it is a purely political question, and I am quite sure that, as far as the Government is concerned, it is their duty to treat it as a purely political question. At the same time I think it very natural the Catholics should feel an interest in the state of their spiritual head, and wish to see what guarantee there is of his independence of lay sovereigns. But, from the sort of accusations made against the Government by some of these gentlemen, one would suppose that the Pope was in peaceful possession of large States, with a perfectly contented population, and that Her Majesty's Government were about to deprive him of some portion of those States. The case is exactly the reverse. All that we ask, free from any religious feeling, but in accordance with the political feeling of an enormous majority of the people of this country, is what has been eloquently laid down by the noble Earl—namely, nonintervention in the internal affairs of other countries; and all that we wish is, to leave the inhabitants of those countries to settle among themselves what form of Government they choose and what sort of administration they wish to adopt. I believe these principles will be shown by the debate to-night to be very generally adopted in this House. I was very much struck with the feeling manner in which the noble Lord alluded to the death of one among us. It is one of the melancholy incidents of each meeting of Parliament that we miss faces we have known, either the faces of political friends or of respected opponents, and this year has been no exception to the rule. It is very difficult not to allude to the fact that of the four perhaps most eminent modern historians of Europe and America, whose deaths we have seen within a year, one of them should have been a Member of your Lordships' House. It singularly illustrates the elasticity of our constitution; and while I know he felt proud to belong to this House, I believe few among us do not feel pride that his name should be upon the roll of Peers. I know that in accepting a peerage it was his intention to take part in our debates, and it was only that malady which prematurely cut him off which prevented his adding much distinction to our discussions. All know his writings and his speeches; many know his private conversation, and I believe you will agree with me there were no greater characteristics of that noble Lord than his pride in the past history and his faith in the future destiny of this country. Animated with the same feelings I am sure all here will agree to this Address, more particularly that portion of it which refers to the contentment, loyalty, improvements in social life and diminution of crime which year by year must add so much, not only to the material prosperity but the moral force of this country.

THE EARL OF DERBY asked whether the Government could give any information as to the period when the French troops were likely to be withdrawn from Rome, or if they remained, upon what terms they would remain ?

EARL GRANVILLE said, it had been a subject of communication with the French Government, but that it was impossible to give an answer as to the precise period when the withdrawal would take place.

EARL GREY said, he would not withdraw his Amendment, but he would not give their Lordships the trouble to divide. He had listened in vain for any instances of an expedition like this to China being fitted out upon the simple sanction of the Government, without the early concurrence or authority of Parliament.

THE DUKE OF NEWCASTLE said, he had given the instances of Portugal and Greece.

EARL GREY said, they were not precedents, and that this was the first time such an expedition had been fitted out without the concurrence of Parliament.

Question put, Whether the said Words shall be there inserted ?

Resolved in the *negative.*

Then the original Motion was *agreed to;* and a Committee was appointed to prepare the Address: The Committee withdrew; and, after some Time, Report was made of an Address drawn by them, which, being read, was *agreed to,* and Ordered to be presented to Her Majesty by the Lords with White Staves.

CHAIRMAN OF COMMITTEES.

The Lord **REDESDALE** appointed *Nemine Dissentiente,* to take the Chair in all Committees of this House for this Session.

House adjourned at Eleven o'clock to Thursday next.

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HOUSE OF COMMONS,

Tuesday, January 24, 1860.

MINUTES.] NEW WRITS ISSUED.—For Forfarshire, *v.* Viscount Duncan, now Earl of Camperdown; for Pontefract, *v.* William Overend, esquire, Chiltern Hundreds; for Beverley, *v.* Ralph Walters, esquire, void Election.

NEW MEMBERS SWORN.—For Devonport, Sir Arthur Buller; for Hertford, Right hon. William Francis Cowper; for Bodmin, James Wyld, esquire; for Kingston upon Hull, Joseph Somes, esquire; for Berwick upon Tweed, Dudley Coutts Majoribanks, esquire; for Salop County (Southern Division), Sir Baldwin Leighton, baronet; for Ayrshire, Sir James Fergusson, baronet; for Whitby, Harry Stephen Thompson, esquire; for Lewes, John George Blencowe, esquire; for Durham, William Atherton, esquire; for Reading, Sir Francis Henry Goldsmid.

PUBLIC BILLS.—1° Outlawries.

The House met at a quarter past One of the clock.

Message to attend HER MAJESTY.

The House went; and being returned,

MR. SPEAKER acquainted the House, that he had issued Warrants for New Writs,—For Salop (Southern Division), *v.* Hon. Robert Windsor Clive, deceased; for Ayrshire, *v.* Lord James Stuart, deceased; for Whitby, *v.* Robert Stephenson, esquire, deceased; for Durham, *v.* William Atherton, esquire, Solicitor General; for Reading, *v.* Sir Henry Singer Keating, one of the Justices of the Court of Common Pleas; for Lewes, *v.* Right hon. Henry FitzRoy, deceased.

MEMBERS OF THE JEWISH RELIGION.

RESOLUTION.

Several Members came to the Table to be sworn, and Sir Francis Henry Goldsmid, Member for the Borough of Reading, having stated that being a person professing the Jewish Religion, he had a conscientious objection to take the Oath in the form required by the Act 22 *Vict.* c. 48:—The Clerk reported the circumstance to Mr. Speaker, and Sir Francis Henry Goldsmid was directed to withdraw; and he withdrew accordingly.

Resolved,—

"That it appears to this House that Sir Francis Henry Goldsmid, a person professing the Jewish Religion, being otherwise entitled to sit and vote in this House, is prevented from so sitting and voting by his conscientious objection to take the Oath which by an Act passed in the twenty-second year of Her Majesty has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration in the form therein required."

Resolved,—

"That any person professing the Jewish Religion may henceforth, in taking the Oath prescribed in an Act passed in the twenty-second year of Her Majesty to entitle him to sit and vote in this House, omit the words 'and I make this declaration upon the true faith of a Christian.'"

Sir Francis Henry Goldsmid accordingly came to the Table, and was sworn on the Old Testament.

OPERATIONS IN INDIA.—THE VOTE OF THANKS.

LETTERS OF ACKNOWLEDGMENT.

Mr. SPEAKER acquainted the House, that he had received from the Right hon. Earl Canning, Her Majesty's Viceroy and Governor General of India, the following Letters in respect to the Thanks of this House communicated to him, in obedience to the commands of this House of the 14th day of April last: together with the General Order No. 4,187 by the Right Honourable the Governor General:

Which Letters and the General Order were read.

These Letters severally acknowledged the Thanks voted by the House to Lord Elphinstone, Governor of Bombay; Sir R. N. C. Hamilton, Bart., late agent to the Governor General for Central India; and Lieut.-General Sir James Outram, C.B.

OUTLAWRIES BILL.

FIRST READING.

Bill "for the more effectual preventing Clandestine Outlawries" read 1°; to be read 2°.

HER MAJESTY'S SPEECH.

Mr. SPEAKER *reported*, That the House had, this day, attended Her Majesty in the House of Peers, when Her Majesty was pleased to make a most gracious Speech from the Throne to both Houses of Parliament, of which Mr. Speaker said, he had, for greater accuracy, obtained a copy, which he read to the House.

ADDRESS IN ANSWER TO HER MAJESTY'S SPEECH

Mr. ST. AUBYN:—Sir, in rising to move that a humble Address be presented from this House to Her Majesty in answer to the gracious Speech delivered from the throne this day, I feel that it is more than usually necessary to appeal to the House for that indulgence which, I believe, is never denied to the natural hesitation of those who venture to address it for the first time; and I may be permitted to add, that when I was requested to undertake the duty which I shall now endeavour to perform, I was selected certainly not from any qualifications of my own, but rather as a mark of respect to the large constituency that I have the honour to represent—a constituency which is not less varied and important than any in this kingdom, and which has invariably, for a long period of years, returned to this House two Members belonging to that great party with whom I have the honour and the happiness to act.

The first great subject to which Her Majesty has called attention is the state of our foreign relations; and it must be a satisfaction to every one that Her Majesty is again able to repeat the announcement that Her Majesty's Government is on terms of amity and friendship with all Foreign Powers. With respect to public affairs on the Continent of Europe, there is undoubtedly one question which has occupied the attention of all thinking men in this country, almost to the exclusion of every other, and that question is the present state of affairs in Italy. I believe I may safely say that the course which Her Majesty's Government has thought it right to pursue during the war which has desolated and the struggles which are still distracting a large part of that peninsula, is in accordance with the opinions of the great majority of the people of this country. It was felt, inasmuch as we had no direct personal interest in the question, and as we were no parties to the original dispute, that we were not called upon to interfere between the Italian people and those who had governed them. But it is impossible to deny that there was in this country a deep sympathy with the cause of a generous people, struggling for freedom and independence, and the hopes that were at that time entertained are now, I hope and believe, in a fair way of being realized.

By the treaty of Villafranca it is stipulated that neither on the one side nor on the other shall force be employed with the view of imposing any Government upon the Italian people, in any way obnoxious to them; and for eight months the population of Central Italy has been freed from the domination of their former rulers. During that time they have exhibited to the world a firmness, moderation, and, generally speaking, an absence from excesses of all kinds, which has endeared their cause to every lover of true liberty. I trust that the great influence which Her Majesty's Government is able to exert, whether it is used in or out of Congress, will be exercised for the purpose of securing to the Italian people those privileges of freedom and good government which they have already proved themselves so worthy to enjoy.

It will be in the recollection of the House that in the course of last year the Chinese Government, in direct violation of existing treaties, and either in ignorance or in wanton violation of the usages which regulate the public intercourse of civilized nations with each other, attacked and nearly destroyed an expedition which was advancing into the interior of the country with the view of carrying out the provisions of the treaty of Tien-tsin. It has been determined, in concert with France, to send an armed force to exact reparation for that injury; but, notwithstanding the insult offered to our flag and the indignities to which our representatives have been subjected, it is still, I believe, in the power of the Chinese Government, by full, prompt, and permanent reparation, to avert actual hostilities. Should they, unfortunately, be so obstinate as to refuse acquiescence in the moderate terms now offered them, we must trust to the skill of our commanders and the bravery of our troops, which have never been more signally displayed than on former occasions in that country, to vindicate the honour of England.

As to the difficulty which arose in the course of last year with regard to the island of San Juan, and which, but for the moderation of the British officers in command there, might have assumed a much more disagreeable aspect than it has done, negotiations are, I believe, at present on foot which are likely to remove all difficulties by an amicable settlement of the question.

With regard to the affairs of India, it must be matter of congratulation to every one to learn that tranquillity has been completely restored in that part of Her Majesty's dominions. All traces of the great mutiny of 1857 have passed away, the last embers of discontent have been trodden out, and the successful issue of the Viceroy's progress through what were lately the most disaffected provinces appears to augur the commencement of a new and happier era in the history of India, when England, by assuming a policy of conciliation and regard, may not only win, but retain the affections of the Indian people, and prove herself not unworthy of the high mission which has devolved upon her in the supremacy over that empire.

As to that part of Her Majesty's speech which refers to the coming Estimates, I will only say, that if one idea has taken possession of the minds of the people of England during the past year with a firmer hold than any other, it is, that however strict and close our alliances might be with neighbouring Powers, it is neither becoming to the dignity nor consistent with the safety of this country that we should be at the mercy of an invasion which might arise from causes entirely fortuitous and unforeseen. I believe the country will heartily support the House in voting such sums as may be necessary for rendering England independent of any menaces or apprehensions of the kind. The reference of Her Majesty to the internal condition of our own country at this time also appears to me to contain ample matter for congratulation. The loyalty and contentment of the people, and the total absence of all agitation at the present moment, seems to mark the present as a peculiarly fitting time for introducing and effecting those reforms in the Parliamentary representation of the people, so long expected, so often promised, but so long delayed. Her Majesty has intimated that a Bill will shortly be laid before us with that view, and I hope not only that such a measure will be introduced, but that it may so far meet with the approbation of all parties in the House as to have a successful course, and become the law of the land before the end of the present Session. I am encouraged in that hope by the reflection that, on the one hand, hon. Gentlemen opposite are not averse to the principle of reform, but, on the contrary, regard it with so much favour that they last year brought in a measure, which, if carried, would have effected very considerable changes in the constitution of this House; and, on the other hand, that there are many Gentlemen below the gangway on my own side, who, though generally supposed to desire a more extreme measure, appear very generally willing to accept the coming Reform Bill as an instalment, even though it may not contain all they wish. I trust, therefore, that the approaching measure will sufficiently meet the views of all parties in the House as to pass through Parliament, and that it will at the same time rest on such a broad and firm basis as to admit within the pale of the constitution many of those classes who are now excluded, but whose intelligence, increased education, and industry have proved them not unworthy to exercise a more direct influence in the legislation of the country.

Of the loyalty and spirit of these classes, and indeed of every class in the country, no one can form an adequate idea who has not attentively considered the volunteer movement. I will not inquire into what were the causes which led to the sudden outbreak of military ardour, now displayed among us; but the fact still remains that the people of this country, acting, whether rightly or wrongly, under apprehensions of attack, rose and armed, with a zeal, devotion, and disinterestedness which have convinced the world that the old English spirit is not yet extinct among us, and that one and all, high and low, rich and poor, are resolved to preserve inviolate the honour, and, if need be, the soil of England. Second only in importance to the reform of the representation, on account of its bearing on the happiness and well-being of all classes, is the question of reform in the administration of the law; and the people will hear with satisfaction that the legal advisers of Her Majesty's Government have been actively engaged in preparing measures which have for their object improvements in that department. It is proposed, as the House has already heard, to introduce measures with a view to the consolidation of the statutes, to the removal of evils now existing in the laws of bankruptcy and insolvency, and to the avoidance of those delays and expenses which arise from the conflicting jurisdictions of the courts of law and equity.

In conclusion, I trust that I may express, without impropriety, the satisfaction which I feel at being permitted to be the mouthpiece of the House in congratulating Her Majesty upon this occasion; because I never remember to have read of a time in which the position of this country stood higher than now, whether as regards domestic or foreign relations. At home we present the spectacle of a free, contented, and happy people, united among all classes by a community no less of interest than of patriotic feeling. Those panics which in former years, and not long ago, caused such disastrous consequences in the commercial world, have not been repeated in the year just closed, and the gradual increase of trade proves a return of that confidence which was no doubt somewhat shaken by the events of 1857. Abroad, the position of this country excites the envy and admiration of the whole civilized world. We have seen two great nations, both the allies of this country, engaged in a desperate and sanguinary struggle on the plains of Italy. Her Majesty's Government, as I have already truly said, did but express the opinion of the majority of persons in this country, by steadily and resolutely refusing to interfere in that conflict, and the consequence of their conduct has been that England is now in a position to enforce, with the greatest possible effect, the policy which, in my humble opinion, should ever be the policy of this country—namely, to allow every other country to be the best judge of the form of government under which it would live. Our relations with France, which at one moment in the course of last year, caused uneasiness to the true friends of both countries, are now on a much more satisfactory footing. The powerful Prince who controls the destinies of that great country has lately inaugurated a scheme of commercial policy, long ago adopted by England, which, if carried to its legitimate end, cannot fail to confer the greatest benefit upon both. If the Emperor shall be permitted to carry his plan to its legitimate consequences, it will do more to maintain and secure the good will which should always exist between this country and France than the most liberal professions of amity unaccompanied by acts calculated to give effect to them. That the Emperor of the French may be permitted to persevere in the course which he has now introduced must be the sincere wish of every one who desires to advance the civilization of the world. That our Queen may long continue to rule over a nation which presented the spectacle of a loyal and contented people, attached to peace but not afraid of war, must be the sincere desire, not only of every Member of this House, but of every man who owns the name of Englishman.

The hon. Gentleman concluded by moving,—

"That an humble Address be presented to Her Majesty, to convey the Thanks of this House for Her Majesty's Most Gracious Speech from the Throne.

"To express to Her Majesty the gratification with which we learn that Her Majesty's relations with Foreign Powers continue to be on a friendly and satisfactory Footing.

"Humbly to thank Her Majesty for the information which Her Majesty has given us with regard to the invitation which Her Majesty has received from the Emperor of Austria and from the Emperor of the French to send a Plenipotentiary to assist at a Conference of the Great Powers of Europe.

"Humbly to express our gratification at learning that Her Majesty has accepted the invitation, while, at the same time, making known that in such a Conference Her Majesty would steadfastly maintain the principle that no external force should be employed to impose upon the People of Italy any particular Government or Constitution.

"Humbly to thank Her Majesty for informing us that, whether in Congress or in separate Negotiation, Her Majesty will endeavour to obtain for the People of Italy freedom from foreign interference by force of arms in their internal concerns; and that we trust, with Her Majesty, that the affairs of the Italian Peninsula may be peacefully and satisfactorily settled.

"Humbly to thank Her Majesty for commanding that Papers on this subject should be laid before us.

"Humbly to thank Her Majesty for informing us that Her Majesty is in communication with the Emperor of the French, with a view to extend the commercial intercourse between the two Countries, and thus to draw still closer the bonds of friendly alliance between them.

"Humbly to assure Her Majesty that we partake in the regret expressed by Her Majesty that Her Majesty's endeavours to prevent a rupture between Spain and Morocco have been without success.

"To thank Her Majesty for informing us that Her Majesty's Plenipotentiary and the Plenipotentiary of the Emperor of the French having, in obedience to their instructions, proceeded to the mouth of the Peiho river, in order to repair to Pekin to exchange in that city the ratifications of the Treaty of Tien-tsin, in pursuance of the 56th Article of that Treaty, their further progress was opposed by force, and that a conflict took place between the Chinese Forts at the mouth of the river, and the Naval Forces by which the Plenipotentiaries were escorted; and that Her Majesty is preparing, in concert and co-operation with the Emperor of the French, an expedition intended to obtain redress, and a fulfilment of the stipulations of the Treaty of Tien-tsin.

"Humbly to assure Her Majesty, that we shall participate in Her gratification if the prompt acquiescence of the Emperor of China in the moderate demands which will be made by the Plenipotentiaries, shall obviate the necessity for the employment of force.

"To thank Her Majesty for directing that Papers on this subject should be laid before us.

"To assure Her Majesty that we learn with satisfaction that a collision, which might have occurred between Her Majesty's Forces and those of the United States, arising from an unauthorized proceeding by an Officer of the United States in regard to the Island of San Juan, has been prevented by the judicious forbearance of Her Majesty's Naval and Civil Officers on the spot, and by the equitable and conciliatory provisional arrangement proposed on this matter by the Government of the United States; and that we trust with Her Majesty that the question of Boundary, out of which this affair has arisen, may be amicably settled in a manner conformable with the just rights of the two Countries as defined by the First Article of the Treaty of 1846.

"To express our heartfelt thankfulness in learning that the last embers of disturbance in Her Majesty's East Indian Dominions have been extinguished; that Her Majesty's Viceroy has made a peaceful progress through the districts which had been the principal scene of disorder; that, by a judicious combination of firmness and generosity, Her Majesty's authority has been everywhere solidly established, and that Her Majesty has recived from Her Majesty's Viceroy the most gratifying accounts of the loyalty of Her Majesty's Indian subjects, and of the good feeling evinced by the Native Chiefs and the great landowners of the country.

"Humbly to thank Her Majesty for informing us that the attention of the Government in India has been directed to the development of the internal resources of the Country, and that an improvement has taken place in its financial prospects.

"To express our satisfaction that Her Majesty has concluded a Treaty with the Tycoon of Japan, and a Treaty regarding Boundaries with the Republic of Guatemala.

"To thank Her Majesty for having directed the Estimates of the ensuing year to be laid before us, and for having caused them to be prepared with a view to place the Military and Naval Services and the Defences of the Country upon an efficient Footing.

"And to assure Her Majesty that we are glad to learn that the Public Revenue is in a satisfactory condition.

"Humbly to thank Her Majesty for graciously expressing to us the feelings with which Her Majesty has accepted the extensive offers of Voluntary Service which Her Majesty has received from Her Subjects.

"To thank Her Majesty for informing us that measures will be laid before us for amending the Laws which regulate the Representation of the People in Parliament, and for placing that Representation upon a broader and firmer basis, and to assure Her Majesty that we will give our best consideration to this important subject.

"To assure Her Majesty that we will give our most serious attention to Her Majesty's recommendation that we should resume our labours for the improvement of our Jurisprudence, and particularly in regard to Bankruptcy, the Transfer of Land, the Consolidation of the Statutes, and such a further fusion of Law and Equity as may be necessary to insure that, in every suit, the rights of the parties may be satisfactorily determined by the Court in which the suit is commenced.

"To humbly express our gratification in learning that the great interests of the Country are generally in a sound and thriving condition; that Pauperism and Crime have diminished; and that, throughout the whole of Her Majesty's Empire, both in the United Kingdom and in Her Majesty's Colonies and Possessions beyond sea, there reigns a spirit of loyalty, of contentment, of order, and of obedience to the Law.

"And humbly to assure Her Majesty that, in common with Her Majesty, we fervently pray that the beneficent power of the Almighty Ruler of Nations may guide our deliberations for the advancement and consolidation of the welfare and happiness of Her People."

Lord HENLEY said, that he rose to second the Address which has just been so ably proposed by the hon. Member for Cornwall. The hon. Member in the speech which he had just delivered had described to the House the thriving condition of the nation at home and abroad. He had described to the House the tranquillity and contentment of the people; he had told them that provisions were cheap, that railways were constructing in every direction. He described everything as flourishing at home, and then he told them of the proud position occupied by this country in relation to all the Powers of the Continent. But there was one thing upon which, in the course of his able and eloquent speech he did not congratulate the House, and it was one, therefore, upon which he, (Lord Henley) in seconding his Motion, might be allowed to supply his omission—it was on the fact that the affairs of the country were in the hands of the Government, into whose hands they gladly saw them committed. He was happy to say that the presence of the noble Lord at the head of Her Majesty's Government and of the noble Lord as Secretary of State for Foreign Affairs was a sufficient guarantee that our relations with foreign nations would be such as they had always been while under the conduct of those noble Lords. With regard to domestic affairs, he believed that the Reform Bill which this Government would produce would be such as would put the representation of the people on a firmer and broader basis, and that, while it increased the popular character of the House, would at the same time maintain the character of that noble constitution of which, as Englishmen, they were all so justly proud. In legislating with regard to the affairs of religion he believed that the Ministry would be actuated by one great principle—a principle which had been too often neglected, upon which all history showed that pure religion and morality could best be founded and which was approved by God and man—namely, the principle of universal toleration. He begged the House to look for a moment at the question of foreign affairs.—the subject first referred to in the Speech from the Throne. He would ask them whether the position of this country had ever been higher than it was at the present moment? Let them cast their eyes across the Channel and take the first nation upon which they would light. He asked any one to recollect the state of France a few years ago, who could recollect the later years of the reign of the Bourbon dynasty—the condition of mind of the French people twenty years ago. The city of France was still, but it was the stillness of a quiescent volcano. There was a fire burning beneath and trying to burst forth and cast off the mass of misgovernment by which it was suppressed—a fire which was the remnant of that old revolutionary spirit which sixty years before hurled France like a thunderbolt against the peace and tranquillity of Europe. The feeling of discontent remained even until the commencement of the reign of Louis Napoleon. It was not until affairs began to be developed, and the people found that they really had a man to govern them, that it subsided. During the later reigns of the Bourbon dynasty France was governed by a scholar, a bigot, and an intriguer; but until the accession of the present Emperor, she had never felt that she was governed by a man—by a really reflecting, efficient, and patriotic Sovereign. It was only when France felt she had such a ruler that, like a noble horse, which felt a good rider on his back, she pushed forward in the career which would carry her to prosperity and honour—and he was sure that no man in that House would grudge to see her bounding forward on the path of improvement. Such a man as Louis Napoleon at the head of such a country as France could not fail to have a great effect upon the affairs of Europe, and, through the affairs of Europe, upon our affairs. He asked the House to look at the past conduct of Louis Napoleon, and, by considering it, to form some idea of what his future conduct would be. They would find that he was not averse to war—a peaceful ruler would be hardly able to maintain his rule in France—but while he had not been unwilling to make war, instead of making war for self-aggrandisement he had made it on behalf of the weak and powerless, against a tyrannical Government which oppressed smaller States. He thought that, looking at the past conduct of Louis Napoleon, he was likely to assist in carrying out that kind of Government of which, as Englishmen, they were all proud. The war which had lately been concluded was undertaken by Louis Napoleon to countenance the King of Sardinia in assisting the States of Italy to throw off the iron and despotic rule of Austria. Now that the war was concluded it was found that the Emperor of Austria was endeavouring to construe the words of the Treaty of Villafranca into an admission on the part of the Emperor of the French, that he was bound to use force to replace the discarded Sovereigns of Italy on their thrones, and restore the lamentable state of things that existed in Central Italy previous to the breaking out of the war. The words of the treaty might be somewhat ambiguous, but, looking to the fact that the Emperor of the French had taken up arms solely for the purpose of freeing Central Italy from Austrian tyranny, it never could have been his intention in making peace to consent to conditions which would have the effect of binding him to employ force to restore that tyranny in Central Italy by compelling the inhabitants of the Duchies to replace their expelled rulers. Our Government had been invited by France, in conjunction with Austria, to take part in a Congress to consider of the pacification of Italy; and he thought that the Government had acted rightly in agreeing to be one of the parties to that meeting; for the influence of this country in European affairs was justly such, that no Congress could be effectual without her concurrence. In going into a Congress our Government could but have two objects in view—to maintain England in the position which she had always occupied among European Powers, and to use English influence to induce the great Powers to concede to Italy the power of choosing her own rulers. On this principle our Government had acted all along, and it would be for the benefit of the whole of Europe, that every State, however small, should have the power of deciding on its own form of Government. Whatever might be the decision of the Italian States—whether they returned to their old Sovereigns, established a republic, or placed themselves under the dominion of the King of Sardinia—England would have the satisfaction of knowing that she had done her best to obtain for them the exercise of their own free will and the blessings of that freedom which she had herself so long enjoyed. As Italy a thousand years ago had introduced Christianity into England, so England in our own times would have the proud satisfaction of carrying freedom into Italy in return for it. After the war was concluded, Louis Napoleon had wisely come to the determination that the Romagna ought to be separated from the Papal territories. The people of the Romagna had shown that they were not desirous of continuing under the dominion of the Pope, and the Pope had shown that he was not fitted to exercise dominion over them. This question of the Romagna, no doubt, was the great obstacle to the meeting of the Congress; but, whatever might be the course pursued in this matter, he felt confident that, as far as our Government was concerned, the right of every people to choose their own rulers would be maintained. Turning again for a moment to our own domestic affairs, while he rejoiced to hear that Her Majesty's Government had given notice of their intention to introduce a Bill for the amendment of the representation of the people, he must be permitted to say that there were two essential faults in the present system of election, which he hoped would be amended by that Bill. The first was the prevalence of bribery in the election of Members; the second the exercise of undue influence. Whatever might be the original theory of our Constitution, it never could have been the intention of the framers of it that gentlemen should go down to boroughs and secure the honour of representing them in Parliament by purchase, or that those persons who possessed large territorial domains should exercise the influence so obtained, for the purpose of influencing the election of Members of Parliament. A remedy might, he believed, be found for both these evils by the enlarging of small constituencies, by adding considerably to the number of voters, and also by adding large districts to those places which now enjoyed the privilege of returning Members. Another remedy which might be applied to these evils, and which he trusted he should live to see enacted, was the establishment of a system of voting by which persons would be enabled to exercise the suffrage without the fear of the interference of their landlords or any other persons who might be in a condition to exercise power over them. But he was afraid we could hardly look forward to the establishment of such a system as yet. We must be satisfied at present with that which the Government had promised to bring forward, to which the House of Commons had almost promised its consent, and which, to a certain extent, had been proposed by hon. Gentlemen opposite. Even those who sat opposite must feel that the settlement of a question of this sort rested better with the party who sat on that side the House, and whose hereditary policy it had always been to place the Constitution of the country on a wider basis, than in the hands of those who had always opposed great changes, and who did not profess to see those abuses to the removal of which a new Reform Bill would be addressed. He trusted that the Bill to be introduced by the Government would have the effect of admitting to the exercise of the franchise a large number of the industrial classes. How far it would go, it was impossible for him to say, but though it might not go so far as every one would wish, he hoped it would receive a full and fair consideration from all parties—especially from all parties who sat on his side of the House. He could not expect that all of them would be quite satisfied with it, but he had no doubt that it would be a great improvement upon the existing electoral system. Seldom had Parliament been summoned together under more prosperous circumstances, and he hoped that the country, now that it had a strong, wise, and united Government, would advance rapidly along that path of prosperity which lay before it, and that no factious opposition would prevent the House from considering the measures that would be submitted for its approval. And having adopted every means which ingenuity could devise or experience perfect, let us put our trust in that Providence which for 800 years has maintained this kingdom in an united, a prosperous, and an advancing condition. He begged, in conclusion, to second the Motion of his hon. Friend, that an Address be presented to Her Majesty in answer to Her Majesty's Gracious Speech they had that day heard from the Throne.

Motion made, and Question proposed,—"That," &c. [See Page 80.]

MR. DISRAELI:—Mr. Speaker—The last Session of Parliament opened with a question of confidence; but until the noble Seconder rose to-night, I was not aware that the question was to be renewed upon the present occasion. Sir, you read the Address not with that usual clearness which characterizes your elocution, and I did not collect whether the passage expressing confidence in the two noble Lords, which I suppose from the intimation of the noble Seconder (Lord Henley) must form a portion of the document, is really to be found in it. But, although anxious on this occasion not to move an Amendment, I beg it may be distinctly understood on my own part, and on that of my friends, that if that passage is included, it is under protest. The noble Lord has addressed the House to-night in rather an unusual tone. Indeed, as I listened to the noble Lord, it appeared to me that he delivered an address suited rather to the atmosphere of the French Senate than to that of the English House of Commons; and the noble Lord will allow me to say, that I do not think it favourably contrasted with that graceful and ingenious speech with which the Mover of the Address introduced his sentiments and observations to the consideration of the House.

Sir, it is not my intention to-night, and I have heard of no such intention in any other quarter, to move an Amendment to the Address which we are about to vote—I hope unanimously—in reply to the gracious Speech from the Throne. But as that Address adverts to many topics of great interest, the House will perhaps excuse me if upon some of them I make a few observations; because I think there are passages in that Speech—passages referring to matters of considerable gravity and import,—on which the House, even to-night, has a right to expect some explanation from Her Majesty's Government. I remember last year that the noble Lord the Secretary of State for Foreign Affairs found great fault with me that the paragraph which referred to that which in common parlance is termed the Reform Bill, was placed in so low a position in Her Majesty's Speech. But on referring to the gracious Speech which has been delivered to-day, I find that that passage—in the composition of which from the notice that has been given this evening, I doubt not the noble Lord has the vested interest of a parent—does not occupy a more prominent position than it did in the Speech of last year. And this shows how much easier it is to be critical than to be correct; for the noble Lord himself, alive as he is to the importance that the Reform paragraph should obtain an early and prominent position in Her Majesty's Speech, still finds, with all his solicitude upon the subject, that it was unavoidably necessary that it should occupy the position which it now fills. I hope I may augur, from the similarity of the circumstances under which that notification has appeared in these two Speeches, that the measure which the noble Lord is about to bring forward, although it may of course differ in details from that which was introduced by Gentlemen sitting upon this side of the House, will, at least, have this resemblance to that measure that its tendency will be to strengthen and confirm our Parliamentary institutions, and not to change their character or to impair their influence. I can assure the noble Lord that if such a measure is brought forward it will receive from us that calm and candid consideration which was once invited from the Throne to a proposal dealing with the same topic; and if necessary we shall offer such assistance as we can to render it a measure such as the exigencies of the country require, and such as the public opinion of the country may sanction.

Sir, there is another point on which I would also make an observation, and that is the congratulations which the House has received on what I may consider the successful negotiation of a commercial treaty with France;—for although technically that title is not included in the Speech, I apprehend it necessarily follows, from the language which is actually employed, that the form of instrument in which the new commercial relations of the country are laid down must be a treaty,—even if we had not heard to-day, I believe from authority, that it is so, and that such an instrument is signed. Now, the fact that there is a prospect of increased commercial relations with France is one undoubtedly of much gratification; and taking it also, as we are bound to take it, as a sign of the cordial good feeling subsisting between the Governments of the two countries, no one can for a moment deny that it is a circumstance, not only of gratification, but of an important political character. Nevertheless, I must address an inquiry to Her Majesty's Government with respect to the mode in which the attention of Parliament is to be brought to this subject. I want to know what is to be the duty of the House of Commons if a commercial treaty should be laid on the table for our examination and approval? I certainly did not expect to live to see another commercial treaty introduced into the House of Commons. From all that has recently passed I associated that form of instrument with those ancient modes of conveyance which have in our time disappeared, and which, although the traveller may perhaps have found them more interesting than those now in vogue, have yielded without much chance of revival to the rapid means of locomotion which are now at our command. Assuming, as of course we have a right to assume, that it is convenient to the Chancellor of the Exchequer to reduce the duties on wine, for instance—assuming that, I can easily understand why Her Majesty's Government should have felt that by a reduction of such duties the commercial relations of the two countries might be considerably and advantageously increased; and, that being the case, I cannot understand why Her Majesty' Government should not have proceeded to adopt that policy without having recourse to a commercial treaty. What is to be our business as a House of Commons in examining this commercial treaty? Are we to be called upon to decide whether the terms of the bargain are advantageous or adequate? If we do that, we must admit that the principle of reciprocity is the principle which is to guide us in our decision. But it appears to me that by admitting that the principle of reciprocity is to guide us in our commercial relations, we are shaking to its centre that new commercial system which has of late years been established in this country with so much zeal, especially by hon. Gentlemen opposite, and established with a determination upon our parts of showing upon all occasions that it is totally independent of reciprocal concessions from other nations. But if reciprocity be not the principle that we are to acknowledge in the present instance as the one which is to determine the merits of this instrument, I should like to know why we have recourse at all to such a form, and why we should not have increased our commercial relations with our neighbours—a circumstance which we all highly value—without at the same time asking for an equivalent, if indeed an equivalent has been made. We have all been told that a distinguished Member of this House, the hon. Member for Rochdale (Mr. Cobden), is the individual to whom we are indebted for this prospect of increased commercial relations with France. But I am quite sure that the hon. Member for Rochdale is not the person who would ever have counselled the adoption of a commercial treaty founded on the principle of reciprocity, in order to increase the commercial relations of the two countries. There is another circumstance connected with this question of a commercial treaty which requires, I think, some explanation from Her Majesty's Ministers. We live in an age in which events succeed each other so rapidly that whatever occurs, however important, is easily and soon forgotten. But I find that in 1856, only four years ago, the Emperor of the French made a similar communication—similar in character and very similar in expression to that which he has recently addressed to the Minister of State, and in that document also he proposed the entire extinction of the prohibitive system, and the adoption of measures similar in character to those which are intimated in the State paper that has lately created such a sensation in Europe. In that case, in the year 1856, a Bill was absolutely introduced into the Legislative Assembly of France; and although that Bill was not upon that occasion passed—probably from the lateness of the Session—the Emperor of the French considered that it was of such importance that the question of commercial freedom should be settled and acknowledged by the country—based as his recommendations were on the acknowledged superiority of articles of French industry in the Great Exhibition—that his Imperial Majesty ordered that this proposal of his should be referred to the 86 Conseils Généraux—the departmental Parliaments of France; and it is a fact that, with the exception of six of these conseils, the proposal was adopted, with the understanding that a certain period of time should be allowed to elapse before the new system should be brought into play. The consequence was that the Emperor, agreeing to this suggestion, published an ordinance, or some public document of that character, in which he treated their decision as final, expressed his firm resolution to carry that system into effect, and appointed July, 1861, as the period at which its operation was to commence. And that is the reason, I apprehend, why in the commercial treaty that is to be placed upon the table of this House, a provision will appear to the effect that on the part of France the relaxation of her system cannot come into operation until the month of July, 1861. But then the House will see that if there even had been no commercial treaty at all, this abolition of the prohibitive system on the part of France, and the adoption of protective duties would have inevitably occurred; and therefore if we are making a concession to the French we are making it for that which we should have obtained without it. If, therefore, we can conveniently, in the present state of our revenue, make such a concession, I say make it upon a scientific principle—make it in a way which will not embarrass you hereafter—make it upon the general principle recognized in our own commercial system, and not upon the principle of reciprocity, by which you will create a precedent you may on some future occasion find extremely embarrassing, and which is not in the least necessary, if the circumstances I have detailed are correct—and I shall be surprised if their accuracy is impugned. The adoption of such a policy upon our part is not in the least necessary, because all that France now engages to do is to put an end to the system of prohibition in the month of July, 1861, and to substitute a system of protective duties, or something analogous, instead; and to that policy she is already committed. What, then, is it you expect to gain by a treaty? All you can do to encourage an increased commercial exchange with France, you can do at once by reducing your own duties, without placing on this table a document you may find very awkward and embarrassing hereafter, and raising claims for reciprocity from other quarters, opposed to that commercial system you have now so long and so successfully been carrying into practice. On these two points, then, I think the House has a right to ask some explanations from Her Majesty's Government; we have a right to ask why they have negotiated a treaty with France on the principle of reciprocity, which has been absolutely rejected in our own commercial system? Why have they ostensibly endeavoured to obtain a result which must inevitably have occurred at the very period the treaty stipulates for? Why have they engaged us by treaty for what must have been done without any treaty whatever? These are points, in my opinion, which call for explanation.

Passing to another topic, I must say I think it extremely inconvenient that we should to-night enter into any discussion upon the recent events in China, notwithstanding the strong opinion expressed by the noble Lord the Seconder of the Address. I hope, however, it will not be understood by noble Lords and hon. Gentlemen opposite that our silence upon that subject argues that we at all agree with the version which the noble Lord has given of those transactions. I have no doubt that our policy with respect to China may in due course become a source of discussion in this House; but if I advert to the subject now it is only because I for one would express my satisfaction that Her Majesty in her Speech has been wisely recommended to refer to the bravery of our troops in the recent engagement. It is too much our habit to sympathise only with the successful. But there are occasions of adversity in which the most signal courage may have been displayed; and I do not think that the conduct of our troops—disastrous as was the ultimate consequences of their onset—I do not think that the conduct of our troops upon that occasion should, when Parliament meets, and the subject is thus brought before us, be passed over in entire silence. It was characterized by a signal bravery; and I think that we can hardly remember the conduct of the Admiral, who upon that occasion commanded our forces, without feeling that his behaviour was that of a man whom England may be proud to own as one of her warriors; and, unfortunate as was the termination of that struggle, let us make him, at least, feel that his country regard his sufferings with pity and his conduct with admiration.

I have touched thus upon one or two points to which I thought it was right that I should refer before I asked for some explanation upon that theme which is undoubtedly the one that engages most the public interest, and on which I may perhaps say that all the attention of the country is at this moment concentrated—and that is the condition of Italy and the relations of our Government to that country. Now, that subject is treated in Her Majesty's gracious Speech at considerable length. But I confess, after having read it with great attention, it appears to me that there is in the treatment of the theme so much ambiguity and perplexity of phrase, that I should be totally at a loss to gather from this document what is the real state of our diplomatic relations with that country, or with France with regard to that country, had it not happened that we have been favoured from another, although a foreign, source with information upon the subject. The terms employed in Her Majesty's Speech renders it my duty to-night to ask some explanation from Her Majesty's Government of what has taken place in the interval since the prorogation of Parliament, and how far this country stands committed, and what prospects may exist in reference to any engagement into which Her Majesty may have been counselled to enter upon this important subject. Now, I would recall to the House the tone and temper in which, towards the close of the last Session of Parliament, this question was entered into and discussed. About three weeks before Parliament was prorogued, there was a general expectation that a Congress of the great Powers and other States would be held, by which the affairs of Italy would be settled. That was the expectation throughout the country, and in this House it was accompanied with some distrust and suspicion. We were not responsible for the condition of Italian affairs. It was felt that if we were called on to participate in any way in their settlement, it was highly expedient this country should not interfere, unless the object of that interference was satisfactorily determined. In the House this feeling was strong, even stronger than in the country. I expressed my hope that Her Majesty's Ministers would not be induced to take part in a Congress on this subject. I did so for this reason—the soundness of which time and experience have confirmed,—that if we went into the Congress it would be asking England to assist in carrying into effect the Treaty of Villafranca—an office that, in my mind, England ought not to be called on to perform. On the other hand, if the Treaty of Villafranca were to be set aside, then it would be asking England to commence in the dark the task of reconstructing Italy, a task that might embroil us seriously with other Powers. That opinion was not unpopular in this House. A noble Lord, not now present, gave notice of a Motion which would have afforded the House an opportunity of expressing an opinion against the policy of our entering into a Congress on the state of Italy; but accidental circumstances, for which he was in no way responsible, prevented him from carrying out his intention at the time he had expected, and the result was that the Motion was not introduced until the last night the House sat. Even then, I believe, there could be no doubt that it would have been adopted by a majority of the House if it had been pressed to a division. But I thought it would be a circumstance to be deplored if the Government should then be embarrassed by its adoption; and although I did not consider that the advice which I gave to the noble Lord was in any way opposed to the course which he recommended, I used my humble influence to procure its withdrawal. There is no doubt, however, that the House was opposed to our going into the Congress, and that it was in favour of that policy which is popularly known by the name of the policy of non-interference. I say popularly known by that name, because I do not know any Member of this House—either among my colleagues or among those who sit on the other side the House—who has ever maintained the monstrous proposition that England ought never, under any circumstances, to interfere in the affairs of foreign States. There are conditions under which it may be our imperative duty to interfere. We may clearly interfere in the affairs of foreign countries when the interests or the honour of England are at stake, or when, in our opinion, the independence of Europe is menaced. But a great responsibility devolves upon that Minister who has to decide when those conditions have arisen; and he who makes a mistake upon that subject, he who involves his country in interference or in war under the idea that the interests or the honour of the country are concerned, when neither is substantially involved—he who involves his country in interference or war because he believes the independence of Europe is menaced, when, in fact, the independence of Europe is not in danger—makes, of course, a great—a fatal mistake. The general principle that we ought not to interfere in the affairs of foreign nations, unless there is a clear necessity, and that, generally speaking, it ought to be held a political dogma that the people of other countries should settle their own affairs without the introduction of foreign influence or foreign power, is one which, I think, the House does not only accept, but, I trust, will cordially adhere to. That was the policy which the late Government maintained six months ago when there was some wavering in the faith of that policy, and some persons high in authority spoke of the possibility of England being humiliated by not taking what is called a leading part in the settlement of foreign questions. I ask those who then wavered or who indulged in such observations to contrast the position of England now, when after six months we still have to acknowledge the blessings of non-interference in the affairs of our neighbours, notwithstanding the efforts which may have been made to interfere, and to which I shall presently refer —I ask them to contrast the position of England with that of any other country in the world. Has not the adhesion to the policy of non-interference by England been most beneficial? Has there ever been a period when England has occupied a prouder or a more powerful position than that which she at present fills? As, therefore, she has attained that position while adhering to the policy of non-interference, I trust that the House of Commons, which, on the last night of the Session, clearly expressed its opinion in favour of that policy, will, at the commencement of the present Session, take this opportunity of asking explanations of Her Majesty's Government, or, in other words, will show to Her Majesty's Government that if they continue in that policy they will receive the support of the House; but that if they diverge from it they must offer to the House reasons far graver than any that have yet reached my ear, and arguments of more weighty import than I believe will be introduced into this debate. I mention this because, while the House of Commons in the month of August was expressing in so unequivocal a manner, sustained by the common sentiment of the country, its opinion that the policy of non-interference in the affairs of Italy was the one which this country ought to follow, it appears to me, from what I have learnt, that Her Majesty's Government were pursuing not precisely that course. I make no charge to-night on that head. I am, however, speaking from information, and I shall make the statement which I have to make upon what I believe to be facts, and shall give to Her Majesty's Government a fair opportunity of explaining what may now seem ambiguous, and of refuting statements which may not be founded in truth and accuracy. The House will recollect that upon its prorogation we were informed that overtures were made in order to ascertain whether Her Majesty's Government would be represented in any Congress which might take place upon the affairs of Italy. Certainly, it was to me somewhat surprising that when on the last night of the debate we were speaking on that subject, Her Majesty's Government gave us no intimation that any such overtures had been received. But the matter is of little import; it is of more importance to remember that in the Speech from the Throne at the prorogation we were informed that overtures for a Congress had been made, but we were not informed that they had been accepted. On the contrary, we were then told, if I recollect rightly, that until Her Majesty received further information she could not give any answer on the subject. Now, I should like to know what was the intimation which Her Majesty's Government received, which induced them to consent to enter into a Congress. But what I want to know from Her Majesty's Government still more than that is, why in the month of August, when Parliament was sitting—the very month that Parliament was prorogued, the very month that the House of Commons had expressed in debate, scarcely with any exception, its belief that the maintenance of a policy of non-interference in the affairs of Italy was necessary and politic—I want to know if, in that very month of August, the noble Lord, the Secretary of State, made overtures to the French Government in order to enter into a special agreement for the settlement of the affairs of Italy? We are, indeed, promised in the gracious Speech that papers on this subject will be soon laid before us. On that I would make two observations. I will say to the noble Lord the First Minister that there are no promises that he has made so frequently as promises for the production of papers to the House; and, of all Ministers, there is no one of them of whom it can be alleged, as of the noble Lord, that so great an interval was allowed to elapse between the promise of papers and their actual production. Papers are promised at the beginning of the Session, and they are produced at the end of it. Therefore when the noble Lord says that papers will be laid upon the table of the House, let me remind "the two noble Lords"—to use the language of the Seconder of the Address—that there has been a formal account of all the negotiations that have taken place between the Government of the Queen and the Government of the Emperor of the French already published. Is it to be our lot that we are not to receive information from the Ministers of our own Sovereign respecting our own affairs, but that we are to be indebted for the information to the condescending candour of a foreign potentate? I think, therefore, that upon this subject it is becoming that Her Majesty's Government should give us some distinct information to-night. I did, indeed, believe—knowing that in this very month of January an intimation of these important negotiations has been authoritatively published on the other side of the water,—that the noble Lord the Secretary of State would, on the very first night of the Session, have placed the papers relating to these negotiations on the table of the House. Well, then, on that subject I want information. It appears, according to this statement, that in the month of August last Her Majesty's Government made overtures to the Emperor of the French to enter into a special agreement for the settlement of the affairs of Italy. I should like to know what was the character of those overtures, and what was the nature of the agreement which the noble Lord the Secretary of State contemplated. Is it unreasonable in the House of Commons to expect such information? I know that the noble Lord the Secretary of State may say that the sources from which I have obtained my information are anonymous. [Lord JOHN RUSSELL: Hear, hear!]. The noble Lord cheers, and I, of course, accept that as an objection to the information. I take it for granted he means to say that it is not authentic. ["Hear, hear!"] Very well. All I can say is this; three communications have appeared by means of the electric telegraph in this country, and they are communications dated the 9th, the 12th, and the 16th of January. In the communication of the 9th of January it is stated that Lord Cowley had repaired to England in order to revive negotiations which were commenced in August previous by the English Government for the settlement of the affairs of Italy by England and France by way of a special agreement. The noble Lord seems to deny the authenticity of that statement. I can only say, before I availed myself of it in this House, that I took steps which I thought would be satisfactory under the circumstances. I did not presume to follow the example of those four ingenious gentlemen of Liverpool to obtain it; but I took adequate steps, and I have been assured from a quarter which leaves it impossible for me to doubt that these are communications from the French Government. And what are these communications? Lord Cowley arrived in England in the course of this month; there were immediately rumours which came from the other side of the water that his Lordship had arrived on matters of great importance, and there were immediately seemingly official and authoritative paragraphs in our own journals totally contradicting those rumours and announcing that Lord Cowley had arrived solely on personal affairs. Yet while Lord Cowley was in this country, it is stated that in the month of August last, when the Conferences of Zurich were threatened to be dissolved, the English Cabinet proposed to the French Government to come to a special agreement between France and England for the settlement of the affairs of Italy. It then goes on to say, in diplomatic language, which I do not read because I will not take up the time of the House, that Count Walewski, in order to prevent the proposals of Lord John Russell being accepted, tendered his resignation, and that he was successful was shown by the note which appeared in the *Moniteur* in September, relative to the recognition of the old Government in the Duchies; and after alluding to the failure of the attempt at the restoration of the Grand Duke of Tuscany, it goes on to say that Lord Cowley's mission is undoubtedly to resume the negotiations which were then interrupted. Lord Cowley returned to Paris, and a second telegram appeared, describing the object of Lord Cowley's mission to London as to resume negotiations between England and France, which were initiated by the former Power, but were interrupted by the opposition of Count Walewski; and it says that the basis of these negotiations was the adoption of the principles of non-interference in the affairs of Italy, and that the object of Lord Cowley's mission was to obtain the consent of England to a joint note, signed by England and France, and addressed to all the Powers, announcing that interference in the affairs of Italy would be looked upon by France and England as a *casus belli.* Now, Sir, I think I have a right to ask the noble Lord whether that is, as I have been informed, an authentic and authoritative statement. I beg the House to watch very narrowly this proceeding. This was nothing more nor less than a proposition of an alliance offensive and defensive between France and England to prevent interference by any Power in the affairs of Italy. I dare say, from the language of the Royal Speech, that this very sentence may refer to a renewed effort for the same object—an object at the first blush innocent, and some might think praiseworthy, because it is Her Majesty, the Speech says, who endeavours to obtain for the people of Italy freedom from foreign interference by force of arms in their internal concerns. But look at what might be the consequences to this country if that alliance had been entered into, and which, according to the statement which I am assured is authoritative and authentic, was mainly refused by the English Government in these words—the British Cabinet, while expressing their readiness to support the principle of non-interference, either at the Congress or in their Communications with Foreign Powers, pointed out the impossibility of the Cabinet pledging itself without the consent of Parliament to a course of policy that might involve hostilities. Now Parliament has assembled, and we have in the speech from the Throne this somewhat ambiguous sentence, and which would have been to me altogether obscure had we not cognizance of the preceding events to which I have referred. We have it stated here that Her Majesty's Government will endeavour to obtain for Italy freedom from foreign interference by force of arms in its internal concerns, and that freedom it would appear is to be secured by this joint note of France and England, which makes interference by other Powers a *casus belli.* Observe what might happen. When you enter into a treaty you are not to look merely to the obvious and the probable engagements which you may be called upon to perform; but you are bound to contemplate every possible liability which, by so doing, you may incur. That is a rule of prudence universally acknowledged and invariably pursued. Suppose for a moment that that offensive and defensive treaty between England and France for the positively laudable object of preventing interference in the internal affairs of Italy had been entered into; and Parliament having assembled it may yet occur. Consequences may arise which are not contemplated by France more than by the English Government; but, if that treaty were entered into it is possible this might occur. A French dynasty might be established at Naples or in Etruria, the regality of Rome might be revived, the boundaries between Sardinia and France might be considerably changed. Other Powers, alarmed at circumstances which, in their opinion, would shake the political equilibrium or endanger their political independence, might consequently interfere in the internal concerns of Italy: and we should be bound under that treaty to uphold with our fleets and armies these French dynasties, to uphold this regality of Rome, to uphold this extension of the boundaries of the French Empire. These are the results which might occur, and such would be the situation of England. This is the gravest question that can possibly be introduced at this moment for the consideration of the House; yet if the documents before me are authentic — and I have been assured on very high authority that they may be taken certainly as authoritative and authentic documents — such are the propositions which have been made, and which I think, very much to the credit of the English Government, have been refused; but which have been refused mainly by the British Government, according to the statements to which I have referred, because it was undertaking too great a responsibility on their part to enter into an agreement which might ultimately involve the nation in hostilities without obtaining the sanction of Parliament. Still they may meditate such an alliance while Parliament is sitting, and therefore, it is of the highest importance that we should, on the first night of the Session, be acquainted with our actual and probable situation, and that the noble Lord should give us the fullest and frankest explanation. If the noble Lord means to say that the statements are mere inventions—and I am sure he will not equivocate on the subject, but meet me fairly—if he means to say that he, in the month of August, did not propose to the French Government to come to a special agreement between England and France for the settlement of the affairs of Italy, that the visit of Lord Cowley to this country was not in any way connected with the subject, or made with a view to arrange a joint action between France and England; if he means to say that there never was a proposal made by France to join with England in what was virtually a treaty offensive and defensive, making it a *casus belli* for any Power to interfere in the internal affairs of Italy, by force of arms;—if the noble Lord says so, I shall not feel mortified by the noble Lord rising and confuting me in that manner. He will give information which will be most satisfactory to the House, and most important to the country. But I assure the House that I should not have made this statement unless I believed as I do most fervently believe, that the information which has reached me is authentic. Now, there is another point. After the alleged failure in negotiating this treaty offensive and defensive, the telegram adds, "The British Government having thus declined to enter into engagements having such an important bearing, the question of an early meeting of Congress is again revived." And, therefore, when Parliament meets in 1860, so far as the Italian question is concerned, we are actually about to debate on the very topic which occupied the House on the last day of the Session of 1859. Again, we are told that the idea of a Congress is revived. My objections to a Congress are the same as they were then. I do not for a moment lay it down as a principle that because England did not interfere originally in the affairs of Italy, nor during the war, England ought not to be represented in any Congress which may take place on the affairs of Italy. I admit the time that has elapsed is an argument that might call for her presence at such a Congress; but if we are to go to a Congress, it ought to be for a specific object, the Congress ought to meet on a definite basis, and the Parliament and the country ought to understand the object of Government in entering into it. Why, Sir, when we acceded to the proposal of a Congress before we quitted office it was under very different circumstances—it was before the war occurred, and as a last hope of preserving peace—and we defined in the most exact manner what were to be the objects and the duties of that Congress; and only upon these conditions did we accede to the proposed Congress. There were four grounds laid down—to which I need not refer now, because all the circumstances have passed away—but there were four grounds laid down which were designed to limit and confine the Congress to specific aims and purposes; and the Members of the Government in both Houses — myself in this House, and my noble Friend the then Secretary of State (the Earl of Malmesbury), in the other House — gave explanations on the subject of the proposed Congress to Parliament. I ask if the result of the deliberations of Her Majesty's Government is that it would be wise for us to attend a Congress, whatever may be the general objections to our interfering in affairs with which we are not immediately connected? This is a matter to be carefully weighed; but I think the House, before giving its assent to our taking part in any Congress, should make it a condition to know what objects the Congress will entertain, and should have security that those objects should not be expressed in such vague phrases as its "preventing the interference of others in the affairs of Italy," or any general expressions of that kind. I think the Government and the House will do well to consider into what an embarrassing and dangerous position this country may be led by entering into agreements of that kind. Sir, these are questions upon which I think we have a right to ask information from Her Majesty's Government. I do not think that on the first night of Parliament assembling, with a Royal Speech of this length, embracing topics of such importance and dwelling at such length upon that one topic upon which all public interest is now concentrated—I do not think we should be doing our duty without asking from the Government for a full explanation of what has taken place during the recess with reference to Italian affairs. For my own part, the only conclusion that I can arrive at upon the subject is, that the less we meddle with this business the better. I defy any man, be he Monarch or Minister, to form any accurate conception of what is the real opinion and the real feelings of the various populations of the Italian peninsula. One man will tell you—and I speak of men of the highest position and authority, and men who have mingled in the politics of the Italian States—one man will tell you that Tuscany is prepared to be annexed to Sardinia. Another, with means of information and knowledge quite as good, will tell you that if there be one conviction rooted in the mind of that mild and tranquil people of Tuscany deeper than another, it is their nationality, and that the Tuscans will consent to anything but not to be Tuscans. If you will go to the Romagna you will be told that it is ready to be annexed to Sardinia; while another may say, who is inclined to more democratic or republican opinions, that if it is so desirous of being annexed to Sardinia it is with the view of obtaining that unity for Italy which should enable them to free Venice; but if there were any intention of making the Romagna part of a central kingdom of Italy the country would be in flames to-morrow. One man will tell you that Lombardy is prepared to send members to the Sardinian Parliament; but another will allege that if the principle of federation is to be applied to Italy the Milanese have as much right to an independent place in a national federation as the Sardinians. Go to Naples, and you are told that Naples is in such a state that a spark only is required to make a revolution; but as good authorities will deride this as a mistaken notion, and maintain that if conspiracies should be attempted there is no Sovereign who has so strong a hold upon his subjects, or who would be better able to put down a revolution than the King of the Two Sicilies. Again, if you come to Sardinia itself, opinions equally differ. One man will tell you that there only is security for a national constitution and national independence for Italy; and another man will tell you that the whole thing is illusory, and that as soon as a special emergency arises constitutional forms are cast aside—and the Government of Sardinia is merely a Government of force and fraud. What is the moral of all this? The moral I draw is, that a country in that state is in a condition far beyond the management and settlement of Courts, and Cabinets, and Congresses. National independence is not created by protocols, or public liberty guaranteed by treaties. All such arrangements have been tried before, and the consequence has been a sickly and short-lived offspring. What is going on in Italy—never mind whose may have been the original fault, what the present errors—what is going on in Italy can only be solved by the will, the energy, the sentiment, and the thought of the populations themselves. The whole question, in my mind, is taken out of the sphere of Congresses and Cabinets. We are pure — we are at this moment pure — from any consequences of previous interference in these affairs; and it is of the utmost importance that we should remain so. The process of emancipation appears to be one of considerable length, ambiguity, and perplexity. It is a year ago since the commencement of the freedom of Italy occurred. Then there was one French army in Italy. The process of freedom has been going on for a year, and you have now two French armies in Italy. I think it must be a source of satisfaction and pride to us that we have held aloof from any interference. I am quite sure if we now interfere we shall do so to the lasting dishonour of this country. But I do not doubt that we may do great good to Italy by our counsels and by the authority of our position. It is however of the last importance that this country should not enter into engagements which have the plausible pretext of preventing interference in Italy, and the consequence of which may be not the freedom of Italy, but the aggravation of the very circumstances which have produced her previous weakness and degradation. Now, Sir, I hope the noble Lord will throw some light upon our situation as regards these important questions. I hope that we shall know from the noble Lord—from an English Minister—from a Minister of the Queen—what has been the conduct of the Government, and that we shall not have to derive from foreign sources that information which ought to be supplied to us from this country. The noble Lord seemed to think that because the document I have referred to was anonymous, that, therefore, it was not correct. I will now refer to a document which is not anonymous, and which, I think, will justify me in asking explanations from the noble Lord; and that is a letter addressed to the Pope of Rome by the Emperor of the French—a public document, published throughout Europe, and signed by the Emperor himself. Well, there is laid down a policy upon which I will to-night give no opinion, because to-night I am rather making inquiries of the Government, and trying to obtain information, than attempting to call upon the House to give an opinion; but there is a policy recommended to his Holiness by the Emperor of the French, which is shortly this, "Renounce your right to certain provinces at this moment not under your authority, and the Powers of Europe will guarantee the rest of your possessions." The Emperor does not say, "I will guarantee the rest of your possessions; and will ask my Allies to do the same; I will use my influence with the Powers of Europe to do the same." The Emperor says, "Renounce these provinces, accede to the terms in this letter, and the Powers will guarantee yon the rest of your possessions." Surely it is no unreasonable request—even the noble Seconder of the Address will hardly call it a factious one — to ask Her Majesty's Ministers whether among those Powers England is included? Who are the Powers the Emperor refers to? Now, Sir, I do not at all urge this inquiry to raise odium against Her Majesty's Government upon the point of guaranteeing the possessions of the Pope. I am observing upon the question simply as a political question. I think we have a right to ask the noble Lord whether Her Majesty's Government has authorized the Emperor of the French to make that offer. I think if the Government has taken that course it has taken one very impolitic; but I deem it inconvenient, at this moment, to enter upon a subject which would bring about such a lengthened debate as its importance naturally requires, and therefore I do not wish any erroneous inferences to be drawn from my question. It is a simple, honest, and legitimate question, and after the publication of such a document as the letter of the Emperor of the French to the Pope making that assertion, I say it is our first duty, when Parliament meets, to request information upon the subject. I hope, therefore, the noble Lord, the Secretary for Foreign Affairs, or else the noble Lord at the head of the Government, will, upon this question of Italian politics and the diplomatic conduct of the Government during the recess, enter into a frank explanation to the House. I have no doubt the papers promised by the Government, and which in due time are to be produced, will give us much information which it might be inconvenient and embarrassing, being such a mass of details, for the noble Lord to enter upon to-night. I think these are questions to which the noble Lord ought to furnish an answer, and that he will do so—I think the noble Lord will tell us what are the reasons which induced Her Majesty to assent to enter into Congress in August, when on the invitation being first made Her Majesty was evidently disinclined to do so, as deeming the occasion not one justifying her compliance; I think the noble Lord will tell us whether he did or did not, in August, offer to enter into a special agreement with France for the settlement of the affairs of Italy; and if he did, I trust he will tell us the nature of that special agreement. I hope the noble Lord will tell us to-night whether it is true that Lord Cowley did come over here merely for his private affairs, or whether it is the fact that Lord Cowley came over here to revive the special agreement which was commenced in August, and which, from the opposition of Count Walewski, was then prevented from proceeding—whether Lord Cowley came to propose that England and France should sign a joint note, addressed to the Powers of Europe, declaring that interference in the affairs of Italy should be considered by both as a *casus belli*—

whether the noble Lord and his colleagues refused to enter into such an engagement, and whether he did so, merely or mainly, because Parliament was not sitting; and, whether, now that Parliament is sitting they are prepared to propose or recommend such a course; lastly, I hope the noble Lord will inform us, whether he has on the part of Her Majesty's Government authorized the French Government to say that England was prepared to join with it in guaranteeing the States of the Pope other than the province the Romagna. These are legitimate Parliamentary inquiries, which if I did not make I should not be doing my duty. I do not want upon these inquiries to raise any controversies as to the state of Italy, or as to the course which we may think it wise to take. Subsequent occasions, when we shall be better informed, will no doubt be afforded to us for that purpose; but upon this, the first night of the Session, it is in my mind most important that the House of Commons should have a clear comprehension of what is their position.

The gracious Speech of Her Majesty from the Throne is full of topics involving questions of no mean character; but every man in the House knows that there is only one subject really upon which the people of this country are thinking; and that is what may be the position of England with regard to this Italian question, and whether the course which we shall pursue will be one which, at the same time may redound to our honour and yet secure the blessings of that peace which every year that elapses we learn more and more to value. I invite the answer of the noble Lord or of the head of the Government to these inquiries.

VISCOUNT PALMERSTON: Sir, I am glad that the right hon. Gentleman, the Member for Buckinghamshire, has announced that on this occasion there will be no interruption to that unanimity with which it is so becoming and so desirable that on the first night of the Session this House should return a respectful answer to the communication from the Throne to Parliament. I must, in the first place, however, congratulate the noble Lord (Lord Henley) and my hon. Friend behind me (Mr. St. Aubyn) on the ability with which they have respectively moved and seconded the Address; and I am sure that the House has listened to them with pleasure on this the first time they have been heard within its walls. Sir, the right hon. Gentleman (Mr. Disraeli), has made some observations upon the different topics to which the Speech and the Address relate, and he thinks that without going into the details of the measure of Parliamentary Reform which we shall have very shortly to propose to Parliament, we have been inconsistent at least in regard to form, inasmuch as it was made a reproach to the late Government that at the opening of last Session they put reform at the very tag end of the Speech, and now we have ourselves failed to put it in that prominent position which the right hon. Gentleman thinks it ought to occupy. I cannot, Sir, admit the justice of that remark. According to practice, the first part of the Royal Speech is devoted to foreign transactions, then comes the Address to the House of Commons in regard to the Estimates and matters of finance, and questions of internal legislation are reserved for the third department of the Speech. Now, Sir, on the present occasion we thought it fitting that the Sovereign should take the earliest opportunity when she came to the domestic portion of Her Speech to express the pride and gratification with which she accepted the generous offers of voluntary military service from Her subjects; but immediately after that we have placed the question of Parliamentary Reform, which thus takes precedence of all other topics of domestic legislation. I am very glad, Sir, to hear the remarks of the right hon. Gentleman in regard to the distinguished bravery exhibited by our forces in that unfortunate conflict at the mouth of the Peiho; and I quite agree with the right hon. Gentleman that there may be as much merit displayed, as much honour gained, and as great credit reflected upon the country by exertions not attended with success as by those upon which fortune smiles. It is well said that *nunquam successu crescit honestum*. It is not the success of an achievement which ought to be the measure of the merit of those who have been engaged in it; and there certainly never was an occasion on which those in command and all concerned exhibited more heroic devotion and bravery than in that unfortunate conflict.

The right hon. Gentleman then made some observations on the commercial negotiations between France and Her Majesty's Government. Sir, I am happy to be able to say that yesterday a convention or treaty was, I believe, signed between the two Governments at Paris. We have not yet received the document, and I have reason to believe that there may have been some technical informality which may have rendered it necessary that a fresh document should be signed to-day. The right hon. Gentleman has stated opinions on this point in the abstract of which I entirely concur. The right hon. Gentleman says, that as a general principle it is not desirable that this country should enter into any conventional agreement with other countries as to her tariff and Custom duties; on the contrary, it is better that we should keep in our own hands full discretion to legislate from time to time, in regard to these matters, in such a way as the interest of the country may seem to demand. But there was this unusual feature in the present negotiations—that, owing to a peculiarity in the French constitution and mode of legislation, we could not obtain from the French Government that security for future arrangements which it was essential we should obtain, unless the transaction assumed the character of a Convention between the two countries. It is, therefore, an entirely exceptional arrangement, and not one which at all implies that we have altered our opinion as to the general principle on which commercial matters of this kind should be governed. I am not going at present to enter into any details as to the arrangement proposed. When ratified, the Convention will be laid before the House; but this much I will say now in answer to the question of the right hon. Gentleman as to what would be the function of this House in regard to that Convention, that the arrangements stipulated to be made on the part of Her Majesty are made conditional on the consent of Parliament to them. Unless we have the consent of both Houses of Parliament we are free from any engagement that has been contracted. I must also remark generally, that it must be for the interest of the two countries to enter into any arrangement calculated to promote commercial intercourse between them. No great increase in the exchange of commodities can take place without giving an increased stimulus to the productive energies of the two countries. Commerce is not a one-sided operation. An increase of commerce must be an advantage to both countries, and cannot be an advantage to one alone. Therefore, if we in this country should reap advantage from the arragements contemplated, France must participate in it also. If, on the other hand, the French nation are to obtain advantages, it is impossible they can enjoy them without our receiving corresponding benefits. Taking it in its political bearing, it must be obvious to every man, that whereas it is for the interest of the two countries that they should remain together in a state of friendly intercourse, it is manifest also that the more they are connected together by the ties of mutual interest and commercial transactions, the more likely it is that neither will, on light grounds, suffer an interruption in their political relations with each other.

Then, Sir, the right hon. Gentleman has asked questions as to our policy with respect to Italy. The right hon. Gentleman is fully entitled, when Parliament meets after a recess, to call upon Her Majesty's Government to explain what has been the course of their policy upon a great question, upon which he justly says the attention, the feelings, and the opinion of this country are more particularly concentrated than upon any other question now pending. But, Sir, I think the right hon. Gentleman need not have rested his right to put these questions upon the grounds upon which he has been pleased to put them. He seems to me an example of a man reasoning rightly, but upon wrong premisses. The grounds upon which the right hon. Gentleman put these questions are a certain number of anonymous telegrams which he picked out of newspapers. "Here is a telegram," he says, "stating that in August you made a proposal to France to come to a clear understanding and agreement for mutual action in Italy. You tell me it is anonymous. Ah! but I have an answer. I asked the editor of the newspaper whether the article was correct, and he told me it was." ["No, no!"] Sir, I cannot be mistaken. The right hon. Gentleman said he made inquiries whether those articles were correct, and was told that they were. It reminds me of the Italian proverb, that you ought not to ask an innkeeper if he has good wine. You ought not to ask the author of an anonymous telegram whether he rested it on good authority. Of course he will tell you he did, but the assertion is of no more value than the paragraph to which it applies. I shall protest, however, in the first place, against any Government being called upon to answer interrogations founded upon anonymous telegrams picked out of newspapers. I admit the right of the right hon. Gentleman to make his inquiries. But, I apprehend that he had much better put it on his right as a Member of Parliament to interrogate than found it on such flimsy and frivolous grounds as those which he has chosen. I have no hesitation, Sir, in saying, that the telegram upon which the right hon. Gentleman mostly relied—namely, that some time in the month of August this Government applied or proposed to the French Government to enter into a specific engagement with regard to the affairs of Italy—is totally unfounded; that there is no truth whatever in that statement; and I have to say that at the moment at which I am speaking Her Majesty's Government are totally free from any engagement whatever with any foreign Power regarding the affairs of Italy.

Now, Sir, the right hon. Gentleman admits that we were right in consenting to enter into the Congress, but he thinks that the communication made at the end of last Session and that now made are somehow or another inconsistent, and he wishes explanations upon that point. At the end of last Session the Crown informed Parliament that overtures had been made for the purpose of ascertaining whether, if Conferences were to be held, Her Majesty would send a plenipotentiary. It had not at that time been determined that a Congress or Conferences should take place, because the holding such Congress or Conferences must be, and was, contingent upon the conclusion of a definite Treaty to carry out the preliminary engagements of Villafranca. At that time no such Treaty had been concluded. All that had passed then was, that we were told it was the intention of the French and Austrian Governments, whenever that Treaty should be concluded, to propose a Congress to take cognizance of the Treaty, and to consider the affairs of Italy. The Treaty was not concluded until late in the autumn, and the actual invitation to join a Congress did not reach us until the month of November. It was not, therefore, until then that Her Majesty's Government were able to advise the Crown to give an answer, aye or no, whether the Crown would send a Plenipotentiary to the Congress. In the intermediate time no doubt communications frequently passed. There were constant communications between the two Governments. Lord Cowley came over once or twice to this country. Of course, when an ambassador comes from a foreign Court to communicate with his Government, the communications are not confined to what sort of weather it has been at the place from which he comes. He naturally comes to communicate the information he possesses, and receives instructions which can often be given verbally in more detail than in despatches. When the distance is so short and the communication so easy as between Paris and London, it is natural that, without any particular or important transaction in view, Her Majesty's Government should, from time to time, find it desirable to have personal communication with the Ambassador at Paris. It is very probable that on those occasions the Ambassador combined private convenience with public duty. But, Sir, there was no overture received from the French Government of the nature of that of which the right hon. Gentleman has been informed—that is, the French Government did not propose the separate engagement which the right hon. Gentleman thinks was proposed and, I believe he said, declined by Her Majesty's Government. No doubt, in the interval which elapsed between the preliminary intimation and the actual announcement that a Treaty was concluded and a Congress was to be held, Her Majesty's Government endeavoured to ascertain, with as much clearness as they could, what were the views of the French Government with regard to Italian affairs. It was our duty to do so. The knowledge which we might acquire of the views of the French Government might very much influence Her Majesty's Government as to whether the proposal, when it came, ought to be accepted or declined, because, although there were many reasons why it was undesirable we should decline to join a Congress, yet if we had reason to think that in that Congress there would be a wide difference of opinion between England and France—that we should find ourselves quite at variance with France on the great questions to be discussed—that knowledge would be a considerable element in the decision as to whether we would go into Congress or not. Upon the general question the right hon. Gentleman seems not to have any doubt that our decision was right. When the proposal came, we might either have accepted it or declined it. Suppose we had declined. Suppose we had said, "We anticipate that a majority of the Powers who will be parties to the Congress will differ with us upon an essential point upon which we have a strong and decided opinion. We make no secret that is is our intention in Congress to assert the principle—(to which I am glad to find the right hon. Gentleman agrees)—that it is right the people of Italy should be left to settle their own affairs—that the people of Italy should be left, as the right hon. Gentleman says, by their own will, opinion, and energy to settle the question of Government between themselves and their rulers, or between themselves and their allies and neighbouring States. We anticipate a majority of the Powers will differ with us, and we decline." We made no secret; we took pains to make known that such was our principle, and that we should maintain it in Congress. If we had found that it was likely a majority of the other Powers would have differed in opinion, and a moment would have arrived in Congress in which we should have been compelled either to acquiesce in silence in a principle which we did not approve, or withdraw, that would have been an element in our decision. It was, therefore, of the utmost importance that we should ascertain as accurately as we could what were the opinions and feelings of the French Government in regard to this question, and it was upon it that the communications which have been referred to took place between us and the Government of France.

Now, Sir, if when the invitation came, we had met it with a refusal, one of two things would have happened. It was possible, in the first place, that Prussia and Russia might have said, "If England, one of the great Powers in the Congress of 1815, does not choose to go into Congress, neither do we." It was thus possible that our refusal might have prevented the Congress assembling. If that had resulted in disturbances in Italy, we should have been called the cause of those calamities, and that was a responsibility which I think we ought not lightly to have incurred. If, on the other hand, Congress met without us, England, by its own act, would have excluded herself from a great transaction in which all the other Powers of Europe were engaged. Now that was a position which it did not become the Government of this country to take. Moreover, in abstaining from going into Congress, we should have run the risk of seeing conclusions adopted opposed to our convictions, and which we might have prevented from being adopted had we been there to give our reasons against them. We, therefore, were perfectly right, I think, in accepting the invitation, and we should have been very blameable if we had held aloof from the Congress, if Congress there had been. We were prepared to enter into Congress free from all engagements, but having announced fully what our opinions were as to the propriety of leaving the Italians to settle their own affairs, without any foreign interference by force of arms, I am quite persuaded that if that policy is adhered to, if the Italians are left free to settle their own affairs, the result will probably be satisfactory; and if it is not, then the Italians alone will be to blame.

Then, Sir, the right hon. Gentleman, quitting Mr. Reuter's telegrams, took higher ground, and quoted the letter of the Emperor of the French to the Pope —though I think he did not read it quite accurately—which, he contends, contains an engagement that, if the Pope would agree to allow the Romagna to remain independent, the Powers of Europe (including England, as the right hon. Gentleman conceived) would guarantee to him the secure possession of the rest of his territories. Speaking from recollection, though, probably, as the right hon. Gentleman has the paper before him he may be right after all. [Mr. DISRAELI: I spoke from recollection.] Well, then, my recollection differs from that of the right hon. Gentleman. The phrase, I think, is, that in that case the Pope might address himself to the other Powers, and ask—*demander*—such a guarantee, which I think the Emperor said they would very likely give. All I can say, Sir, is, that we were no parties to such an engagement. It is not a guarantee, I think, which this country would be at all disposed to enter into. I trust, therefore, that I have given the right hon. Gentleman an answer on this point which will be satisfactory to him. I agree with him that it would be trespassing needlessly on the time of the House to go on this occasion into the detailed communications which have taken place on this subject. What they are will be shown by the papers which are to be laid on the table; and though I do not recollect the instances to which the right hon. Gentleman referred of papers promised at the beginning of the Session and delayed until the end, I can assure him that my noble Friend (Lord J. Russell) has no intention of delaying until the end of the Session the production of the papers which the right hon. Gentleman is so anxious to see, and which I trust will be perfectly satisfactory to him and to the House.

Our policy, Sir, with regard to Italy has been the simplest possible. It is fully explained in the Speech from the Throne, and which I certainly cannot admit to be either ambiguous or unintelligible on this point. Our policy has never varied. We said in the beginning, and we say still, that no foreign force ought to be exerted to control the people of Italy in the arrangement of their own affairs. Our opinion is, that they should be left to settle their affairs among themselves between people and Government; that they should be free to adopt that form of Government and such an arrangement of States as they might think best for their own interests, and that no foreign Power ought to interfere by force of arms to prevent them from arriving at the result which would be most satisfactory to their own feelings and interests. The right hon. Gentleman says that if you ask the opinion of different people, all of whom are respectively and individually good authorities on the subject of Italy, one will tell you one thing, and another another; that whether it is about the Romagna, Tuscany, or Sardinia, or Naples, or Lombardy, every one you consult gives you a different opinion. But, Sir, is that peculiar to Italy? Without going further than the walls of this House, I should like to know whether you won't find Gentlemen here who will give you the most opposite opinions about any question of domestic interest you like to name. Ask my hon. Friend opposite (Mr. Spooner) his opinion about Maynooth, and then go to some Irish Member below the gangway, and ask him his opinion on the same subject. Ask about Parliamentary Reform, or any other question on which the public attention is fixed, and I will venture to say that within the walls of this House you will find as many discordant opinions as the right hon. Gentleman says exist among Italian authorities with regard to the state of Italy. Well, then, adopt the same course with regard to Italy as you do with regard to questions of domestic policy. In this House a question is settled according to what the majority thinks about it; let the people of Italy settle their own questions in the same way. If it be true that Lombardy wishes to be a separate nationality, so be it. If it be true that the King of Naples is the most beloved of monarchs, let his subjects remain united to him in the bonds of affection. If it be true that the people of the Romagna are enamoured of the Government of the Pope, let them return to the happiness from which they have been temporarily separated. All that we want is that the Italians should be left to judge of their own interests—to shape their future arrangements according to their own opinions of that which is most likely to contribute to their happiness and is most in unison with their feelings and opinions. I quite concur with the right hon. Gentleman that there is no question which has arisen for some time upon which the people of this country feel more decidedly than on this, and I am persuaded that the policy which we recommend is most in consonance with their wishes. It is founded upon the same principle as that on which the Throne of this country now rests, and therefore in advocating it, I feel that the Government are backed and supported by the feelings and opinions of the people at large, by the historical traditions of our own country, and by the principles on which that constitution is founded under which we have the happiness to live. I trust, therefore, that when these papers are produced, the House will find in them nothing to censure, but much to approve; and that in pursuing the course which it is our intention to pursue, in endeavouring by negotiation, whether in Congress or out of Congress, if no Congress should meet, to secure to the people of Italy freedom from the control of foreign interference, we shall meet the wishes and receive the approbation of the country.

Motion *agreed to.*

Committee *appointed,* to draw up an Address to be presented to Her Majesty upon the said Resolution:—Mr. St. Aubyn, Lord Henley, Viscount Palmerston, Mr. Chancellor of the Exchequer, Lord John Russell, Sir George Lewis, Mr. Secretary Sidney Herbert, Sir Charles Wood, Sir George Grey, Mr. Milner Gibson, Mr. Cardwell, Mr. Villiers, Mr. Attorney General, Mr. Laing, and Mr. Massey, or any Five of them;—To withdraw immediately.

Queen's Speech *referred.*

House adjourned at half-after Seven o'clock.

HOUSE OF COMMONS,

Wednesday, January 25, 1860.

Minutes.] Public Bills.—1° Appeal in Criminal Cases; Church Rates Abolition.

CHURCH RATES.

RETURN MOVED FOR.

Mr. PACKE moved an Address for

"Return of all the Parishes in England and Wales where Church Rates have ceased to be collected; when a Rate in such parish was last levied; what sum was collected by Rates to keep the Church in repair during the last seven years before the Rate ceased; and what sum has been raised by voluntary contributions for that purpose since the Rate ceased."

SIR GEORGE LEWIS said, without wishing to oppose the Motion, he would observe that great delay and trouble had arisen in obtaining returns relating to church rates, owing to the different forms in which the information was called for. He thought it would be convenient that a short Act of Parliament should be passed, making it compulsory in Churchwardens to make an annual return in a prescribed form, in the same manner as was now done with highway and other local rates. If it were thought this would be giving a Parliamentary sanction to church rates, and prejudicing the decision of the House, that objection seemed to him not to apply, since the maintenance of church rates to a certain extent was contemplated by all the plans for dealing with the question last Session.

MR. PACKE said, it was most important that the House should be in possession of the information specified in his Motion, having regard to the discussion which might be expected to take place on the second reading of the Bill, for leave to bring in which the hon. Baronet the Member for Tavistock (Sir J. Trelawny) was about to move.

LORD JOHN MANNERS asked if the right hon. Baronet, the Home Secretary, proposed to introduce a Bill of the kind to which he had alluded?

SIR GEORGE LEWIS said, he had not stated that it was his intention to introduce such a Bill. He had mentioned the subject to the House rather with the view of ascertaining whether such a measure would be acceptable; and if so, he should be prepared to propose it.

Motion *agreed to.*

ROMAN CATHOLIC CHARITIES.

QUESTION.

MR. NEWDEGATE asked the Home Secretary Whether the Government contemplated the introduction of a Bill for the regulation of Roman Catholic Charities?

SIR GEORGE LEWIS said the Government had a Bill on that subject, and he hoped to be able to introduce it on an early day.

CHURCH RATES ABOLITION BILL.

LEAVE.—FIRST READING.

SIR JOHN TRELAWNY, pursuant to notice, moved for leave to bring in a Bill to abolish Church Rates. He stated that the measure was the same as he introduced last year, and he trusted his Motion would not be opposed.

Motion *agreed to.*

Bill to abolish Church Rates, *ordered* to be brought in by Sir JOHN TRELAWNY and MR. DILLWYN.

Bill *presented* and read 1°.

APPEAL IN CRIMINAL CASES BILL.

LEAVE.—FIRST READING.

MR. M'MAHON, pursuant to notice, moved for leave to bring a Bill to secure a right of Appeal in Criminal Cases. The measure he proposed to introduce was substantially the same as the one he propounded to the House last year.

SIR GEORGE LEWIS said, there was no intention on the part of the Government to oppose the introduction of the Bill. The subject to which it related was not of a political character, and was one which, on account of some recent circumstances, had attracted a good deal of public attention. It was one which he thought properly deserved the attention of the House, and he hoped it would receive that attention from both sides, independently of all political considerations. It was obviously a subject in which no party interest was involved, and one in which the whole community had a common interest. He would not now, by going further into the matter, anticipate the discussion which must occur on the second reading of the Bill; but, in not opposing the introduction of the measure, he wished to be understood as not giving the smallest assent to the principle on which it was founded.

Motion *agreed to.*

Bill to secure a right of Appeal in Criminal Cases, *ordered* to be brought in by MR. M'MAHON, MR. BUTT, and MR. HADFIELD.

Bill *presented* and read 1°.

ADDRESS IN ANSWER TO THE QUEEN'S SPEECH.—REPORT.

MR. ST. AUBYN *brought up* the Report of the Address in reply to Her Majesty's Speech from the Throne.

Sir HENRY WILLOUGHBY said, that for many years it had been his practice to give a tacit assent to the Address in reply to the Speech from the Throne, believing that nothing could be wiser or more proper than to maintain the utmost unity between the Houses of Parliament and the Sovereign, and that the House should express its loyalty in the form prescribed by ancient usage. Nor should he, on this occasion, have deviated from that course were it not that the Address to which they were about to agree seemed to require, in one point at least, some explanation. He had always understood that these documents pledged no Member of the House to anything ; that they were meant to be mere courteous demonstrations. It did seem to him, however, that on the present occasion, with regard to China, there was a deviation from that course. As to the paragraph respecting the Italian question, he would only say that it committed this country to nothing, but indicated at the same time that we wished well to the Italian people, and that the Government were watching with a friendly interest the course of events in the Italian Peninsula. But he was sorry the answer to the Speech did not contain something like an expression of regret that Her Majesty's Government had thought it necessary to prepare a hostile expedition against the Empire of China. He believed we were committing a grave mistake in so dealing with that large portion of the human race, and that neither commerce nor civilization could be extended by such a course. If ever there was a question requiring the deep consideration of that House, it was the commencement of a war with 300,000,000 of half-civilized people, 15,000 or 18,000 miles from our own shores. The House was called upon by the Address to thank Her Majesty for the information that She had prepared an expedition ; but let it be remembered, that when an expedition had been prepared, the expense had been incurred. What, then, became of the constitutional doctrine of the control of Parliament over the finances? The manner in which the Estimates were treated in that House had often struck him as being altogether farcical ; for it was quite clear that vast sums were constantly being expended in these hostile preparations—sums for which this House was responsible to the people, who sent them there as their representatives. Now, if there was one class of wars with respect to which the country should be peculiarly alive, it was the wars into which we had been so frequently precipitated by the collision of subordinate functionaries with native authorities in the East. For example, there was first the Affghan war. What a monstrous proceeding was that! It cost £15,000,000 of treasure—was the origin of the disorganization which had since taken place in Indian finance, and the cause of thousands of our people being slain. He should like to see the Gentleman who could rise in that House and point out a single advantage which we had gained from that proceeding. One thing which was quite clear was, that that war had been entered upon without the sanction of the Parliament of that day. True, the constitutional doctrine was, that the prerogative of making peace or war rested with the Crown ; but then it was also a constitutional doctrine equally sound, and to be as rigidly maintained, that the means of carrying on wars had to be provided by that House. In a certain sense, therefore, the House possessed, and might exercise a control over, what might appear to them an unjust war. Had he been able to collect the words of the Address, when it was read by the hon. Member for Cornwall (Mr. St. Aubyn) who had so ably and gracefully moved it, or by the right hon. Gentleman in the chair, he should have been inclined to move the insertion of words expressive of deep regret on the part of that House at the information conveyed in the Speech from the Throne that it had been deemed necessary to prepare an hostile expedition against China. The House was promised further information upon the subject ; but he believed that the way in which we had become involved in these Chinese troubles was totally inexplicable. If the noble Earl who was supposed to have managed matters so well in arranging the treaty of Tien-tsin (the Earl of Elgin) thought that it was right to get the treaty ratified at Pekin, why did he not go himself? Why leave it to a subordinate? Surely it was a mistake that he did not conclude his diplomatic career in China by going to Pekin, assuming that it was really necessary to go there at all. It was likely that we had been led into this Chinese difficulty by sending a little man to complete a treaty which a great man had concluded. To leave the ratification to a "subordinate button," as the Chinese would term Mr.

Bruce, was to infuse a suspicion in the mind of the Emperor and the people that they were not treated with the respect to which the "Flowery Land" was entitled, and thereby create an exacerbated feeling. Nor did he know why our representatives in China were compelled to ascend the Peiho, nor why a peaceable Minister should be attended by an armed force. Moreover, the House, by expressing an opinion in favour of the expedition, would also imply approval of the operations being carried on conjointly with a neighbouring country, which he (Sir H. Willoughby) confessed he would rather not see. In giving his vote for the Address, therefore, he should do so under protest; but he considered that he was not bound in any way, nor did he presume that any other Member regarded himself as bound, to an opinion in favour of the policy which was pursued towards China. He believed the result would be the derangement of our finances, and the setting aside of all control by this House over the public purse. He owned, too, that he felt rather surprised that at a very critical period in British finance the word "economy" found no place in the Address. He entertained very great respect for the noble Lord at the head of the Government. The noble Lord had great administrative abilities, and in many respects had carried on the government of the empire very well; but he owned he thought that the noble Lord was a very extravagant Minister, and that a duty devolved upon the House to watch, with more than ordinary vigilance, the course of the noble Lord's Government in matters of finance, for he (Sir H. Willoughby) believed serious expenditure was now being incurred and about to be incurred, which, of course, could only result in increased taxation. For these reasons he gave his vote for the Address under some sort of protest that we were about to enter into hostilities with 300,000,000 of half-civilized people, to whom we ought rather to set an example than launch against them all the inventions and appliances of modern warfare.

ADMIRAL WALCOTT: I indulge the confident hope that the House will not consider that I should offer an apology for rising as a naval officer, to observe on a matter which nearly affects an individual brother officer, and my profession at large. I acknowledge with satisfaction the gracious allusion made in the Speech from the Throne to the action of the Peiho, as well as the graceful and generous tributes offered in the same spirit by the right hon. Member for Buckinghamshire and the noble Lord at the head of the Government. I am truly happy to be thus assured that the ancient judgment with regard to unfortunate bravery has not been reversed by the country, and that the conduct of a forlorn hope is no subject of dishonour to those engaged in it. I feel sure that the sight of the heroic Admiral, stretched wounded and bleeding on the deck, but undaunted under that terrible fire of the enemy, and calm in the midst of onerous responsibilities, conveyed a moral influence with his officers and crews, which no amount of success would have exercised without it. The victory for the time remained with the Chinese, but the impression that was lasting was wrought by the intrepidity of the Admiral in that hour of severe trial, for a brave man enduring adversity, if the saddest, is the grandest spectacle under heaven; and, "what will they say in England?" is a question which daunts and perplexes the weak mind, but strengthens and nerves the heart of the courageous. I hope that the breasts of those men, who were worthy followers of the Admiral, will not remain without their merited decoration. It is a debt we owe to the memory of the dead. It is a debt we owe in justice to the living—and a pledge of acknowledgment which we should hold out to those who shall hereafter bear the arms of England. We owe it to these gallant men, for I believe that the story of that unwavering struggle through the treacherous marsh, that intrepid passage across the moat, that reiterated attempt to scale the walls under a withering fire, and the murderous cannonade of foes who were unassailable, will one day be recorded in a page as full of honour as that which commemorates the ride of the immortal six hundred in the valley of death at Balaclava—upon the graves of those who fell we may write the epitaph of old, "we could not conquer but we died." The bravery of the survivors will not prove in vain; it did not cease when they turned in slow and sullen retreat, and with a magnanimity greater than heroism, a noble resolution equal to the highest acts of bravery, raised the dying and wounded comrades as they fell, and bore them on their shoulders to their boats, although the delay more than redoubled the likelihood of their own death. The memory of their invincible fortitude and of their daring, that never quailed when defeat was trembling on the verge of annihilation, the deaths that were met for the glory of saving the lives of others, will in the coming hour of signal retribution yet strike dismay into the hearts of their enemies. Meanwhile, I will hope that hon. Members and the country at large will adopt the sentiment of the great soldier of Rome, that if it was ordained that the victory should rest with his foes, that cause which was lost commended itself to him.

Sir JOHN PAKINGTON, before the Address was put, wished to ask a question of the Government with regard to that part of Her Majesty's most gracious Speech which referred to the commercial treaty with France. Before doing so, however, he could not refrain from expressing his concurrence in the remarks just made by his hon. and gallant Friend behind him (Admiral Walcott). He could not help expressing the satisfaction which he felt at the circumstances that both in the discussion yesterday and to-day, justice had been done, though rather late in the day, to the conspicuous gallantry which had been displayed by Admiral Hope in the action in the Peiho. There had been previous occasions on which the Government might have recognized that gallantry, but it was not done. Nevertheless, he was glad that at last the distinguished service of the gallant and heroic Admiral, and of those who fought under him, had been recognized. For his own part, he believed that no more heroic conduct had ever been exhibited by the navy of England than that of Admiral Hope and his forces at the mouth of the Peiho. He would not then enter into the state of our relations with the empire of China. He would only say that he regarded the state of those relations with the greatest possible anxiety, and he hoped the day was near at hand when Her Majesty's Government would feel themselves at liberty to state what was the course which they meant to pursue in respect of that difficult and important matter. He would now address to the Chancellor of the Exchequer the question to which he had alluded. For the sake of those parties who were interested in the approaching changes in our commercial relations with France, he wished to express a hope that the Government would, at the earliest possible period, state to Parliament and the country the nature of the changes in the duties which were thus to be brought into operation. It had been represented to him that trades, whose interest were likely to be affected by those changes, were already experiencing great difficulties from the uncertainty which prevailed on the subject. He himself had received a communication from the glove trade of Worcester, complaining that the trade was completely paralyzed; that goods to a very great value had to be arrested at Folkstone, and that the manufacturers were unable to decide what course to take. It was most important to that trade, then, and equally so to others, that they should at the earliest possible moment be informed what were the intentions of the Government, and what would be the actual changes affecting their interests. The present uncertainty was operating most injuriously; and he hoped that no time would be lost in giving the necessary explanation upon the subject.

Mr. HADFIELD protested against the course that was about to be pursued with regard to China. We call them semi-barbarians, but they called us downright barbarians; and he was sorry to say that in many respects they had too good reason to say so. We were raising up in China a military feeling, and teaching them how to contend with us in war. They had already gained one victory over us, and if the military spirit of so vast an empire were roused, there was no telling what the consequences might be. He hoped the papers would be presented full and entire, and not mutilated as in the case of the Affghan papers, which it had lately been demonstrated were in the first instance presented to Parliament in so mutilated a condition, that to this day our knowledge of the transactions which then occurred was incomplete. That war was undertaken without the consent of Parliament, it cost us 24,000 lives, and £15,000,000 of money, and to this day the causes of the war had never been investigated. The Americans had managed their affairs much more reasonably, and were now on terms of friendship with the Chinese Government.

Sir MICHAEL SEYMOUR was desirous to add his testimony to what had been said with regard to Admiral Hope, his gallant successor in the Chinese seas. He could speak of him, not only as his friend, but as an officer of great experience and high professional qualifications, as well as undoubted ability and gallantry; and he should be sorry to lose the present opportunity of expressing his most cordial concurrence in the meed of approbation which had been extended to him by others. As to the policy of this country in sending an armed force, in conjunction with France, to readjust our relations with China, he would only observe that, from his own experience and knowledge of affairs in China, he did not understand how any approach could be made to that Power otherwise than by the accompaniment of an armed force. He concurred in the wish that had been so often expressed, that our dispute with that country might have a peaceable termination. Personally, that would be highly gratifying to him, but he repeated that he did not understand how it was possible, after what had occurred, to approach China without being accompanied with an armed force.

MR. SLANEY said, he was delighted to find that the commercial ties between this country and France were about to be drawn closer by the means of freer intercourse: it would be of vast importance to both countries and to the cause of peace. But he desired to learn at the earliest moment what alterations of duty were to be made affecting the various industries of the country. With regard to the Worcester manufacturers and their low state referred to by the right hon. Baronet, he remembered that some years ago when it was stated in that House that those manufactures had been injured by foreign imports, the late Mr. Morrison, a great authority on trade matters, declared that their want of employment arose not from any foreign importations, but from recent improvements in other branches of our own manufactures. He heartly congratulated the House on the prospect of changes which would be beneficial to both countries.

LORD FERMOY protested against the delay which was to take place in the introduction of the Reform Bill. This was understood to be pre-eminently a Session for considering the question of reform; but instead of having the Bill brought forward in the first week it was delayed for a month. He was one of those who cared very little what position this subject occupied in the Queen's Speech, provided that he saw in office a Government who were sincerely desirous of carrying it to a successful issue, bnt when he found that it was not to be brought forward for a month, he began to think that either the Members of Government were not agreed among themselves, or that they were recklessly wasting the time of Parliament. The result would be that the Bill would not be brought in till late in February; the country must be allowed some time to consider it; the Bill must afterwards pass through the House of Lords, and, after undergoing some alterations, it would return to that House in the latter end of July, and might perhaps fall through altogether. It would then have to be reintroduced and debated over again in another Session, to great public inconvenience. He hoped that the Reform Bill for Ireland would be brought in along with the one for England, so that the two measures might have equal justice done them. Another thing he complained of was, that while congratulating the country on the general armament of volunteers, Ireland, which was nearly one-third of the United Kingdom, had been entirely overlooked. We were all proud and glad that the people of England were voluntarily arming and drilling to defend their country; but Ireland was entirely disarmed; and why? Because it was distrusted; and why? Because it was discontented; and why? Because its affairs were not dealt with in a wise and statesmanship spirit. They ought to deal with Ireland as they would with England; but they had not done so. Nobody had seen with more regret than he the late agitation in Ireland. The Ultramontane party there were strong and violent, and no one regretted it more than himself; but the Government must address themselves to that matter as practical men and as statesmen. What had the Ministers done during the recess to encourage the moderate party in Ireland; Don't let Hon. Members suppose that because the Ultramontane party were noisy and violent, the majority of the people of that country went with them. There was a very large and powerful party of moderate men—Roman Catholic laity—who did not wish to sever the connection between England and Ireland, and did not look to Rome and Rome alone for directions and orders. What had the Government done with regard to mixed education in Ireland? His belief was that they did not owe to them the non-surrender of that excellent system to the Ultramontane and violent party in Ireland. They owed it to the celebrated letter written by the Primate of Ireland, and read at the meeting at Coleraine, and in which he said that the Protestant Church in that country was not disposed to adopt another system. Until that letter was made public the Government gave no proof whatever that they were prepared to stand by the system of mixed education. Great credit was due to the Protestant party in Ireland—who in past time had no doubt been extreme in their views—for the moderation they had shown during the recent agitation in that country. If the Government really wished to deal with Ireland in a statesmanlike manner, they ought to rally round them the moderate party, who were disposed to keep up the British connection and to see the country governed upon free and enlightened principles. On the previous evening the Government gave notice of a number of measures relating to England, but not of a single measure for Ireland; although there was no country in the world which more required legislation, not upon political or religious, but social and financial questions. Her fiscal taxation was levied in a most unjust way, and her poor law required reform; yet there was not a single word in the Royal Speech about these or any other subjects touching Ireland. With regard to the question of the representation, he hoped that if the promised Reform Bill for England was introduced, the Irish Reform Bill will be brought forward at the same time. If they passed an English Reform Bill first there must be a dissolution immediately aftewards, and the Irish Bill would have to be considered in the next Parliament; so that the unfortunate Irish Members would be subjected to two elections instead of one, and great injustice would thereby be done both to them and to Ireland.

Mr. CARDWELL should have hoped that the absence of any special reference in the gracious Speech from the Throne to Ireland was a subject for congratulation rather than regret. It was undoubtedly true that no particular reference was made either to Ireland or Scotland in the Speech; but in that congratulation in which Her Majesty invited all of them to join, the United Kingdom and the possessions beyond the seas were all included as belonging to one common country. If his noble Friend thought that the non-raising of volunteer corps in Ireland was a proof that the loyalty of the people of Ireland was distrusted, he might dismiss that feeling from his mind. The Act under which volunteers were raised in England was peculiar to Great Britain, and did not apply to Ireland. Her Majesty's Government had not the power to come to the determination of enlisting rifle corps in Ireland under the same regulations under which they were enlisted in England. There was, however, an old Act of the Irish Parliament, confirmed by the Act of 1802, which enabled them to receive offers of volunteer service; and the Secretary for War had before him now an offer of the voluntary service of an Irish artillery corps, which he believed it was his intention to accept; but there had been no pressure of applications from Ireland for the establishment of rifle corps. This might arise partly from the belief or knowledge in Ireland that the Government had not the statutory power which existed in Great Britain; and it might also partly arise from the feeling of the moderate party, to which his noble Friend referred, that there were special considerations of an internal and social character to be borne in mind with regard to Ireland before they had recourse to anything like a general arming of the country; but undoubtedly it had not arisen from any distrust on the part of the Government of the loyalty of the people, and he did not believe it arose from any want of patriotism or zeal in the people of Ireland. His noble Friend complained that they did not encourage the moderate party by some "timely declaration" on the subject of mixed education. He did not know what his noble Friend would call a "timely declaration," but he thought he could satisfy him that no less than three declarations had been made on the subject. At the close of last Session he stated, as plainly as his command of the English language permitted, that it was the firm determination of the Government to adhere to the mixed system of education in Ireland. Again, about the middle of the recess, the declarations of the Lord Lieutenant on the occasion of distributing prizes to successful candidates at the Queen's University, on the same subject, were not ambiguous or few: and only last night he (Mr. Cardwell) laid on the table of the House the answer of the Government to the representation of the Archbishops and Bishops, which his noble Friend would see contained a distinct declaration of their steadfast adherence to the system of mixed education. His noble Friend also said that they gave no notice on the previous evening of measures for Ireland; but a number of important measures relating to that country had already been prepared, and he sincerely hoped that if not all, at least some of them, would be passed in the course of the present Session; but he should not be dealing respectfully with the House generally, or the Irish representatives in particular, if he were to give notice of measures when there was no prospect of commanding an immediate day for their consideration, and especially when the great commercial interests of the country were about to be brought under their attention. With regard to the Irish Reform Bill, his noble Friend's wish would be gratified, because at the same time, or immediately after, that the Bill for England was introduced, the Irish Reform Bill would be laid on the table, so as to enable the House to have a full view of both together.

MR. W. EWART, as one of the oldest free-traders in the House, wished to express his cordial approbation of the measures taken by the Government for promoting our commercial intercourse with France. Last Session he gave notice of a Motion for the reduction of the duties on foreign wines, and he then thought that, without reference to any treaty or system of reciprocity, they might proceed in a straightforward way to lower the duty on various articles imported into this country. He did not wish to detract from the advantage of treaties, if they were the best means of accomplishing that object, and he had no doubt that the Government, in arranging the particular treaty which had recently been entered into with France, had taken care of the interests of this country. But, as regarded the wine duties, any reduction of them would be utterly futile unless the consumption of the wines was brought down to the lower substratum of the population who never drank them before, and, in order to do this, there must be an alteration in the system of licensing. He therefore hoped that that point had not escaped the attention of the Chancellor of the Exchequer. Nor did he see why, when they repealed the duty on the importation of foreign corn, they should yet retain a duty on foreign cheese, butter, and eggs, which entered so largely into the consumption of the labouring population. If there should be a Congress of European Powers, he ardently hoped Her Majesty's Government would bring before it the question of the immunity of commercial shipping from acts of hostility by the Powers at war. If property on land were excepted, so ought property at sea; otherwise, during a maritime war, the whole carrying trade would be thrown into the hands of neutral Powers. He repeated his thanks to the Government for re-establishing our trade with France, which had so long remained in a disgraceful state, French wines being still dealt with under the enactment of William III., which declared that our trade with France was a pernicious thing and ought to be put down.

MR. SEYMOUR FITZGERALD said, it appeared probable at one time that the discussion would be closed without any allusion having been made to the commercial treaty between this country and France, and if that had been the case it was not his intention to address any observations to the House on the subject; but the hon. Gentleman who had just sat down had thought it his duty, as a consistent free-trader, to congratulate the House on the formation of this commercial alliance with France, and to tender his thanks to the Government for entering into a treaty of reciprocity. He (Mr. FitzGerald), as one who acquiesced also in the policy of free trade which had been adopted by this country must, in opposition to the hon. Gentleman, enter his protest against this commercial treaty, which, in every point of view, whether as political or as a question affecting the privileges and rights of the House, or whether as solely a free-trade question, was as objectionable a measure as had ever been introduced to Parliament. He had always thought that a primary principle of free-traders was that they distrusted commercial treaties of reciprocity. They were told that reciprocity was protection in its worst guise, and certainly on that ground any treaty of reciprocity so objectionable as this one could not well be imagined. If the Government had carried out this measure by a treaty of reciprocity, then they had done it in the most clumsy and objectionable manner; and if not by a treaty of reciprocity, then they had taken a course most adverse to the interests of the country. He would take it, however, that it was a treaty of reciprocity; and it was on this ground that the noble Lord at the head of the Government last night recommended the adoption of the Treaty to the House, and said, in fact, it was absolutely necessary they should enter into it, because otherwise, owing to the peculiar position of the French, it would be impossible to secure the advantages which it gave. Let the House understand exactly how England stood towards France. We were going to make certain immediate concessions in reference to French productions, and in return we were to receive certain advantages at a distant period of eighteen months. But how stood the case of the wine duties as regarded other nations of Europe? First, with reference to Spain, Portugal, and Naples, it had always been the great object of the commercial classes of England, and especially of the commercial department of Her Majesty's Government, to obtain a reduction of the duties levied upon British commodities imported into those countries. Negotiations had taken place between us and the Governments of those kingdoms upon that subject, and the answer we received was—"We will ad-admit your produce, but we must have a reduction of the duties which you levy on our wines." The reply of England to this was—"The duty imposed on your wines is not a protective duty, but one solely for the purposes of revenue, and as it produces a very large sum we cannot enter into any reciprocal arrangement, which would involve the sacrifice of a large amount of revenue, even for the sake of securing to a certain extent the admission of our own productions." The consequence was, we had not reduced the duty on the wines of those three countries, and they had not admitted British commodities. Again, Austria was willing to admit our wool and cotton, and various other articles of British produce; but she said our tariff was such that the wines of one portion of her empire—Hungary—were virtually excluded from this country; and, accordingly, we had remained also without a treaty of reciprocity with Austria. He could understand the position of the Government, if they had declined from beginning to end to enter into a treaty of reciprocity, as being inconsistent with the great principles of free trade which this country had adopted with such great success. But instead of employing any argument of this kind, the Government were actually claiming credit to themselves for having effected this reciprocal convention. And now he would ask what was the position of the Government and the country with regard to this treaty of reciprocity? By it we were to receive a certain concession; instead of prohibitive, there were to be high protective duties on certain articles of English produce imported into France, and we were to reduce the duty on French wines; but, at the same time that we did this, we in fact reduced the duties on Spanish, Portuguese, Sicilian, and Hungarian wines, and we altered the whole system of our revenue, arising from duties on wine, as regarded all the countries of Europe; and while Spain, Portugal, and Austria might claim to themselves the credit of entering into reciprocity treaties, we received no reciprocal concession from them. By entering into this reciprocity treaty the Government, in the first instance, abandoned that free-trade policy in which they had before prided themselves. Their treaty was an anachronism altogether; it was a retrograde measure; and so far, it met with his most decided opposition. But if it were to be viewed as a reciprocity treaty, then it was a most clumsy proceeding, because it reduced generally duties on foreign produce, while we received from the various foreign nations interested in this matter none of those tangible benefits which they were willing to afford, and that on the promise only of some return from France some eighteen months hence. The treaty was also objectionable because of this delay of eighteen months in its operation as to British produce—a delay which might possibly lead to misunderstandings, and perhaps complications. And he would tell the House why. No doubt if the duties on French wines were lowered there would be a much larger consumption of those wines in England, and the French producers would be largely benefited; but the moment they reduced the duties on all other foreign wines the proportion of French wines consumed would probably remain the same; while, in fact, a large increase would take place in the importation of those wines to which the people of this country were more accustomed, namely, the wines of Spain and Portugal, which possessed greater body and strength, and were probably more adapted to this climate and atmosphere. Now, if that should prove to be the case, what would be the result when the time came for France to perform her part of the agreement? He feared French producers, disappointed in their expectations during the eighteen months, would say, "We have entered into a bargain in which England has overreached us. They proposed to admit our produce, and led us to believe that there would be a great increase in the consumption of it. After eighteen months' experience we find there has been no great increase in the consumption of French wines, and yet we are called upon to carry out that which will probably very much injure our producers." This would, he believed, lead to misunderstanding, and possibly to contention. The French indeed believed that the introduction of this system would blow out all the forges in the north of France. He must, for himself, confess that he could not see the slightest necessity, in a commercial sense, for making immediate concessions to France for the sake of a prospective return at the end of eighteen months. But when he came to look at the question as a question of revenue, the position of the Government appeared to him infinitely more objectionable and unjustifiable. It appeared to him that, as regarded commercial treaties, the position of the House and the Government entirely changed after the adoption of the free-trade policy, and the moment they declared that there were no import duties levied in this country, except for the purposes of revenue. In the days when it was considered a part of the duty of the executive to watch over the industry of the country and to promote this, to repress the other branch of the trade, the Government were, no doubt, at liberty to enter into any commercial treaty by which certain restrictions on articles of foreign commerce were modified in return for concessions from abroad; but the position of the Government was entirely changed when it was laid down as a rule that there should be no duties in this country save for the purposes of revenue. And yet, within a week of the meeting of Parliament, the Government had thought proper to enter into a treaty which would affect the permanence of revenue to the amount of three millions of money. Supposing a deficiency should occur under the new system—and whatever it might be ultimately, that could hardly be avoided during the first year—some new tax must be imposed to make up for it. It might be perfectly true that the wine duties were a tax not in the best state; but it was quite clear that if there was to be any considerable reduction in these duties, they must be replaced by some new tax. What was that tax to be? The wine duties chiefly pressed on the higher and opulent classes who could afford to indulge in such luxuries, and as a substitute for them, were they to have a continuance or an increase of the income tax, which touched many who did not drink wine? If so, the Government would levy a tax on those who did not drink wine for the benefit of those who did—a tax on those who did not consume luxuries for the benefit of those who did. Or were they to continue the war duty on tea and sugar? Did the Government contemplate taking off a duty on stimulants in order to maintain an increased duty on that which formed the beverage of the frugal and temperate? Those were questions which ought to be put fairly before the House before the Government embarrassed themselves and the House, and to a certain extent, embarrassed the Crown, by entering upon a treaty which, subject of course to the approval of Parliament, involved a reduction of revenue duties. But in another point of view the treaty was very objectionable; and this applied to commercial treaties generally. It was quite possible that the duty on wine at the present moment might not be in the best state, and that when reduced the increased consumption might lead to a larger revenue. It was an experiment, however, and they could only conjecture what the result would be. But in entering into a commercial treaty of this sort they prevented any return to an increased rate, should there be a falling off. They had often before had deficiencies of the revenue which rendered it necessary to put an additional ten or fifteen pèr cent upon the Customs' duties; but the result of this commercial arrangement would be to throw the additional percentage, if found necessary, upon all articles except wine, to raise the price of articles of ordinary consumption among the poorer classes of the community, and to exempt one of the chief luxuries of the rich. These were the main objections to the treaty; but beyond these he could not help thinking there was some special reason why the treaty was to be entered into just then, and he felt as confident as he could be upon any subject, where he had no documentary evidence, that it was with a political, and not a commercial object, that the convention had been got up. It was done with the object of diverting the attention of this country from the political relations of Her Majesty's Government with the Government of France, and it was assumed, no doubt, that as a nation of shopkeepers we should at once become engrossed in anything which wore a commercial aspect, and give no heed to what required the closest and most anxious scrutiny on the part of the House and the country—the political relations of the noble Viscount's Government and the Government of France. There was no man more anxious than he (Mr. FitzGerald) to maintain the most intimate relations between England and France. He believed it was for the benefit of both countries, and necessary for the peace of Europe and the world; but there was a great deal of difference between having the most friendly feeling between the two nations and having an understanding between the two Governments which should amount to an identity of policy.

He believed that the policy the noble Lord was prepared to adopt, and the language he was disposed to hold to Europe, was this—"We and France are agreed, and you may do what you like." Now, such a policy could only be met by a combination of the other Powers who entertained different views, and the result of it could only be to divide Europe into two camps, and the maintenance of peace solely by the preponderance of power on the part of England and France. That was a most objectionable position to be held by this country. He thought so for many reasons. In the first place, if he understood the feeling of this country at all it was this, that we should not needlessly interfere in wars on the Continent; and this feeling arose not from mere commercial reasons, but he hoped and trusted from a higher and Christian view of our national responsibility. If, however, that policy was to be enforced when there existed this *entente cordiale* and this identity of policy between the two countries, it must end in this way: the Government which had the active military power, and put that policy into execution, would be the Power to lead, and it would only be for England to follow humbly in its wake. This was a position equally inconsistent with the honour and dignity and with the feelings of the people of this country. He was perfectly satisfied that it was possible for this country to maintain most amicable and friendly relations with France and the rest of Europe, and yet hold her own position, make her opinions and weight felt, and have the example of her liberal and enlightened policy followed. But he was perfectly certain that if there was one policy which, more than any other, would detract from the interest and lessen the influence of England, it was that of not maintaining the dignified independence which he had described, but attempting to preserve an identity of policy between the two Governments. There were many reasons why there should not be such an identity of policy. The English were not the people to go to war for an "idea." We regarded the reason and necessity for war in a very different light from that in which our neighbours regarded them; but, without entering into the many points of difference which must exist, looking to the form of our Government and the spirit and genius of the people, there were reasons why, without any identity of policy, we might maintain the most friendly relations and the most intimate alliance with France; but the moment they had that identity of policy which he believed it was the object of the noble Lord at the head of the Government to establish, they would jeopardize the whole prestige and influence of this country, and endanger that alliance which he believed it was the wish of the people of England to preserve.

Mr. W. EWART wished to explain. He disapproved of the policy of a commercial treaty, because he thought it was opposed to the principle of free trade; but if the treaty in question could be reconciled with that principle, he should be glad to see such a a treaty concluded.

The CHANCELLOR of the EXCHEQUER said, he wished first to notice an observation, though a very slight one, made by the right hon. Baronet the Member for Droitwich (Sir John Pakington), which he thought ought not to be allowed to pass entirely without notice. The right hon. Baronet said he was glad that justice had at last been done by the Government to the gallantry of our naval forces in the action at the mouth of the Peiho, because it appeared to him that other and earlier occasions of doing that justice had been allowed to pass by without advantage being taken of them. On the part of the Government, he (the Chancellor of the Exchequer) ventured to say that they had always entertained that feeling of unqualified admiration which was expressed by his noble Friend at the head of the Government on the previous evening. He was not aware of any occasion which they had lost for giving expression to those sentiments; but if there was, and the right hon. Baronet brought it to their knowledge, they would at once express their regret for having overlooked it. But, of course, he rose principally to follow the hon. Gentleman who had just sat down, and who had discussed very much at length a treaty which was not yet on the table of the House. The first question which would suggest itself to the mind of any man who had listened to the hon. Gentleman was, how in the world had that singular and fortunate Member of the House of Commons attained to such a minute and accurate knowledge of the character of the treaty—which had not yet been published to the world—as to be enabled to express his opinion upon it in so copious a manner, and in every possible point of view. Although his hon. Friend was incapable of a dishonourable action, he was almost led to the suspicion that he had secreted himself, after the ancient fashion, behind the tapestry of the room where the negotiations were going on, and in that extraordinary and not very creditable manner, obtained that knowledge of which he now gave the advantage to the House. In one respect he was very sorry for his hon. Friend; for he had put himself at a disadvantage by thus forestalling and anticipating the occasion for his objections, because—although due weight must attach to everything that fell from him, even under the most unfavourable circumstances—his sweeping denunciations of this unfortunate instrument—this disastrous convention—would have come with greater force, because they would come to the minds of an audience better prepared to receive them, if he had waited for the few days which must elapse before the treaty could be in the knowledge of the House. He had, however, emptied the budget of his objections, and when the treaty was actually laid on the table he would have no more objections to urge; or, even if his ingenuity found others, the freshness and bloom would have been taken off his criticisms, and his charge would have lost a great portion of its edge, because he had dealt with the matter in every possible and imaginable relation. His hon. Friend had endeavoured to show that the Government, in entering into the treaty, had been guilty of some grave violation of the constitutional rights of that House; but this he had done with rather more fulness than prudence, after the statement of the noble Lord at the head of the Government the previous night, that the treaty was framed in such a manner as to preserve intact and entire every right and privilege of the House, and that if it was to take effect it must do so only in virtue of the deliberate vote and decision of the House. If his hon. Friend considered the position of the Government weak in that respect, his mind must be, though probably unknown to himself, influenced by an adverse prepossession against the Government, which prevents him from delivering a perfectly impartial judgment on the subject. The hon. Gentleman had shown the House what an objectionable document this treaty was with regard to the principles of Free Trade; and he regretted to say he was not at liberty to follow him in his discussion. He must be content to wait, as I hope the House will be also, until, in compliance with the necessary forms of diplomatic proceeding and the principles of the constitution, which he could assure his hon. Friend the Government had not altogether forgotten, the treaty could be produced, and they could have ample discussion of its merits, not in their present state of ignorance as to what it really was, but in the clear light of day and in the full knowledge of all its particulars. For the present he must beg to adjourn the defence of the principles of Free Trade and the establishment of the relation in which this treaty stands to them. Notwithstanding the denunciations of the hon. Gentleman, he could assure him that he entertained a full and perfect confidence that when Parliament should have obtained a knowledge of the subject on which it was to pass judgment, and when on one side and on the other they had come to a clear and comprehensive understanding of what the treaty was to effect, the verdict of Parliament would be favourable to the proceedings that had been concluded. His hon. Friend had told them that the treaty was bad as regarded Free Trade and commerce, but far worse as regarded revenue. It was monstrous, he says, to take up a subject of this kind after we have declared that we have no duties but those for the purposes of revenue. He (the Chancellor of the Exchequer) must confess his ignorance of the time when they had made any such assertion. He should like to know whether his hon. Friend would pledge himself to the fact that we have no duties but those for revenue, and whether he will maintain that the 15*s.* a gallon on brandy, compared with 8*s.* on spirits, was a duty solely for revenue. If he would, he (the Chancellor of the Exchequer) must join issue with him upon that matter. In point of fact, it was not true that we have no duties but those for revenue. It was true that we had been engaged for a great many years in a gradual, and he was thankful to say, sweeping purgation of our tariff, but though that task had gone far it was not yet fully accomplished; and he would soon invite his hon. Friend, as a man ardently attached to the principles of free trade, to join with the Government in congratulating the country upon another great step made towards the accomplishment of that object. He was afraid that his hon. Friend, who was so learned in things he did not know, had not taken adequate pains to inform himself of things he might know; because, however he might stand with respect to the future—and that the best of them could not conceive or conjecture—he was not accurate in his estimate of facts belonging to the past. He went back to the history of former negotiations for commercial treaties, which he said had proved abortive, and declared that our negotiations with Spain, Portugal, and Austria broke down because, as the duties we were desired to reduce were levied for revenue, we could not make the concessions which those countries demanded from us in return for the reduction of duties on articles of our manufacture. Well, he would not dwell on the history of those negotiations, but he had a large part in them, and his noble Friend who sat near him had likewise a large part in them; and so far from its being the fact that we always reserved the wine duties as duties on revenue, and were unwilling to touch them as being levied for purposes of revenue, there was not one of those negotiations, whether with France or Portugal, or Spain—and those were the great cases at issue—in which we did not offer large reductions of those very duties. Perhaps the real reason why those negotiations did not succeed was, because the two parties looked at the matter from different points of view, and could not agree as to the relative value of the concessions to be made on either side. Probably we did not proceed on that large and comprehensive basis on which alone such arrangements could be carried out. Then his hon. Friend said, that the wine duties were not in the best state. Now, he must say that was a very mild way of stating the case. The wine duties were not in a good state, but his hon. Friend did not support that opinion of his at all; and he (Mr. Gladstone), should rather have said, according to his hon. Friend's speech, that they were in the best state. For what did the hon. Gentleman tell them? He told them what, if it was true, was a very high eulogy indeed on duties that yielded £1,700,000 a year. He said they were duties that pressed only upon the rich. Well, he presumed his hon. Friend's words had a definite meaning. He said that the main pressure of them was upon the rich, and not upon the middle classes or the poor. But why did not these duties press upon the poor? Simply because they prohibited wines from being used by the poor. The wine duties did not press upon the poor because, with these duties, wines never came within their reach. The duties stood like a wall of brass between the poor man and a glass of wine. That was the reason why the wine duties fell only upon the rich; that was to say, the rich paid the duty and never thought of it; the poor never drank wine, and therefore the hon. Gentleman said those duties did not press upon the poor. This was the way in which the hon. Gentleman dealt with the treaty that he had not seen, as respected the principle of free trade, and as respected the revenue; and then he ascended to still higher matters, in which he was loth to follow him. Although it was bad in respect of free trade—although with regard to revenue it was infinitely worse, to say nothing of its being a breach of the constitutional privileges of that House—the hon. Gentleman had not yet come to the climax. The climax of the case was this—there was a latent intention of drawing closer, in some mysterious way, the relations between this country and France, and, great as were the other evils, this was the weightiest and most dangerous offence of all. The hon. Gentleman said it would be very objectionable to maintain the peace of Europe by the preponderating power of England and France, and he said that the Government were aiming at an understanding that should bring us in all cases to an identity of policy between the two countries; and he said it was their object to divert the attention of the House from the political relations between Her Majesty's Government and the Government of France. If it were so, the plot had most signally failed, and they had that day had the proof; for on the very first day of the Session there had come down an hon. Gentleman, than whom no one had more completely detected them, exposed this clandestine procedure, and entirely blasted whatever hopes they might have entertained of concealing their infamous intentions. Well, then, his hon. Friend must feel that if this detestable policy had been concocted by Government, he had rendered a great service to the country, because at any rate now they should not succeed in diverting attention from the political relations between Her Majesty's Government and France. His hon. Friend was afraid of too close an understanding between the Government of England and the Government of France. In former times there had been individuals, even, perhaps, in that House, who had felt an ineradicable and incurable jealousy of a close amity between France and England. He had hoped that those times were passed, and yet he could not say he felt assured of that, after listening to the speech of the hon. Gentleman. The hon. Gentleman said he wished for an intimate alliance with France, but not for identity of policy; he was afraid of identity. Is there any other man in the House who is afraid of an identity of policy with France? Is there any other Member who believes in the possibility of an identity of policy, in all cases and at all times, between the policy of England and France? Now the practical question at issue was this—did any of them believe that there could be, in the nature of things, too close an understanding between England and France? The hon. Gentleman believed that there could. It was the fear of this too close understanding that had roused his hon. Friend's apprehensions and unloosed his tongue upon the present occasion. He said, in answer to his hon. Friend, that there could not be too close an understanding between England and France; because it lay in the nature of the case, it lay in the circumstances of the two countries, it lay in the circumstances of Europe, that it was hardly a possible contingency that France and England should ever be associated in policy except for objects that were laudable of themselves and beneficial for mankind. He knew of no occasion in our own day—he knew of no occasion in history—with regard to the policy of Europe, when England and France had been in alliance for a bad object; and therefore he wished—and he might say for his colleagues that they wished—the alliance to be drawn closer and closer, not only on account of its intrinsic value, but because they felt that it contained in itself nothing that could, by any possibility, be hostile to the interests of the other Powers of Europe. The best proof of this was—and his hon. Friend could not fail to have perceived—that though there had been of late years close association between the Governments of France and England, yet that association had not provoked the jealousy or suspicion of other Powers—because it was known and felt to be an association which could only be applied to good ends. He was far from thinking that he had offered a perfectly satisfactory answer to all the objections of his hon. Friend, because he did not like to proceed to a detailed argument of the case till the treaty was in the hands of the House, and therefore he would here notice a question which was put by his right hon. Friend the Member for Droitwich (Sir J. Pakington) as to the period when the practical proposals contained in the treaty would be submitted by the Government to the House. Now the treaty was signed the day before yesterday, and it was provided in it that the ratifications should be exchanged within ten days, which was a very short time for the necessary review of so important an instrument. That brought them to the latter part of next week, and at that time, about that time, it would be practicable to present it to the House. And when the treaty was presented to the House, it was the view of Her Majesty's Government that the propositions it contained should be submitted to the judgment of the House upon the very earliest day on which it would be convenient for Members to take them into consideration. But Her Majesty's Government had likewise felt that, as those propositions had an important connection with revenue, as they entered into questions bearing on the general financial arrangements of the year, they would therefore not be doing full justice to the House unless with the particular propositions contained in the treaty they combined the general statement of the revenue and expenditure of the year. With regard to the introduction of that statement, it was their desire that it should take place upon the earliest possible day. They felt quite satisfied that the House would permit any deviation of form that did not involve a violation of principle, in order that they might attain the great and principal object in view in the manner that was least inconvenient; because it was perfectly true, though he had never stated one particular with regard to the provisions of this convention, that impressions had gone abroad which might be more or less well-founded, which were exercising a paralyzing effect upon certain important branches of trade. They would have to consider some questions connected with the forms of the House, with relation to the different modes of procedure with regard to votes of money and votes of supply; but his hope was that they might be able to make arrangements which would enable them to lay the treaty on the table of the House and subject the general financial statement for the year on Monday week. It was their desire that not a moment should be lost in bringing these questions forward, and that there might be the fullest discussion in regard to them.

MR. NEWDEGATE said, that he was not actuated by the zeal of a convert to the doctrine of free imports, and he was not prepared to condemn unseen a commercial treaty which had been referred to by Her Majesty in Her gracious speech from the

Throne; but he wished at this, the earliest opportunity, to call attention to the heavy duties imposed by the Government of France on thrown and coloured silks. In the silk trade the French possessed a monopoly, not only through having command of the raw material but of the fashions. A duty of 15 per cent. was therefore retained by Sir Robert Peel, Mr. Goulburn, and the ablest disciples of the doctrines of Adam Smith, as the only means to place our manufacturers upon a par with their competitors in France. He respected Adam Smith far more than some of his modern disciples, and was not adverse to Free Trade, understanding by that term equality of exchange, when that principle was fairly carried out on both sides, though he thought it often needed modification according to circumstances; but he was no advocate for the blind adoption of a system of unrestricted imports, which might and had been grossly taken advantage of by France, to the damage of our commerce. If Her Majesty's Government had induced France to make some concessions in return for the great boons which England had conferred on her commerce in past years, he should not reproach them for acting on principles of common sense.

Mr. SEYMOUR FITZGERALD explained that he did not say we levied no duties except for the purposes of revenue, but that the adoption of free trade implied an intention to levy duties only for the purposes of revenue.

Mr. HORSMAN asked permission to remark upon the important statement which the Chancellor of the Exchequer had just made to the House. He did not wish to make any allusion to the commercial treaty which was not yet before them, nor to our general relations with France, except so far as to answering, in passing, the question of the Chancellor of the Exchequer, whether there was any one who could conceive it possible to have too close an approximation to that country. He said that we could be in too close approximation only in one way, which was, when approximation to France meant separation from the rest of Europe. The policy of England should be to have amicable relations with all the great Powers of Europe, but not to seek separate or exclusive alliances with any. But what he principally rose to allude to was this:—The Chancellor of the Exchequer, confirming the declaration of the noble Lord at the head of the Government, which they had heard with much satisfaction last night, that the conditions of the treaty were contingent on the approval of Parliament, stated that the decision of Parliament would probably be invited about the 6th of February. He had watched with some interest the desultory discussion which had taken place upon a variety of topics, and he had come to the conclusion which the announcement which the Chancellor of the Exchequer had confirmed that great practical inconvenience was likely to be caused, and their discussions likely to be embarrassed by the unnecessary and unexplained postponement of the Reform Bill of the Government for four weeks. He said the postponement was unexplained, because he never in his Parliamentary experience remembered so scanty a budget of Ministerial measures announced to the House on the first night of a Session. It consisted of a measure for the reform of the Corporation of London, a Bill on the Annuity Tax, a Bill in reference to Mines in Cornwall, and a Committee to consider the Acts relative to the Consolidated Fund. The House could not for some days go into Committee of Supply. Many questions had been asked, and satisfactorily answered by the noble Lord at the head of the Government, but he should like to hear the noble Lord give the reasons which had induced the Government to put off for a whole month the introduction of the Reform Bill, which, as was said by the Mover of the Address, had been long promised and often delayed. Whatever differences of opinion there might be in the House and in the country on some points—and some persons were for a large, some for a small, and some might be for no measure at all, there was one point on which all were agreed—that the question should be speedily settled. The best means of arriving at a speedy settlement was an early introduction of the Bill, and unnecessary delay was a sign of apathy, or indecision. He had some right to say this, as he ventured to tell the House last year that postponing the question was likely to embarrass the party with whom he acted, and that they would find it easier to defeat a Bill of their opponents, than to construct one of their own. He predicted then that a delay of twelve months would occur, but he was told that a Bill would be brought in and laid on the table before the recess. The Session closed without the introduction of a Bill; an autumnal Session was then promised but gradually lost sight of, and then they were told that it would be the first measure introduced by the Government in the present Session. Parliament had now met, and so far from being the first measure that was brought forward a number of insignificant measures were to have precedence, and it was put off for a whole month. As his noble Friend near him had said, the Government might have taken the course of introducing the Bill next week, and allowing the country three weeks or a month to consider it. The second reading might then have been taken before March. At any rate they would have seen the measure and the constituencies would have known what was proposed. The hon. Gentleman, the Member for Evesham (Sir Henry Willoughby), had gone to-day into the question of the war with China, and it was possible that a Motion might be brought forward in regard to that question. There were some indications also that this country would be invited to go into Congress on the affairs of Italy. That was a question upon which he expressed decided opinions last year, and those opinions were unchanged. They had had to-day a discussion of the commercial treaty with France. The decision of the House might before long be asked on one or all of these questions; and it was obvious that the fate of the Government might depend upon that decision. Two years ago a Reform Bill was promised by the Government, and was expected to be introduced; but, in the meantime, a question occurred with France; the Conspiracy Bill was brought in; a majority of the House, of which he was one, rejected the Conspiracy Bill, and the Government was changed. The reproach was then made that the majority on that occasion deprived the country of the advantage of a Reform Bill. He felt on this occasion that there was nothing in connection with the question of Reform so important as having the Bill introduced, that they might know what it was which the Cabinet were about to propose, which the Liberal party were ready to accept, and which the country, therefore, was expected to endorse. He should be sorry to see the House come to a vote on China, on the commercial treaty, or on the Congress, if the carrying a vote against the Government should prevent their seeing the Reform Bill; and he felt that their deliberations would be embarrassed, and votes to some extent affected, by the consideration that the non-production of the Reform Bill would be a great misfortune. It did not matter so much whether it was a large Bill or a small Bill—they ought to know, for the sake of future Governments, what was the Bill which the present one was prepared to recommend, and then, under any Government, the House would, he believed, see its way. The present Government enjoyed advantages which no other Government had or was likely to possess. All parties were prepared to accept such a measure as was now expected. Among advanced reformers never was there such a spirit of moderation, and among the Conservative party never was there so general a disposition to acquiesce. But at the same time he could not help expressing his apprehension that if there were a change of Government those who were now prepared to follow Ministers in moderate measures, while they were on this side of the House, might not unsuccessfully invite Ministers to follow them in more extensive changes if they were sent into Opposition. That was the danger which he apprehended, and it was, in his opinion, a calamity which should be avoided. Therefore it was that it was important that they should know the character of the measure that was to be proposed. Whether the measure was large or small, the House ought to know what was the *maximum* which the Government were prepared to give and what the *minimum* which their followers would allow to be carried. When they had once seen the Bill and accepted the second reading, they would be disembarrassed for the consideration of other questions. He felt that of all questions it was one upon which the Government ought not now to exhibit anything like indifference, or to leave themselves open to the suspicion that a Bill was not introduced because it was not ready. If the introduction of the measure was postponed to the 20th February, they might possibly not get into Committee before Easter; in the meantime other important measures would come on to be considered; and he believed there were Members on both sides of the House who would regret a vote that would prevent their seeing this Reform Bill. He had always held the same language, that an early discussion of the measure and an early settlement were now desirable; and it was not so much with the view of raising any discussion as of protesting against delay, which he only did consistently with the opinions which he had before expressed.

Mr. J. C. EWART said, he was anxious that the question of reform should be settled as soon as possible, but he had no hesitation in saying that he believed the general feeling of the country at present was more in favour of getting some of the great commercial questions settled than in settling the question of Reform in Parliament. He believed that there were many classes of French wines which, if the duty were reduced, would come considerably into consumption in this country, and that if we should make that concession to France, France would meet this country in reference to the duty on hardwares and other articles. He could not help expressing his anxious wish that Government would take into its consideration the importance of establishing the principle that the flag covered the cargo. When there was a danger of a war with France the Liverpool merchants were obliged to send out orders to India not to bring cargo in British vessels.

Sir DE LACY EVANS wished to put a question to the noble Lord with regard to the period when it might be expected the debate on the Chinese question would be entered upon. He thought the House should have an opportunity, as early as possible and before the operations in China were decided upon, of expressing an opinion as to the extent to which operations should be carried on, or whether they should be carried on at all. Some expressions of the noble Lord, hinting at the possibility of our being relieved from the necessity of any extensive operations, had given considerable satisfaction, but they were of rather an indefinite character. There had been great congratulations expressed in both Houses upon the triumphant success of our diplomatic and naval and military proceedings; but last night it was stated in "another place" that those proceedings were not at all conclusive, and that the present state of affairs was a mere continuation of our operations against Canton. A very important question, which ought to be very early considered, was, whether the proofs of fitness given during recent diplomatic transactions were such as to acquire for the gentleman who had the charge of our affairs in that country, that degree of confidence which justified his being continued in that important position. There was also a personal question upon which he felt strongly, and that was with regard to the conduct of the Admiralty towards Admiral Hope. Admiral Hope was placed in a most peculiar and disadvantageous position in conducting the operations in China. He did not select the place of attack. He was there to escort the Minister Plenipotentiary, and without being allowed any option or the exercise of his own judgment, he was given to understand that he was expected to open by force a way to Pekin. He had no option, and that was a rather hard measure of responsibility to put upon any Admiral. Our diplomatic representative who refused any intercourse with the representatives of the Chinese Government at Shanghai, appeared to have been in entire ignorance of the obstacles prepared, and the consequence was that Admiral Hope, having no option, made an attack with an inadequate force. In a cursory discussion like this, he would not enter upon the point whether Admiral Hope had shown all the skill and prudence required in the management of the task imposed on him, but there was abundant evidence that as representative of our naval forces and our naval glory Admiral Hope gave almost the highest proofs of personal heroism of which this country had any record. The French had a small force, and strictly speaking, suffered as much as ourselves. They were unsuccessful. But what did the French Government do? They considered the merits of their officers, and rewarded them accordingly. Although there was the testimony of both French and Americans to the unexampled honour of Admiral Hope, he did not find that either the Admiral or the gallant men whom he commanded had received the smallest particle of distinction or approbation from Her Majesty's Government. There were many Gentlemen who understood the subject infinitely better than he did, and he hoped an early opportunity would be afforded of vindicating in public opinion the conduct of our naval commander in China, and the officers under him, and at the same time of fully elucidating our prospects as to the extent and character of the operations about to be commenced in that part of the world.

Mr. BUCHANAN wished to know whether we had ever been at war with China. During the first and second series of hostilities, there was no declaration of war, and trade was going on in the north, so as to supply the Chinese treasury with funds to fight against us in the south. Mercantile contracts all contained a clause, excepting the operations of the Queen's enemies. What he wanted to know was whether Chinese junks, which seized English cargoes, were the Queen's enemies or not?

MR. BENTINCK said, he had the highest possible respect for the opinion of his right hon. Friend the Member for Stroud (Mr. Horsman). His right hon. Friend felt that any discussion of important questions taking place anterior to the introduction of the Reform Bill would peril that great measure by perilling the position of Her Majesty's Government; but he (Mr. Bentinck) confessed to being one of those who unfortunately recollected all the evils that accrued to this country from the first Coalition Government, and he could not very deeply lament the fall of a second. The point to which he wished to allude particularly was this. His right hon. Friend had said, with great truth, that although a certain number of persons in this country might be anxious for a large measure of reform, and though others might be equally anxious for a much more moderate measure than was at first expected, there was also a large proportion of the country who did not consider the question of Parliamentary Reform an important question at all. Now he quite agreed with this view of the subject, except that, in point of fact, he thought the great majority of the people of this country felt an entire indifference to the question of reform, and his right hon. Friend did not argue with his usual logical force, because he admitted that there was among a certain portion of the people a great indifference to reform, while at the same time he found fault with the noble Lord at the head of the Government for not postponing all other questions to the question of reform. But whatever might be the amount of eagerness on the question of reform, there could be no doubt that in the other great questions referred to in the course of the debate universal interest was felt, and therefore the charge brought against the Government of acting unwisely in postponing a question upon which numbers of persons in this country were totally indifferent, for the purpose of first discussing questions which were of deep interest to all parties, could hardly be sustained. His right hon. Friend had shown that personal zeal in the question of reform which all who knew him gave him the credit of possessing; but at the same time he thought it must occur to the House that there were other questions still more important than this question of reform. The country had been able to get on very well for the last nine years without reform, although it had been repeatedly promised. He could not help thinking that the noble Lord had taken a most satisfactory course in postponing a measure on which there was no general interest manifested throughout the country, for the purpose of discussing measures far more important. For these reasons, he hoped that the noble Lord would not be induced to alter the determination which he had come to respecting the time at which he intended to introduce the Reform Bill.

MR. EDWIN JAMES said, that the speech of the hon. Gentleman who had just addressed them showed that delay was the game of the party who wished to obstruct reform, and therefore wished the noble Lord would introduce his Bill at an earlier period than the 20th of February. There could be no great difficulty in laying the Bill upon the table of the House. It might be introduced in an uncommonly short speech, and the country could then form an opinion upon it. There was a great deal of force in the remark of the right hon. Member for Stroud (Mr. Horsman). It was pretty clear there would be a debate upon the Chinese war, and if the Government were placed in a minority it would be said, "What a dreadfully cruel thing of you Reformers to turn out the Government upon the Chinese question, and so strangle them and their Reform Bill together!"

MR. W. WILLIAMS strongly advocated the immediate placing of the Reform Bill on the table of the House. If the Cabinet was agreed upon it he could not conceive why, after its long process of incubation, the Bill should not at once be laid before Parliament. It was clear that there was to be a great debate upon the Chinese war; and if the Reform Bill were not brought in before, and the Government should happen to go out, they would be charged with stifling the question of reform altogether.

MR. JOSEPH LOCKE denied that the people were not anxious for reform. The opinion of the people had been expressed upon it over and over again. They were most anxious for reform—not only that the suffrage should be extended, but that bribery and intimidation should be prevented. If the Reform Bill to be brought in by the Government should have its shortcomings, or was as distasteful even as the Bill of the late Government, why then it could be thrown out, and the present

Government would of course fall with its Bill; but he thought it would be hypercritical for hon. Members to find fault with the Government for not bringing in the measure sooner, for there would be abundance of time after the 20th of February to discuss the provisions not only of the Bill for England but for Ireland also.

VISCOUNT PALMERSTON:—I will only trouble the House with a few words. With regard to the observations of my right hon. Friend the Member for Stroud (Mr. Horsman), as to the time at which the Reform Bill is to be introduced, I beg to remind him that it is impossible for the Government to satisfy the wishes of all Members as to the course of public business. My right hon. Friend and others who agree with him are desirous that the Reform Bill should be the first measure proposed; but others do not think so. My hon. and gallant Friend the Member for Westminster (Sir De L. Evans), seemed to attach great importance to the early decision of questions connected with China; other Members feel that, whereas a treaty of commerce has been concluded with France, involving the regulation of our commercial system, that that ought to be the first measure taken into the consideration of this House; other Members attach great importance to the general view of our finances, and would prefer giving my right hon. Friend the Chancellor of the Exchequer an opportunity of bringing on his Budget. Thus, it may be at once seen that Her Majesty's Government cannot meet the wishes and opinions of all the Members, but must endeavour to arrange so as to create least disturbance in the course of public business, and to bring the various matters submitted to the House to a satisfactory and useful result. I can assure my right hon. Friend that there is no reason whatever for supposing that the Reform Bill being brought in on the 20th February, there will not be time for discussing all its details, and, as I hope, passing it into law in the course of the present Session of Parliament. My right hon. Friend indirectly intimated that until this Bill be discussed—indeed, I think he said passed; his reasoning went so far—we might not expect anything like a hostile vote from him which would at all affect the existence of the Government. I am very much obliged to my right hon. Friend for that information. I think it would be ungenerous to seek strictly to hold him to the letter of his promise—the Government can only take it for an indication of his intention to give us fair play until the measure of reform is safely harboured in the receptacle of the statutes at large. With regard to China, I think it would be out of place in me to enter into any arguments as to these transactions until the papers be laid before the House, which will be at an early period; and then it will be proper to enter into details, and examine the course which the Government have taken in regard to these operations. But my hon. Friend behind me (Mr. Buchanan) wishes it to be explained whether we are at war with China or not. He said, very correctly, that as regards the relations between the Queen and the Emperor of China, we never have been during the late transactions "at war;" that is to say, the Emperor of China has never thought fit to consider the operations at Canton for the purpose of obtaining satisfaction for the outrage there committed upon us a rupture in the relations between the two empires; and accordingly we continue to trade with Amoy, Foo-chow, Shanghai, and the other ports. And such is the position of things at present. If the treaty had been ratified, no doubt the relations between the two countries would be on a more satisfactory footing than they have hitherto stood; but the ratification not having taken place, we are in the same state exactly as before Lord Elgin went to negotiate that treaty with the Emperor of China. It was made known that the Chinese Government did not wish the commercial relations between the two countries to be disturbed on account of what took place in the Peiho River, or of the antecedent proceedings at Canton. If a declaration of war had been issued it would have been impossible for us to have carried on commercial transactions at Shanghai and elsewhere, and which intercourse is now proceeding at those places; and it will be a matter for the grave consideration of the House whether, in consequence of outrageous acts of this sort, those commercial relations should be disturbed as long as they can be carried on consistently with the commercial advantage of the two countries.

Address *agreed to*:—To be presented by Privy Councillors.

Mr. Joseph Locke

THE QUEEN'S SPEECH.

Her Majesty's Speech to be taken into Consideration *To-morrow*.

House adjourned at half after
Three o'clock.

HOUSE OF LORDS,

Thursday, January 26, 1860.

Minutes.] *Sat First in Parliament.*—The Lord Hastings, after the Death of his Father.
Took the Oath.—The Lord Ward.

VOTE OF THANKS TO GOVERNOR GENERAL OF INDIA, ETC.

The LORD CHANCELLOR acquainted the House, That he had received a Letter from The Earl Canning, Viceroy and Governor General of the British Possessions in the East Indies, dated Government House, Calcutta, 12th July, 1859, inclosing a General Order by his Excellency in Council: also, a Letter from The Earl Canning, dated Fort William, 23rd July, 1859, inclosing a Letter from Lieutenant General Sir James Outram, Bart, G.C.B., dated Calcutta, 16th July, 1859: also Three Letters from The Earl Canning, dated Fort William, 22nd August, 1859, inclosing a Letter from Major General Sir Hope Grant, dated Lucknow, 6th August, 1859; a Letter from Major General Mansfield, dated Simla, 9th August, 1859; and a Letter from the Hon. Sir Robert Montgomery, K.C.B., dated Meerut, 9th August, 1859: also, Two Letters from The Earl Canning, dated Fort William, 8th September, 1859, inclosing a Letter from Brigadier Walpole, dated Bareilly, 17th August, 1859, and a Letter from Major General Whitlock, dated Saugor, 19th August, 1859: also a Letter from The Earl Canning, dated Nawabgunge, 19th October, 1859, inclosing a Letter from Lord Elphinstone, Governor of Bombay, dated Poona, 4th October, 1859: and also, a Letter from The Earl Canning, dated Futtehgurh, 14th November, 1859, inclosing a Letter from Sir Robert N. C. Hamilton, Bart., late Agent to the Governor General of Central India, dated Avon Cliffe, Stratford-on-Avon, 17th September, 1859: In return to the Thanks of this House and to the Resolutions of the 14th of April, 1859, communicated to them in obedience to Orders of this House of the said 14th of April:

The said Letters being read, were Ordered to lie on the Table; and to be entered on the Journals.

ITALY.—QUESTION.

The Marquess of NORMANBY gave notice that he would to-morrow ask Whether any information had been received as to the existence of the negotiations between Sardinia and France, alluded to in the French ministerial journals for the annexation of the Duchy of Savoy and the County of Nice to the dominions of the empire of France; and gave notice that he should raise a discussion on the subject to-morrow. The noble Marquess proceeded to say, that he would take that opportunity of correcting a misapprehension which had arisen, owing probably to the accidental failure of his voice, as to his observations on the affairs of Italy the other night. It was true, as had been reported, that he expressed his opinion that the different countries of Central Italy ought not to be subject to any foreign intervention, either on the side of change or against it. He was supposed to mean that he trusted that England would not interfere forcibly on one side any more than Austria on the other. His noble Friend near him (Lord Brougham) heard him, and could confirm his present statement, that what he did really say was, that he trusted that Sardinia, in reference to anything that touched upon territorial limits, would be considered a foreign country as well as Austria, and that whenever the time came for the different States of Central Italy to be called upon to decide upon their future condition they would be able to act according to the free and independent voice of each State, subject neither to the armed intervention or the secret intrigues of Sardinia or any other Power.

Lord BROUGHAM concurred in the accuracy of the noble Marquess's explanation, as a matter of memory. The noble Marquess held that Sardinia should be taken to be a foreign country as much as Austria was a foreign country, and that Austria should no more be regarded as a foreign country than Sardinia. He (Lord Brougham) by no means admitted that Sardinia was a foreign Power as France was, for all the Sardinian territories were in Italy, whereas Austria and France had the bulk of their territories out of Italy, and could not, therefore, be reckoned Italian. He certainly was decidedly of opinion that the best thing that could happen to the Italians would be, that they should join themselves under Sardinia—under Sardinia—and form a great Italian Power, not a Power of Central Italy, but a Power of Northern Italy, which would not only defend Italy, but resist Austria, and even it might be resist France.

The Marquess of NORMANBY said, he would not prolong the discussion by inquiring how far his noble and learned Friend's present project was either practicable or desirable. He heard it with some surprise. At the same time he could not concur in the reason given for it, that *all* the Sardinian territories were in Italy. That is not the case, and would not be so unless the cession of Savoy to France, on which he was about to ask a question to-morrow, was a *fait accompli.* He was glad, however, again to hear his noble and learned Friend state that he concurred to this extent, that Sardinia should not exercise any influence upon the decision of other independent States.

THE QUEEN'S ANSWER TO THE ADDRESS.

The LORD STEWARD of the HOUSEHOLD (the Earl ST. GERMANS) *brought up* the following gracious Message from HER MAJESTY in Answer to the Address:—

MY LORDS,

I thank you for your loyal and dutiful Address.

It will afford Me sincere Satisfaction to co-operate with you in your Endeavours to improve the Law, to extend the Commerce, and to strengthen the Institutions of the Country.

COURT OF CHANCERY BILL.

THE LORD CHANCELLOR *presented* a Bill for improving the procedure of the Court of Chancery, which had been found necessary owing to one of the greatest improvements ever effected in that Court—namely, the abolition of the Masters in Chancery—a measure first suggested many years ago by his noble and learned Friend (Lord Brougham). Those gentlemen had performed their duties, so far as the system would allow them, in a very exemplary manner; but under that system suitors were kept oscillating between the Lord Chancellor and the Masters, and vast delay and ruinous expense were the result. One of the rules of the Masters was that they would never hear a cause for more than one hour at a time, and after the first hearing the hour was almost spent in recapitulating the proceedings which had taken place before, so that a cause which should have occupied but a few days lasted nearly as many years. A Bill at length passed, by which the Masters' Offices were abolished, and Chief Clerks were appointed who should act under the Judges, and for whose proceedings the Judges should be held responsible. That was found a salutary alteration, and one which had greatly expedited the transaction of business. Some of the functions performed by the Masters, however, such as taking notice of persons committed for contempt of the Court and pauper defendants were not provided for by the measure then passed. The Bill he now presented remedied these omissions. It provided that the Solicitor to the Suitors' Fund should be the officer whose duty it should be to visit the Queen's Prison and examine the prisoners therein confined for contempt, and report to the Lord Chancellor, and to be the *ex officio* solicitor to pauper defendants, and to lunatic prisoners; it provided also for an additional salary to be paid to the solicitor for the performance of these duties. The Bill provided also for the custody of deeds in the care of the late Masters; and for the appointment of an additional Chief Clerk, and two junior Clerks to the Master of the Rolls, who, however, might be transferred to any of the Vice-Chancellors if business should require it.

Bill, to make better Provision for the Relief of Prisoners in Contempt of the High Court of Chancery and Pauper Defendants; and for the more efficient Despatch of Business in the said Court, read 1^{a}.

House adjourned at half-past five o'clock, till To-morrow half-past Four o'clock.

HOUSE OF COMMONS,

Thursday, January 26, 1860.

MINUTES.] NEW WRITS ISSUED.—For Scarborough, *v.* the Honourable William Henry Forester Denison, now Lord Londesborough.

NEW MEMBERS SWORN.—For Liskeard, Ralph Bernal Osborne, Esq.

PUBLIC BILLS.—1° Endowed Schools; Petitions of Right; Qualification for Offices Abolition.

CHURCH OF ENGLAND SERVICES. QUESTION.

MR. DANBY SEYMOUR asked the Secretary of State for the Home Department Whether the Government intend to bring forward any measure for the relief of parishioners in cases where the incumbent of a living holds doctrines and adopts a ceremonial so closely approaching those of the Church of Rome that they do not oblige him to leave the Church of England, yet have the effect of preventing the great majority of his parishioners, on conscientious motives, from attending his ministration of the Services and Sacrament?

SIR GEORGE LEWIS: The question of the hon. Gentleman referred, he apprehended, to occurrences that have recently taken place in St. George's-in-the-East.

MR. DANBY SEYMOUR: Not only there, but elsewhere.

SIR GEORGE LEWIS: No recent case had been brought under his notice except that, and he certainly understood that it was to that case the Question mainly referred. It would be unnecessary for him to state, therefore,—what he thought the hon. Gentleman desired to be informed of —namely, the steps that had been taken in regard to that case. Without, therefore, making particular allusion to that case, he would say he believed that in the great majority of such cases as had occurred—not recently only, but at previous times—the objection had not been so much to the doctrines taught as to the manner in which the rites and ceremonies of the Church had been performed; and cerainly in the case which he had particularly in view, so far as he was informed, the objection had been directed exclusively against the manner in which the Church service had been performed, and not to the doctrines preached from the pulpit. He was not aware that it would be possible to lay down by law any such definition as the hon. Gentleman pointed out in his Question, and the Government were not prepared to introduce any such measure as he had described. If, however, the hon. Gentleman himself should wish to propose a Bill upon the subject, he (Sir George Lewis) could only say that he should be extremely delighted to find that, in the exercise of his ingenuity, the hon. Gentleman was able to draw a line that would define what at present appeared to him to be very obscure. Until he saw clearly his way to that end he certainly should not ask the House to allow him to introduce such a Bill.

MR. DANBY SEYMOUR: His Question certainly referred in part to St. George's-in-the-East; but that was one case only out of many.

HEAD QUARTERS FOR THE GUARDS.
QUESTION.

MR. HENRY BARING asked the Secretary of State for War, Whether he can state when the Head Quarters for the Guards, in lieu of the Barracks in Portman Street, would be completed?

MR. SIDNEY HERBERT said, the site had been purchased and the land prepared for the building, but it would probably be two years before they were completed.

LORD MELVILLE AND THE RIFLE CORPS.
QUESTION.

LORD ELCHO said, *The Scotsman* of the 19th instant contained the report of a meeting of the quarter sessions of the county of Midlothian, where a discussion arose with reference to volunteer rifle corps. At that meeting Lord Melville, the Commander-in-Chief of Her Majesty's Forces in Scotland, was reported to have thus expressed himself,—"Lord Melville said, he would much rather see the militia placed on a better and more efficient footing. You can never make efficient these, what I call, loose and useless rifle corps. They can never make an efficient force. The militia, if put on a proper footing, may become efficient, but the rifle corps can never be efficient in the field. They are perfectly useless, and no general officer would command them." The Question he (Lord Elcho) had to put to the Secretary for War was, whether he approved of a person, in the high position of Commander-in-Chief of Her Majesty's Forces in Scotland, holding language such as this in reference to volunteer rifle corps? He would further ask him, whether any official notice had been taken of this very remarkable speech?

MR. SIDNEY HERBERT: I confess that I rather regret that my noble Friend should have put this Question. It is difficult to define the exact line beyond which a military man should not tread in speaking upon any question of the day. In this particular case Lord Melville, whom I may describe as being a very outspoken man, and as holding strong opinions which he sometimes expresses in equally strong language, but who at the same time is a first-rate soldier, certainly did attend that meeting, and did use the expressions which my noble Friend has quoted. The Commander-in-Chief wrote to him expressing his opinion upon the subject of his having taken such an opportunity of advancing the views which he held with regard to that force; and Lord Melville has written to the Commander-in-Chief, and frankly expressed his regret at the terms which he used. At the same time, though I certainly do not share in Lord Melville's opinion, it must be recollected that this was not a meeting convened to discuss the question of the volunteer movement, but was a meeting which answers to our quarter sessions, and his observations were couched in reply to a proposal for giving some aid out of the country rates to the volunteer corps.

MANNING THE NAVY.

RETURNS MOVED FOR.

Sir CHARLES NAPIER moved for the following Returns :—

> "Returns of the number of Men who entered under the Bounty Proclamation, and of the number who have since deserted ; distinguishing those who entered under the Bounty, and those who did not so enter :
>
> "Of the total number of Men who deserted during the year immediately preceding the time of the Proclamation :
>
> "Of the number of Men who have enrolled themselves in the Royal Naval Reserve Corps.
>
> "Of the number of Men now serving who have completed ten and fifteen years' service, distinguishing each.
>
> "And, of the number of Men not serving, who receive the short service pension ; and the number of men not serving who are entitled to the short service pension, but who have not claimed it."

He had been told that these returns would be objected to on the score of difficulty and expense. He was unwilling to incur unnecessary expense, but he thought the returns he asked for were of the very highest importance to the interests of the country, for when the House had voted large sums of money for a particular purpose, they ought to know how far the money had effected the object in view. The Admiralty cost the country £130,000 a year, and there ought to be no difficulty in furnishing the returns.

Lord CLARENCE PAGET hoped his gallant Friend would not persist with his Motion. There was no desire whatever to conceal any of the facts ; but to procure some of these returns would involve considerable expense to the public, and even then he did not think they would effect the object his gallant Friend had in view. With regard to the number of men who had entered under the bounty proclamation, and of the number who had since deserted, the total was not difficult to furnish ; but to distinguish those who had entered under the bounty and those who did not would involve the sending out to all the different stations, to China, the Pacific, &c., for the purpose of examining the several ships' books. As to the number of men who had deserted during the year immediately preceding the time of the proclamation, that there would be no difficulty in giving. As to the number of men who had enrolled themselves in the Royal Naval Reserve Corps, that he understood his gallant Friend was ready to defer. As to the number of men now serving who have completed ten and fifteen years' service, distinguishing each, that too would involve the sending out to foreign stations ; but with regard to the number of men not serving, who receive the short service pension, that he should be happy to furnish his gallant Friend. The last return asked for was the number of men not serving who are entitled to the short service pension, but have not claimed it. Now, it was impossible to state that, because there was no record whatever. Nothing was known about these men. They had left the service and could not claim the pension. He would take that opportunity of stating that he was sure the object of his gallant Friend was the public good ; but he could have little notion of the expense to which he put the country by these returns. In June, 1858, the gallant Admiral's returns in reference to deserters caused the employment of no less than six clerks for six months, at a cost to the country of £500.

Sir CHARLES NAPIER said, that every ship on a foreign station sent home two monthly books, which would give the information he sought. Unless the House knew how many men had deserted after receiving the bounty how would they be in a position to ascertain how the navy was to be manned ? He wanted to know whether the Admiralty had used proper means to apprehend and punish these deserters. In his opinion no punishment, not even flogging, was too severe for men who accepted the Queen's bounty of £10 and a suit of clothes for the purpose of deserting. He doubted whether the Admiralty had taken proper steps to bring these men to condign punishment. He had no objection to give up a portion of the returns.

Motion put, and *negatived.*

PETITIONS OF RIGHT.

LEAVE. FIRST READING.

Mr. BOVILL moved for leave to bring in a Bill to amend the law relating to Petitions of Right, to simplify the proceedings, and to make provision for the costs thereof. He stated that, according to the present state of the law, great difficulties and inconveniences were experienced by merchants, ship-owners, contractors and others, in every case of litigation with the Government. When a contractor failed in his engagements with the Government, the remedy they had against him was simple, expeditious, and easy. But if the contractor had any cause of complaint against the Government, the proceedings were in the highest degree inconvenient, dilatory, and expensive, and amounted, practically, to a denial of justice altogether. He might inform the House what took place in the case of the last Petition of Right thst was brought before a court of law. A person took a contract to supply the Admiralty with naval stores, and afterwards made a claim upon them for breach of contract to the extent of between £2,000 and £3,000, and he insisted that he had fulfilled the conditions of his contract. A dispute, however, arose between him and the Board, and by means of a Petition of Right he brought the question into court, and recovered to the extent of £2,400, which was his original claim. But this was after several months of delay and a large expenditure; and he was compelled to bear his own expenses which amounted to upwards of £1,000. He thought this was a gross and manifest injustice, and the practical result was, that few persons would think of litigating a question where the expenses were likely to be more than the sum in dispute. This was a matter of great importance to the interests of justice. Lord Chancellors, Attorney-Generals, and Judges had all condemned the practice, which was so cumbrous and expensive, and which few persons really understood. The process was this:—if a person desired to obtain a Petition of Right he must begin by presenting his Petition to the Home Secretary, for the privilege of doing which he must pay a fee of about ten guineas, and which he never received back under any circumstances whatever. If that Petition was agreed to, it received the sign manual of the Queen and required to be countersigned by the Home Secretary, and by the Lord Chancellor. Then he was entitled to ask for a Commission, before which he might produce his evidence, and if he could satisfy the jury that his cause was just, then, but not till then, he was at liberty to commence his suit, and all the preliminary expenses were wasted. The result was that enormous costs were necessarily incurred, which few persons were willing to encounter. He thought it was unnecessary to state more to induce the House to agree to his Motion; and as he understood it was not to be opposed, he would not occupy their time longer than by moving for leave to bring in the Bill.

Sir GEORGE LEWIS said, he would not only offer no opposition to the introduction of this measure, but would consider that the hon. and learned Member was doing a very useful service in bringing it forward. He understood that it was proposed to retain the existing system with regard to Petitions of Right, but to simplify and cheapen the mode of procedure; and if the measure accomplished that end, it should have his cordial support.

Leave given.

Bill ordered to be brought in by Mr. Bovill, Sir Hugh Cairns, and Mr. Macaulay.

Bill *presented* and read 1°.

THE QUEEN'S SPEECH.—HER MAJESTY'S ANSWER TO THE ADDRESS.

The COMPTROLLER of the HOUSEHOLD (Lord Proby) *reported* Her Majesty's Answer to the Address, as follows:—

I have received your loyal and dutiful Address with much satisfaction.

You may rely on My cordial co-operation in your endeavours to improve the Law, to extend the Commerce, and to strengthen the Institutions of the Country.

ENDOWED SCHOOLS.

COMMITTEE. RESOLUTION. BILL BROUGHT IN AND READ 1°.

Mr. DILLWYN moved that the House do go into Committee on Endowed Schools.

(In the Committee.)

Mr. DILLWYN moved a Resolution that the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the Law respecting Endowed Schools. He did not intend on that occasion to make any statement as to the nature of the Bill, except that he had carefully considered the arguments of the Opposition last year, and had modified the Bill in a way which, he hoped, would render it more generally acceptable. If allowed to introduce the measure he did not intend to press the second reading for a month or six weeks, so that the House might have full time to consider it.

Motion *agreed to.*

Resolution *reported.* Bill *ordered* to be brought in by Mr. MASSEY, Mr. DILLWYN, Mr. SCHOLEFIELD, and Sir MORETON PETO.

Bill *presented*, and read 1°.

FRIDAY ADJOURNMENTS.

RESOLUTION.

MR. BOUVERIE said, the Motion he was about to propose, if adopted, would have the effect of abolishing the custom of moving every Friday "that the House at its rising do adjourn till Monday next," Saturday being thus made, except in unusual cases, a *dies non*. As there were many Members who had not yet had practical experience in the forms of the House, he would take the liberty of explaining how it came about that, in order to avoid the inconvenience of sitting on a Saturday, an express Motion for an adjournment to Monday was necessary. The rules of the House did not admit of an Amendment to the ordinary Motion for adjournment, nor did they permit any day to be fixed for the next meeting on that Motion; it must necessarily be in the form "That this House do now adjourn." The Motion must be decided "Yes" or "No," and if it were carried, the House stood adjourned at once till the next sitting-day, of which Saturday was technically one. In the early period of our history, Saturday was a sitting-day the same as other week days, and the practice of adjourning from Friday to Monday did not arise, according to Mr. Speaker Onslow, till the time of Sir Robert Walpole, who, being a great hunter as well as a great statesman, was anxious, whenever it was possible, to get the House to adjourn over Saturday, in order to give him a day's hunting in each week. At first the proposal met with much opposition, but by degrees it grew into a regular practice, which had continued to the present day. So long as the Motion for adjournment was a mere formal matter, and so long as it was passed *sub silentio*, it was not worth while to make any special provision with regard to not sitting on Saturday. But a novel practice had grown up, within his recollection, which he thought had arrived at such a height as in the judgment of many Members amounted to almost an intolerable nuisance. The Motion for adjournment to Monday was made a handle to introduce discussion upon almost every conceivable subject which the imagination of any Member might deem worthy of submitting. If the custom had existed from time immemorial and acquired that halo of antiquity which was involved in a constitutional practice, he should perhaps treat it with respect, as no one less wished than he did to trench upon the privileges of Members of the House. But they must bear in mind that the practice he complained of was an entire novelty; that it had virtually grown up within the last ten years, and that it had gone on increasing until it had arisen to such a pitch, that he trusted the bulk of the House would lend him aid to put a stop to it. The objections were obvious and palpable. It was a most unbusiness-like proceeding. The amount of business which the House had to transact was enormous. No representative assembly ever had anything like the same amount. For the transaction of that business the time was limited. Yet once a week, practically one, two, or three hours were occupied in the discussion of questions upon which they could possibly arrive at no conclusion whatever. He maintained that the true function of that House, as the representative of the nation, was to transact the business of the nation, and to decide, after discussion and debate, the various important matters submitted to it. All financial and legislative, and a great many administrative, matters were submitted to them, upon all of which the practice was to come to a decision after discussion, and pronounce a deliverance; whereas the topics discussed on the Motion of adjournment were topics on which they could come to no decision. With regard to them they were merely a debating society, discussing things upon which they could pronounce no deliverance; and he thought it had a serious tendency to degrade the House in the eyes of the public, and to lower their character as a legislative assembly. Besides, it was most unfair to the Government—he did not mean the present Government, but those gentlemen who for the time being were intrusted with the conduct of the affairs of the country. The Executive Administration were necessarily charged with the greater part of the business of the House. By the constitution they had to initiate all measures of finance, and practically, if not by the constitution, all measures involving intricacy or details. They had the means of knowledge; they had the power of common counsel, which independent Members had not; and it was very well known that no measure of importance could be carried except by Her Majesty's Government. The House allowed the Government two out of five sitting days—Monday and Friday—and kept for themselves Tuesday, Wednesday, and Thursday. After thus giving up two-fifths only of the time, private Members by this novelty of speaking on the question of adjournment contrived to lessen even that amount, and then at the end of the Session the Government was taxed with the responsibility of not having passed measures which they had not had the means or time to carry. It was calling upon the Ministers of the day to make bricks without straw. It was not fair to the public, whose representative the Government were, and who expected the Government properly to carry on the business of the country. It was also not fair to those hon. Members who were content to take the chance of the ballot for precedence on Tuesdays and Thursdays, and who, having respect for the forms of the House, were unwilling to abuse those forms merely to deliver a speech, of which they were big, in a full House at five o'clock on a Friday. Here was a specimen of the extent to which the practice had grown. On April 8, 1859, the following were the Notices on the Motion for adjournment till Monday :—

"Mr. Salisbury,—To call the attention of the House to remarks said to have been made by Mr. Baron Bramwell at Bala and other assize towns in the North Wales Circuit; and to ask the Secretary of State for the Home Department if he has any explanation to offer to the House on the conduct of the learned Judge.

"Captain Vivian,—To ask the Secretary of State for War a question relating to the appointment of Mr. Cunningham to an Ensigncy in the 13th regiment of Light Infantry.

"Mr. Hopwood,—To ask the Secretary to the Treasury for an explanation of the recent dismissal of a gentleman who had been employed for two years and a half in the Emigration Office, and had subsequently passed a satisfactory examination before the Civil Service Commissioners.

"Sir A. Agnew,—To put a question to the Secretary of State for India respecting the late disturbances in Travancore.

"Mr. G. Clive,—To call the attention of the House to the recent appointment of magistrates for the city of Hereford; and to ask the Secretary of State for the Home Department on what information, and at whose suggestion, such appointments were made; also, whether he will object to the production of any correspondence which may have taken place on the subject."

[Hear! hear.] He heard hon. Members say "Hear, hear," as if these were important questions to ask. He did not for a moment wish to convey that all these very miscellaneous matters were not such as might very properly be brought under the notice of the House; but he said they ought to be brought under its notice in a regular and proper manner. They might all be divided into two classes—Questions for information, or subjects on which the opinion of the House might be taken. Questions, that merely sought information, could be put on any evening without a speech. If they involved discussion, proper notice should be given, and the Motion made on a Tuesday or Thursday. He had not read half the list, and this was only for one day.

"Viscount Castlerosse,—To ask the Chief Secretary for Ireland whether his attention has been called to the fact that at the late trial at Tralee, of Daniel O'Sullivan, convicted of being a member of the Phœnix Society, the eleven Roman Catholic jurors (including a gentleman lately appointed a magistrate for the county) who were called and answered to their names, were directed to 'stand by,' by the Crown; and, if so, whether such a course was adopted with the approval of the Government.

"Sir Erskine Perry,—To ask the Secretary of State for India what steps have been taken for removing the political establishment of the India-office to the neighbourhood of the other public offices of Government.

"Mr. Kinnaird,—To ask the Chief Commissioner of Works whether the Government will have made up their minds by the meeting of the New Parliament (seeing that Berkeley-house is now pulled down) as to making a carriage road by the side of Berkeley-house, from Cockspur-street and Charing-cross, into St. James's Park.

"Mr. Monckton Milnes,—To ask the Under-Secretary of State for Foreign Affairs in what mode, and to what extent, the Government intend to act upon the recommendations of the Consular Committee of last Session.

"Viscount Palmerston,—To make some observations on the state of affairs on the Continent, and to ask Her Majesty's Government for information as to the position held by the British Government in the negotiations now going on.

"Mr. Chichester Fortescue,—To ask the Secretary of State for the Colonies when he will lay on the table the correspondence between the Colonial-office, the Hudson's Bay Company, and the Government of Canada.

"Mr. Liddell,—To ask the Secretary of State for India whether in consequence of the appointment of Mr. Peacock to the Chief Justiceship of Bengal, it is the intention of the Government to recommend that the vacancy thereby created in the Council of Calcutta should be filled up by a person competent, from experience and skill, to superintend and remodel the finances of India.

"Mr. Beamish,—To ask the Secretary to the Treasury whether Sir Samuel Cunard having offered, through a deputation who waited on the Admiralty and Treasury Departments on Monday last, to convey the mails weekly between an Irish port and America for the sum of £500 the voyage out and home, it is the intention of Her Majesty's Government to persevere in completing a contract for £300 for this service (fortnightly) between Galway and America."

Many of these were perfectly proper questions to be put for the sake of information, but he repeated that they were not put on a proper occasion, or in a proper way. It was very hard upon the different Members of the Government, because they had very little notice of the Questions to be put, and were often prevented from replying by having already answered a previous Question. He had on more than one occasion seen it degenerate into a complete farce—one Member of the Government rising after another to give answers to Questions which were not within their province, prompted by other Members of the Government who were really cognizant of the matters in question, but who could not speak themselves, because they had already addressed the House on the Question before it of adjournment. As an instance of the extent to which the practice had increased he would refer to the Notices for to-morrow. There was no great amount of business on the paper to-morrow, but already hon. Members had given notice that they would make speeches on the Motion for adjournment. Mr. Monckton Milnes was going to ask the Government—

> "What measures have been adopted with regard to the Address presented to Her Majesty on the 2nd of August, 1859, by this House, praying Her Majesty to enter into negotiations with the United States of America for the purpose of preventing the assaults and cruelties committed on merchant seamen in American vessels; and to call the attention of the House to some recent occurrences of that nature."

No doubt, the question was one which ought to be brought before the House, but why did the hon. Gentleman bring it forward on the Motion for Adjournment? Why did he not put his name down and take his chance of the ballot like others? No doubt, he was *enceinte* with a speech of which he wished to be delivered, but why did he choose an evening, and an occasion when his egg must be addled, unless it was that, the Question of Adjournment coming on early in the evening, he would be more likely to have a full House to listen to him? Then Mr. Darby Griffith was to ask the Government—

> "Whether it is true, as stated in a French paper, that 30,000 French troops are expected at Leghorn, and whether the French Government has any intention of taking any such steps, for the purpose of preventing the annexation of the provinces of Central Italy to Sardinia, which their Constitutional representatives have voted as their final determination."

And Mr. Edwin James had given notice of his intention—

> "To draw the attention of the Secretary of State for the Home Department to the case of Thomas Smethurst, convicted of the crime of murder on the 15th day of August last, and recently pardoned by Her Majesty; and to ask him whether the Government contemplate the introduction of any measure to give the right of appeal to persons convicted of capital and other crimes."

If hon. Gentlemen thought it was a legitimate thing that there should be such an opportunity as this for making a deliverance of such matter, let arrangements be made for the purpose, so as to get rid of the hardship imposed on those Members who, coming down to advance public business, were compelled to sit and listen for four or five hours to discussions on every variety of subject, which never led to any practical result. The worst of it was, that not merely were questions asked and answered, but every Member who had not already spoken on the Question of adjournment had a right to speak on any particular question; so that very often little debates were got up. He could not conceive what objection would be urged against his proposition. There were a certain number of Gentlemen who seemed to think it the principal function of a Member of Parliament to throw every obstacle in the way of public business; but he hoped that was not the opinion of the great majority. Some would say that it was advisable to have a safety-valve through which hon. Gentlemen could let off their steam; but if the valve were pretty nearly as big as the boiler, and no proper weight put on it, very little work indeed would be got out of the engine. Whether he succeeded in carrying his Motion or not, he had no doubt he should have the support of many Members on both sides, who were anxious to see a stop put to this modern abuse—which was most unfair not merely to the Government, but to the other independent Members, who did not condescend to avail themselves of it. The right hon. Gentleman concluded by moving,—

> "That, whenever this House meets for business upon Friday, it shall at its rising adjourn to the following Monday, unless the House shall otherwise order."

MR. MONCKTON MILNES said, he could hardly think that his right hon.

Friend had fully considered the bearings of that question; and he hoped that his right hon. Friend, who had not himself been very nice in his language, would forgive him if he stated that his speech was somewhat tinged with official pedantry. His right hon. Friend, when he described the practice of speaking on the Motion for adjournment as an innovation, ought to have remembered that it had grown up solely in consequence of the abolition of the old constitutional custom of speaking on Petitions, a custom which was still adhered to by the other House of Parliament, and which, he believed, existed in every other legislative assembly in the world. After it had been thought right to suspend that power it was only natural that the practice should have grown up of taking advantage of the Motion for the Friday adjournment in order to bring forward incidental matters which could not otherwise be submitted to the consideration of the House. The House was an excellent guardian of its own order, and he could remember but very few instances in which the privilege had been abused; and it appeared to him that the practice carried with it great and palpable advantages. It enabled hon. Members to bring subjects under the notice of the House at the right moment; whereas if the usual form of giving notice of a Motion were adopted, many questions which called for immediate consideration could not be submitted to the attention of the House until the lapse of perhaps two or three months, when no advantage could any longer arise from their discussion. His right hon. Friend had asked why he (Mr. Milnes) had not given notice of his Motion, and stood his chance of the ballot for the day on which it was to be brought forward; and his answer was that he had not done so because the subject with which he had to deal was one of pressing importance and would not bear delay. That was, he thought, a sufficient reason why he should take the earliest possible opportunity of bringing it under the consideration of the House. He believed that those incidental discussions seldom or never occupied more than two or three hours, a period of time which noble Lords and right hon. Gentlemen sitting on the Treasury bench and on the front Opposition bench did not scruple to spend in the delivery of a single speech. Now, if Ministers and ex-Ministers would be a little more concise in their addresses, and a little more relevant in the matter of those addresses, he believed the business of that House would be conducted very successfully, and there would be no necessity for interfering with the privileges of the few independent Members who took any active part in their discussions. He was sure that if the House were to give its sanction to that Motion one of these two consequences would follow—either the public would feel great discontent at finding that hon. Members could not bring forward incidentally important questions, or else Motions for the adjournment of the House would be made, not only on the Fridays, but on the other evenings on which they sat, for the purpose of justifying the introduction of such topics. His right hon. Friend said that hon. Members ought either to put a direct question, or else to raise a debate on any matter in which the public felt interested; but he (Mr. Milnes) said that there were a great number of occasions on which it was not desirable to pursue either the one or the other of those courses, and on which Members wished to preface their Questions with some explanations, although they did not think it advisable that they should conclude their observations with any formal Motion. If it were really desired to save time, let the right hon. Gentleman direct his attention to the Motions on going into Committee of Supply, which really were inconvenient when the Government were pressed for time to carry on public business. He trusted that the House would not consent thus to restrict the right of interpellation possessed by every Member of Parliament.

MR. EDWIN JAMES said, that if the right hon. Gentleman had not mentioned his name, he should not have ventured, being so young a Member of the House, to have addressed them on this subject. But as the right hon. Gentleman had alluded to him by name, and as he had not been very strict in his language, but had made use of some rather hard terms, such as "abuse" and "fraud," and as, moreover, he had indulged in a variety of metaphors, he (Mr. Edwin James) thought it right to offer a few remarks. Firstly, he thought the reproach of indulging in flights of imagination came very oddly from the right hon. Gentleman who had himself talked in a most effervescing style, and had dressed out his speech with all sorts of rhetorical metaphors, flying from obstetrical to engineering in the most fanciful way. His Motion having reference to the case of Smethurst was one which deserved consideration; but he had not given notice of it with any idea, as was supposed by the right hon. Gentleman, of bringing it forward in a full House. It was one of those Motions in which, though they did not entail any express decision, the public, the Bar, and, he would add, the criminal jurisprudence of the country, were deeply interested. These would all rest satisfied with the inquiry and discussion which the subject would receive when brought forward upon the Question of Adjournment; and it consequently seemed to him a very proper time for bringing it under the notice of the House. Much inconvenience would arise if every Member, when putting a Question, was compelled to move an Adjournment. He therefore hoped the House would negative this Motion; and he felt sure that the good sense, discretion, and right feeling of the Members, with the desire which they all felt to conduct their sittings with decorum and propriety, would operate as a sufficient safeguard, without the dictation involved in the proposition of the right hon. Member.

Mr. DEEDES said, if the right hon. Gentleman pressed this Motion to a division, he should certainly vote with him. He had no wish to repress freedom of speech on the part of any Member, upon whatever subject he might think fit and proper to take up—such a course would be the very last that he would think of; but an improvement might, in his opinion, be effected if the House were to make such arrangements as would admit of those topics being brought forward in a regular manner, and not at a time when they interrupted the business which was intended to be transacted. The only argument which he had heard from the hon. Member for Pontefract (Mr. Monckton Milnes) was that which related to the pressing nature of some of the Motions; but looking to the custom which now prevailed, he thought the difficulties attending it were much greater than would be involved in any alteration. He desired to see the practice amended in the way which was pointed out by the right hon. Gentleman; and if in due course of time it could be shown that any real inconvenience had thereby arisen, the system now existing might be revived, but with some restrictions, which would enable their discussions to be conducted in a more satisfactory manner. He had no wish to use any word which might be considered objectionable, but he had heard it said hundreds of times that the mode in which Questions were brought forward on the Motion of Adjournment amounted to an abuse of the privilege.

Mr. Edwin James

Lord CLAUD HAMILTON said, that while it was his intention to oppose the Motion, in case it went to a division, he thought his right hon. Friend appeared to have been rather hardly dealt with by two of the Gentlemen who had spoken; for there was nothing in his observations calculated to give offence—and he had certainly not intended to do so. At the same time the right hon. Gentleman seemed to him very much to under-estimate the exertions of independent Members, when he broadly stated that nine-tenths of the business of the House was transacted by gentlemen holding official situations. His own experience might not be as great, but he believed that if the legislation of recent years was dispassionately considered, it would be found that a vast number of useful and valuable measures had emanated from those Members, whose independent action he should be sorry to give any vote to limit or restrict. From the historical sketch which had been given by the right hon. Gentleman, he had fancied that he was about to make a proposal for restoring to them the Saturday of which they had been deprived. But that proposal had not been made; and he wished to point out a consequence which must ensue from this Motion if carried, which was that it would be impossible to continue the practice which of late years had so much tended to the advancement of public business, that of relinquishing Thursdays to the Government towards the close of the Session. Maintaining the metaphor which had been already employed, the House might depend upon it that if the use of the safety valve were abridged the steam would burst up somewhere, and much more frequent recurrence would therefore be made to a practice which he looked on as tenfold more objectionable than the one to which their attention had now been called. He alluded to the custom which the Speaker had endeavoured to check, but which it had not been in his power altogether to abolish, by which, when a Member was otherwise unable to make some observations, which he was desirous of offering, he got some friend to move the adjournment of the House. Friday particularly suggested itself as an occasion suitable for asking questions on matters of importance, as the House was then about to suspend its sittings for two days; and on that very account some latitude ought to be given. On these grounds—for he would not delay the House by stating others—he should strongly urge his right hon. Friend not to press the Motion to a division.

MR. WALTER said, he would take the liberty of adding a few words to the arguments which had been already urged in opposition to the Motion of his right hon. Friend; and he earnestly entreated him not to press this question to a division, as in that event he, for one, should feel it right to vote against it. He believed that he had occupied a seat in that House for about the same number of years as his right hon. Friend, and, like him, he had witnessed the gradual growth of this custom, which, however, had left upon his mind an impression exactly opposite to that which it appeared to have produced on his right hon. Friend. And when he spoke of this as a novel custom, adding that if it were old and venerable he might be induced to treat it with greater leniency, this view apparently led to a conclusion exactly opposed to what his right hon. Friend intended; for he apprehended that this practice had grown up simply from a sense which existed in the minds of hon. Members of its necessity and convenience. Several customs existed in that House which theoretically, perhaps, were not capable of being defended, but which were yet felt to be matters of great practical convenience. The debate on Wednesday had often proved most useful in putting an end to disagreeable and inconvenient questions which could not else be disposed of; and similarly, that on Friday evening gave opportunities for clearing off old scores and getting rid of all the Parliamentary gossip of the week. He believed that the liberty of speech on that particular evening had a very salutary effect in shortening discussions, which would otherwise extend over a great portion of the ensuing week.

MR. DISRAELI:—Sir, my experience in this House has taught me that in the conduct of business we must trust more to the good sense of the Members themselves than to any of our rules and regulations; though no one can for a moment deny the efficiency of those rules, to a certain extent, and the necessity of maintaining those regulations by which our general order is established. I have on more than one occasion opposed Motions similar to that now brought forward by the right hon. Gentleman, but I must say that in the exercise of the privilege to which his Motion refers I have occasionally observed practices of which I cannot approve, and which I must say I have sometimes very much deplored. I remember an instance, I think in the course of last Session, where the clock had reached the hour of ten before the business of the evening commenced. But although that is what I believe may be called, without offence to any one, an abuse of the privilege, I am disposed still to trust to the good sense and to that quality called tact, rather than to a Resolution such as is proposed by the right hon. Gentleman. At the same time I do think that if we retain this custom there ought to be a general, and I would say an honourable understanding on both sides of the House that Questions should not be brought forward on these Motions of Adjournment, unless they are of a pressing and general interest. I certainly think that such an understanding was not observed on either side during the last, or, indeed, during the last two or three Sessions; but, if hereafter it should be arrived at, I feel persuaded that the exercise of the privilege, which, under certain circumstances, might be a very great advantage indeed, need not be viewed in the manner in which it has to-night been represented. The House has lost the privilege which it possessed of speaking upon the presentation of Petitions; and the opportunities of debate have, as regards independent Members, been curtailed by other means. I should therefore hesitate very much before consenting to a proposal such as is involved in the present Motion; but I admit that if, after the experience of next Session, we cannot come to that practical understanding which I have already intimated, I shall consider myself perfectly free from any engagement which I had previously taken, and if any hon. Member should then propose a Motion similar to that which is now under consideration, I should perhaps view it in a different spirit from that which I do at present.

SIR GEORGE LEWIS said, he quite concurred that this was a question to be determined by the circumstances of the time, and that on observation of the manner in which the rules of the House worked from Session to Session a Member might change his opinion without inconsistency. The question was one to be decided according to the general sense of convenience and the prevailing view of the Members of the House. He thought it a mistake to suppose that there was any conflict of interest, or any wish on the part of the members of the Government for the time being to interfere with the rights of private Members of the House. The only question is, what is the most convenient mode of disposing of the business of the House. Judging from his own feelings — and he might appeal to the feelings of hon. Gentlemen opposite when in office — nothing could be less agreeable to members of the Government than to increase the number of nights devoted to Government business. On those nights the principal labour of official Members was discharged ; and those hon. Members were quite in error who supposed that there could be any wish on the part of the Government to increase the time necessarily devoted to the Government business. If ever they wished that increase, it could only be from a sense of public duty, and not for their own personal gratification. Before he sat down he wished to call attention to the way in which their present rules with regard to Government business operated in the interval between the commencement of the Session and Easter. Two nights of the week were devoted to Government business —Mondays and Fridays. The other three nights were entirely devoted to questions brought forward by independent members —Tuesdays and Thursdays to Notices, and Wednesdays to Orders of the Day. On those days no Government Notice or Order was allowed to have precedence ; they must be put at the bottom of the paper, if they were brought forward. But on every night of the week Questions were put by independent Members ; and every one who had been long in the House knew that the number and importance of the Questions put at half-past four had very much increased ; and the time devoted to those subjects had increased accordingly. Every night, therefore, independent Members had the power of putting Questions, and the whole of Tuesdays, Wednesdays, and Thursdays was given up to them. Before Easter, on Mondays and Fridays it generally happened that there were Committees of Supply. On the Motion for going into those Committees, independent Members had the liberty of making two, three, or four Motions, if no division was taken ; so that Members who came down to take part in the discussions on Supply, found that the House did not go into Committee until seven, eight, or nine o'clock. In addition to that diminution of the time given to Government business, there were the discussions raised on Friday night on the

Sir George Lewis

Question of Adjournment. Taking away Tuesdays, Wednesdays and Thursdays, the portion of each night occupied by Questions, that occupied by Motions on going into Committee of Supply, and the portion of Friday devoted to discussions on the Motion for Adjournment, there was a considerable subtraction from the number of hours allotted to the public business in the beginning of the Session. It was customary for the Government to bring in Bills for the consideration of the House at the beginning of the Session ; they might lie on the table ; bnt it was almost impossible for any Government Bill, if opposed, to receive any consideration before Easter. The only nights devoted to the Government business were occupied by Committees of Supply ; and on the other three days they had no opportunity of being heard. The consequence was that a large number of Government Bills were postponed to a late period of the Session. Everybody knew, when the morning sittings commenced in June, how great was the pressure on the time and exertions of Members, as a great portion of the latter part of the Session was occupied with pressing business ; and, after all, many Bills had to be postponed; much altercation arose as to their postponement, and the order in which they should be brought on ; and, altogether, considerable confusion arose in the latter part of the Session. That was very much owing to the regulations for the conduct of their business in the part of the Session before Easter. He was far from desiring to curtail the time that might be fairly allotted to discussions raised by independent Members. That time was most valuable. It was necessary to the proper working of the House of Commons that there should be a free expression of the voice of the people on subjects on which perhaps no direct Motion could be made. The subjects brought forward on the Motion for Adjournment were chiefly Questions addressed to Government by Members who wished to accompany those Questions with some remarks; they were not generally in the nature of Motions or proposals. And when the noble Lord (Lord C. Hamilton) said that those discussions facilitated the measures proposed by independent Members, he misrepresented the nature of those discussions. No measure proposed by an independent Member could ever then be brought forward ; therefore it was impossible that those Motions could facilitate such Bills. If he were to make a suggestion, he would rather ask the House to consider whether it might not be possible that on a portion at least of the Thursdays before Easter, precedence might be given to Orders over Notices ; or at any rate to allow some portion of those days to be occasionally devoted to the discussion of Bills. It was also worth consideration whether some limit might not be fixed with regard to the hour of the night at which Motions might be made on going into Committee of Supply, for it was an admitted inconvenience for Members to come down, seeing "Supply" in the paper, and expecting discussions on the Estimates, and to find the House occupied in discussing colonial or Indian questions, or some other matters wholly foreign to the question of Supply. He did not think that any good would result from pressing this Motion ; but some improvement might be made in the distribution of their time before Easter, so as to give more time to the consideration of Government measures. He would also suggest that when a Motion had been brought forward by a Member of the Government, the House had as much possession of this Motion, and as full power of discussing it, as any Motion made by an individual Member. The Government had no control over the subject of discussion when once it was submitted to the consideration of the House. The only question was, whether it was desirable that a greater portion of time should be allotted to the subjects proposed by independent Members, or to those proposed by Government.

VISCOUNT PALMERSTON wished to add his voice to those who recommended the withdrawal of the Motion. Indeed, the right hon. Gentleman had made it rather impossible for him to support his Motion by one of the arguments he had advanced in its favour. The right hon. Gentleman had cited him (Viscount Palmerston) as an instance of those who had taken advantage of this practice of raising discussions on the Friday Motions for Adjournment. He therefore could not, sitting on that side of the House, endeavour, without great inconsistency, to curtail the liberty which he had taken on the other side. There were occasions on which it might be a great public advantage for Members to have the opportunity, on the Adjournment of the House on Friday, to ask a question accompanied by a detailed statement, which the regulations of the House forbade on another day, and also for the Members of the Government who were interrogated, to have the opportunity of stating at greater length the circumstances of the case referred to. He however hoped that what had been stated in the course of the debate would induce hon. Members to exercise some discretion and forbearance in introducing subjects on a Friday, if the practice were to continue, and that some good would result from this discussion.

MR. BOUVERIE said, he was not of so hopeful a temperament as the noble Lord. If he thought that the result of this discussion would be to deter Members from abusing this privilege, he should be content. But the truth was, it was but a very small portion of the Members—if they were to be counted, a very small fraction—who resorted to this practice, for the majority condemned it. ["No, no."] He believed that those who said "no, no," were of the minority he referred to, and he thought that some regulation of the practice was due to the majority who were now at the mercy of the minority, which would abuse the present rule as long as it existed. He wished to remove the temptation afforded to those Members. When the noble Lord the leader of the House could not resist the temptation, when offered, of making a long speech, no wonder that others fell into the same course.

MR. T. DUNCOMBE was sorry to hear that his right hon. Friend the Member for Kilmarnock was about to press his Motion to a division. He admitted there was a great deal of truth in many of the observations of his right hon. Friend ; but he could not vote with him. He should prefer leaving the question on the footing on which the right hon. Gentleman the Member for Buckinghamshire had placed it. He thought his right hon. Friend the Member for Kilmarnock might have introduced the subject in a more cautious manner. It was not usual to single out Gentlemen by name as he had done. A middle course, might, perhaps, be adopted—either the discussions on the adjournment of the House from Friday till Monday should be confined to the business and proceedings of the House, or else the Motion for the adjournment from Friday till Monday should take place after the Orders of the Day, making those Orders terminate at a certain hour. This would give ample time if there was any pressing occasion for discussion. The right hon. Gentleman the Secretary of State appeared to be of opinion that hon. Members should rather give up their privilege of bringing forward Motions on Questions of Supply, and exercise their right of discussion on the Adjournment as much as they pleased. Now, he decidedly protested against that. Motions on Supply were, according to a sound constitutional maxim, the most legitimate means of asserting the rights and making known the grievances of the people of this country, which ought always to be attended to before any money was voted away. He therefore hoped the House would never agree that their powers with regard to Questions of Supply should be crippled or restricted. He hoped if his right hon. Friend pressed the matter to a division he would be defeated. The good sense of the House, he was quite certain, would correct the evils which had been pointed out.

Question put.

The House *divided* :—Ayes 48 ; Noes 166 : Majority 118.

NEW WRITS.—RESOLUTION.

MR. COLLINS said, he rose to move—

> "That in all cases where the Seat of any Member has been declared void by an Election Committee on the ground of bribery, no Motion for the issuing of a New Writ shall be made without two days' previous notice having been given in the Votes."

COLONEL FRENCH said, he would suggest that the present Motion and one which stood lower on the paper in the name of the right hon. Secretary of State for the Home Department, and required seven days' notice to be given before writs were moved for certain corrupt boroughs, should be combined together, and that seven days' notice should be necessary in all cases of that kind.

Motion *agreed to.*

Ordered accordingly.

QUALIFICATION FOR OFFICES ABOLITION.

COMMITTEE. BILL READ 1°.

MR. HADFIELD moved that the House do go into Committee to *consider* the Abolition of Qualification for Offices.

Agreed to.

(In the Committee.)

Resolved—

> "That the Chairman be directed to move the House, That leave be given to bring in a Bill to render it unnecessary to make and subscribe certain declarations as a qualification for Offices and Employments."

Resolution *reported.*

Mr. T. Duncombe

Bill *ordered* to be brought in by Mr. MASSEY, Mr. HADFIELD, Mr. KERSHAW, and Mr. BAINES.

Bill *presented,* and read 1°.

GLOUCESTER CITY AND WAKEFIELD WRITS.—RESOLUTON.

SIR GEORGE LEWIS said, he rose to move—

> "That no Motion for the issuing of any New Writ for the City of Gloucester or the Borough of Wakefield be made without seven days' previous notice thereof being given in the Votes."

It would be in the recollection of the House that Committees were appointed last Session to inquire into the Returns for the City of Gloucester and for the borough of Wakefield, and that those Committees had reported the extensive prevalence of corruption in both of those constituencies. In consequence of this an address was adopted to the Crown to inquire into the matters attending the elections in these two boroughs. The Commission in the case of Gloucester had made their report to the effect that corruption had existed extensively during the last two elections in that city. That report was on the table of the House, and would be in the hands of hon. Members in the course of a few days. It was unnecessary for him to detain the House with the details of these circumstances ; but hon. Gentlemen would see when the report was presented that such was the case. With respect to the borough of Wakefield, the report was not yet presented to the Crown, and consequently he did not know what was the result arrived at by the Commissioners; but he had been informed by the Secretary of the Commission that the report would be ready in a few days, and it would then be laid on the table of the House. As to Wakefield, there was a Committee of last Session which reported the existence of corrupt practices in that borough, and a Commission was issued in consequence. Under these circumstances the House would not think that he adopted an unusual or objectionable course in requesting them to resolve that no writ for a new member to represent the constituencies of Gloucester or Wakefield should issue without a previous notice of seven days being given in the Votes.

MR. HADFIELD said, he wished to know from the right hon. Gentleman, the Home Secretary, what was the position in which the delinquents at Wakefield and

Gloucester stood; whether the bribers and bribees were amenable to the law, or whether any pledge had been given to them that on making full disclosures they should be indemnified against any prosecution for the offences they had committed. If legal punishment was not to be visited on the heads of those who had been guilty of such flagrant acts of corruption, the appointment of these Commissions was a perfect farce, and only defeated the ends of justice.

Sir GEORGE LEWIS: I have already stated that the report of the Wakefield Election Commission has not been presented. With regard to the City of Gloucester, I can only say, as far as Her Majesty's Government are concerned, that they have made no promise whatever—nor has the Attorney General or any other law officer of the Crown made any promise—to any of the witnesses who gave evidence before the Commissioners. Without referring to the report, which is not now before me, I should be unwilling to answer the question of my hon. Friend as to what may have been done by the Commissioners themselves under the powers in the Act of Parliament. If, however, he will repeat his question to-morrow or Monday I will give him precise information as to any steps that may have been taken by the Commissioners.

Mr. EDWIN JAMES said, that when the Gloucester Commission was appointed, the objection was urged that no result would be attained by its issue; and, although no understanding was come to or pledge given by the Government that action should be taken upon the report of the Commissioners being presented, there was certainly a feeling among hon. Members that, after the expense attending such an inquiry had been incurred, something should be done to prevent their being nugatory. Commissions had been issued for Galway, Hull, Cambridge, and numerous other places, the records of which slumbered on the shelves of the library as monuments of the impotence of Parliament to deal with the evils they disclosed. The matter ought to receive the serious consideration of the Government, and the law officers of the Crown should have their attention immediately directed to the propriety of commencing proceedings against the delinquents. If that were not done, these investigations would become the laughing-stock of the public. The practice was to give both the bribers and the bribed certificates of indemnification, and it was even doubtful whether the granting of those certificates would not preclude the raising of any question of disfranchisement.

Sir FITZROY KELLY said, he hoped the right hon. Baronet would do his best to expedite the production of the Report of the Wakefield Commission. It was important that the House should be in possession, at an early period, of the Reports of the Commissioners appointed in the Gloucester and Wakefield cases. With respect to what had just fallen from his hon. and learned Friend the Member for Marylebone (Mr. E. James), he should merely observe that the law officers of the Crown would, he feared, find it extremely difficult to prosecute and attempt to bring about, with any hope of success, the punishment of those persons who had been discovered by the Commissioners to have violated the law, owing to the fact that immunity had been not only offered but promised to those who had so offended. He at the same time hoped that when the Report of the Commissioners was laid before the House, some means would be devised without violating pledges, to visit with the severity which they merited practices such as those which the inquiry before the Commissioners had brought to light.

Mr. BRIGHT: If I rightly understand the hon. and learned Gentleman who has just spoken, he thinks the case under our notice is not one in which the Law Officers of the Crown, or even Parliament, can proceed with a view to the punishment of those electors who have been shown to have received bribes before the Commissioners. The point, I may add, is one which seems to me to have been settled some time ago in the case of the electors of Hull, or some other borough, when the House of Commons came—and came very properly, in my opinion—to the conclusion, that after a certificate had been given to certain persons who had been bribed, exempting them from all penal consequences to which they might be liable in consequence of any disclosures which they might make, it would not be strictly just to inflict upon them the punishment of disfranchisement. I therefore am prepared to admit that neither the Government nor the House is in a position to deal with the offences which have been committed at Wakefield and Gloucester by visiting with penalties the voters who have given evidence before the Commissioners in those boroughs. I at the same time feel that we shall still less find ourselves able to disfranchise two towns which possess populations so large and an influence so considerable. There is, however, another course which it appears to me may fairly be pursued both as regards the individuals and the representative rights of even two such large constituencies, and the adoption of which I would recommend to the notice of the Government. That course is, that the constitutional right of the boroughs in question to send representatives to Parliament should be suspended for a lengthened period, so as to mark the condemnation of the Legislature of the practices which have recently been brought to light. Such a step would, I feel assured, meet with the sanction of the country at large. So far as Wakefield is concerned, I happen to possess—for two reasons, which will immediately suggest themselves to the House, the one being that I am connected with the gentleman who was the unfortunate candidate for that borough at the late election, and the other, that I happen to reside in its immediate neighbourhood—an intimate acquaintance with the result of the recent investigation into the existence there of bribery and corruption. That result is, that out of 800 electors 100 appear to have accepted bribes, and I confess it is to me a subject of astonishment that only so small a number should have been guilty of this offence, when I bear in mind, that a single voter could not show his face in the streets of Wakefield without having a bribe offered to him at almost every hour of the day as well as of the night. While, therefore, we are shocked at the corruption of 100 electors, we must not shut our eyes to the fact that 700 others, to the great majority of whom £30 or £40 was a matter of some consequence, resisted the temptations which lay in their path. Now, in speaking thus, I may appear to be about to argue that it would not be fair to disfranchise a borough in which, out of 800 electors, there are 700 who are innocent of the offence of receiving bribes. The fact is, however, that these 700 voters are not so free from blame as may seem to be the case. I lay down this proposition, because no corruption can, in my opinion, take place such as that which has been proved to have existed in Wakefield and Gloucester without the leading men belonging to both political parties—although they may not be guilty of bribery by any direct act—being cognizant of, and morally mixed up with those transactions. In the borough in which I happen to reside, an election took place in the year 1835, or 1837, I think it was, and upon that occasion — hon. Gentlemen opposite may perhaps suppose that I am not speaking impartially in saying so—there was a very profuse expenditure of money on the part of the Conservative candidate, while upon our side, on the days of polling and nomination, there was a good deal which I could not deem right, not exactly in giving bribes but in keeping open the public-houses in the town. Fortunately for us, however, our candidate was defeated, and after the election was over a meeting was held at which a considerable number of the influential members of the Liberal party in the borough were present, and we there pledged ourselves to a resolution, under no circumstances whatever, to take part in an election, or to invite any gentlemen to come into the town for the purpose of being a candidate at an election, which was to be conducted upon any other principles than those which were strictly legal and moral. I recollect myself having said at that meeting, " You may bring forward any candidate you like, but I for one will never go across the street again to assist any man unless an agreement is entered into that not one shilling will be laid out in the contest the expenditure of which will not bear the test of being scrutinized by Parliament and the country." The result was most satisfactory, and I am strongly of opinion that if a dozen, or even half-a-dozen, of the leading men belonging to either political party would come forward in Wakefield or Gloucester, or any other borough, and adopt a similar resolution, the corruption of which we complain would soon cease to exist. The fact is, however, that, instead of taking this course, everybody at Wakefield and Gloucester seems to have winked at what was taking place. I should be glad, therefore, if those influential persons who cannot be held to be totally blameless in the matter should be made to feel that the country regards their conduct with something like horror, for nothing can be more prejudicial to us as a nation than that transactions such as those which we are discussing should continue to prevail. Parliament, then, in order to mark its sense of the enormity of such proceedings, would, in my opinion, act wisely if it were to deprive those boroughs for a considerable time—say for some period not exceeding ten years—of their right to return Members to this House. I would have them, in short, debarred from the exercise of that privilege for a period so long that the whole country might be able to point to them as black spots—not, perhaps, spots in reality one bit blacker than others, but more unfortunate in this respect, that their blackness had been found out. I am not one of those, whatever may be my feelings with regard to individuals or to particular constituencies, who can for one moment countenance such disgraceful proceedings as those to which I am adverting. They are a disgrace to this House as well as to the nation at large, and I trust the right hon. Gentleman, the Secretary for the Home Department, may take into his serious consideration the suggestions which I have thrown out, with a view to putting an end to this system of corruption at elections as far as possible. He cannot, as I said before, punish particular individuals, or completely disfranchise entire constituencies, but then he may, by taking the course which I have indicated, do all the good that can be done until this House has passed into a law the only measure that can be really effectual in such cases—I mean a measure bestowing the right to vote by ballot.

MR. CLAY said, that with regard to the observations which had fallen from the hon. Member for Birmingham (Mr. Bright), it had never been proposed to disfranchise the electors of Hull. A Bill of the nature referred to had indeed been brought in with regard to the town of Galway. He must decline to express an opinion as to the legal construction of that portion of the Act relating to bribery which granted an indemnity to those persons guilty of that offence who happen to give evidence before a Commission, but he contended that the Act in no way deprived Parliament of the right to disfranchise, if it should deem fit to do so, any portion or the whole of the electors of a borough in which extensive corruption had been proved to have taken place. He concurred with the hon. Gentleman (Mr. Bright), in the expediency of suspending the right of exercising the franchise for a time in such cases. That right had for a considerable period been suspended, in the borough in which he had the honour to represent, for as long a period indeed as a year and a half. He had the satisfaction, however, of being in a position to state that anything like direct bribery was now unknown in that borough, and that the expenses of a contest for it were not one-sixth of the sum to which they used formerly to amount.

MR. MELLOR said, he would express a hope that the Government in dealing with the cases of Wakefield and Gloucester would feel themselves completely unembarrassed by any consideration leading to the supposition that the Commissioners had the power to enter into a pledge that Parliament should not disfranchise, either as a whole or in classes, the electors of those constituencies in which the existence of corruption on a large scale had been brought to light. The object of a Commission would be a farce if it were not issued for that very purpose. The certificate they had the power to give only protected those who gave evidence from the pains and penalties attached to bribery.

MR. MALINS said, that he was one of those who protested against the issuing of these Election Commissions. A great deal of expense was incurred without leading to any practical result. If it were really intended to take any effective measures for putting down bribery, what a ridiculous thing it was to send three Commissioners to Gloucester and three to Wakefield, for the mere purpose of preparing another blue-book, upon the production of which no proceedings were to be taken. He confessed he could not understand the object of the Home Secretary in moving that the writ be suspended for seven days. If, indeed, the right hon. Gentleman had proposed the suspension of these writs until he and his colleagues had read the reports of the Commissioners, and considered what measures they should adopt in consequence of them, his course would have been intelligible; but the present Resolution was without meaning. If it were true, as the hon. Member for Birmingham said, that only 100 voters at Wakefield, of which he seemed to know a great deal, out of 800 were bribed, he would ask where was the justice of punishing 700 innocent men for the misconduct of 100, who perhaps from their poverty were more exposed to temptation than the others? Unless the Government were prepared to bring in a measure that would effectually detect and punish the bribers, he repeated it was most absurd to have issued those Commissions. He would ask the Government if, in the forthcoming Reform Bill, or by any other means, whether they really intended to go to the root of the evil? If the leaders of a party, as was suggested, had been guilty of sanctioning the practice of bribery, let them be visited with the proper meed of punishment. He should certainly rejoice if he lived to see the day when the abominable practice of bribery was effectually put down. This he was satisfied of, that the nostrum of the hon. Member for Birmingham would never put it down. The ballot would never have the effect of extinguishing this evil. He trusted therefore the House would make up their minds to a measure that would have some practical result.

Mr. BRIGHT said, he wished to state in explanation that the hon. Member for Hull (Mr. Clay), was under a mistake in saying that he (Mr. Bright) was in error in what he said as to the course taken by former Governments in relation to bribery. He found by reference to *Hansard* that in 1854 the Attorney General of that day moved for leave to bring in a Bill directed against Canterbury, Barnstaple, Hull, and Marlborough. The House, however, did not feel disposed to concur in the objects of that measure.

Lord ROBERT CECIL said, he wished to remind the House that it was only by moral evidence of the most doubtful and delicate character that they could arrive at a suspicion of who were the bribers at an election. In the recent cases he did not think that more than a glance of suspicion had fallen upon the leaders of parties. Some slight suspicion had attached to the right hon. Member for Wells (Sir W. Hayter), but all who knew the character of that right hon. Gentleman must be persuaded that that suspicion was entirely without foundation. But if the House were to proceed to inflict punishment upon persons taking bribes they would have to proceed in the ordinary courts of law, and he believed it would be impossible to get any jury to convict upon such evidence as could be produced. His hon. and learned Friend (Mr. Malins), talked about going to the root of the matter—but it appeared to him that the root of the matter was not the guilt of either briber or bribee. It lay in the fact that the franchise had been extended to people who were so poor that they were liable to be bribed. The elective privilege was enjoyed by a great number of persons who had no proper sense of its value, and, therefore, sold it for the highest price they could get. Some people seemed to think that if they could prevent the passage of a bribe from the hands of the canvasser to those of the voter all would be accomplished that could be desired ; but supposing that a man was willing to take a bribe if he could get it, would the prevention of its receipt make him a patriotic, intelligent and enlightened citizen, fit to elect Members of Parliament ? Nothing of the kind. The recent inquiries had thrown considerable light upon the ballot. He was one of the Members who sat on the Election Committee with respect to Gloucester, and it was proved before them that in almost every case the bribe was given to the elector before he voted, and in some instances the recipient voted contrary to his promise—a clear proof that for the suppression of bribery the ballot would be an entirely inefficacious nostrum. For himself, he regarded this matter with despair. Bribery was the result of legislative steps which could not be retracted, and they must make up their minds to the existence of an evil which no human forethought could remove.

Mr. W. WILLIAMS said, he trusted that the statements just expressed by the noble Lord would have no weight in that House when the Reform Bill was introduced. He would remind the noble Lord, however, that every voter must occupy a £10 house, and that therefore electors could not be persons in very inferior circumstances. He believed that there were cases in which persons in what were called respectable positions had been bribed.

Mr. COLLINS said, he hoped the right hon. Gentleman the Home Secretary would consider the remarks of the hon. Member for Birmingham with reference to the suspension of these writs. At Wakefield, which he knew well, the electors, especially the poorer classes, were now ardently longing for a new election; and should such an event occur without the introduction of new blood, which would result from the suspension of the writ for five or ten years, he believed that corruption would prevail there to as great an extent as it did at the late contest, and the longest purse would carry the day. He would suggest that in future the expenses of an election petition should fall, not upon the petitioner, who was almost invariably the rejected candidate, but upon the borough or upon the country at large. If upon the borough, the electors who had accepted bribes would come to be regarded as nuisances by their fellow townsmen, and bribery would soon cease to be practised. Meanwhile he hoped the recommendation of the hon. Member for Birmingham, in the cases of Gloucester and Wakefield, might be adopted, and the writs suspended at least till the end of the Session.

SIR GEORGE LEWIS:—I hold in my hand a printed copy of the report of the Gloucester Commissioners, and I trust that printed copies of the same document will be distributed to hon. Members within a few days. Inasmuch, however, as the report in a printed form has not yet been circulated, I intentionally abstain from making any allusion to its contents, thinking that any discussion upon it should be postponed until the House has been put in possession of the entire Report, and has had an opportunity of perusing it with the attention which it deserves. I confine myself, therefore, within the bounds of the limited Motion which I have made—namely, to suspend the writs for Gloucester and Wakefield until a notice of seven days has been given. It is not desirable to go into any questions as to what the House might be disposed to do with respect either to Gloucester or to Wakefield. The Report on the latter borough has not yet been presented to Her Majesty. I may state, however, that I had been informed by the Commissioners that their Report would be ready before the meeting of Parliament. It has not yet been received, but I presume it is in a state of forwardness. As the House as thought fit to go into a discussion upon the general question of bribery and of the Corrupt Practices Act, I may say that the Report of the Gloucester Commissioners condemns in very strong terms, and with a statement of very forcible reasons, the provisions of that Act. The Commissioners find that its main provisions—those respecting an election auditor and the return of expenses by candidates—are altogether nugatory and inoperative. I do not wish to discuss that subject at present. Two hon. and learned Members have already announced their intention to bring before the House measures for the amendment of the Corrupt Practices Act and dealing generally with the law respecting bribery at elections. I may state that the Government has under consideration a measure on that subject. We are preparing, and hope to be able to introduce a Bill for materially altering the Corrupt Practices Act, and also, if possible, for amending the procedure for the trial of election petitions. However, I do not desire to interfere with the discussion of measures that may be proposed by private Members. I merely wish to show that the Government has not overlooked the important questions which have been and will be raised by the Gloucester and Wakefield Reports.

Motion *agreed to.*

Ordered accordingly.

CONSOLIDATED FUND.—SAVINGS-BANKS COMMITTEE.

RESOLUTION.

Order for Committee read.

Motion made and Question proposed,—"That the Speaker do now leave the Chair."

(Queen's *Consent* signified.)

MR. HANKEY said, he wished, before the right hon. Gentleman left the Chair, to know whether the Chancellor of the Exchequer intended to ask the Committee to pass his Resolution that evening, and if so, whether he did not think it would be expedient to make a preliminary statement before going into Committee? His own opinion was that the passing of the Resolution, which affected very important interests, should be postponed till a future day, inasmuch as hon. Members had an opportunity of seeing the terms of it only that morning. The propositions of the Chancellor of the Exchequer might be right, or they might be wrong, but he wanted time to consider them maturely.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the hon. Member would allow him to pursue what was the invariable practice upon such occasions—namely, to withhold his statement until the House had gone into Committee, when hon. Members would have the power of speaking as often as they pleased, and thus obtaining the fullest information on the subject before them.

SIR HENRY WILLOUGHBY said, he should be glad to hear an explanation from the right hon. Gentleman before they proceeded further. He had not stated whether or not he intended to ask the Committee to pass his Resolution. It appeared to him that the House was placed in an extremely difficult situation as regarded the important principles involved in the Resolution of which the right hon. Gentleman had given notice. That Resolution was at once important and intricate, for it involved the whole question of Savings Banks. The House, however, had no information before it upon which the Resolution appeared to be founded. Hon. Members had not had an opportunity of seeing its terms until that day; they had been unable to take the opinion of competent authorities upon it, and yet they were called upon at once to go into Committtee on the Consolidated Fund, in order to afford the right hon. Gentleman the opportunity of moving his Resolutions. It was true that even if he passed his Resolution he must bring in a Bill upon the subject: but what was the meaning of being compelled to proceed by Resolution unless the House was to have some safeguard in regard to making those financial changes. By passing the Resolution they would bind themselves to the declaration that it was expedient to deal at once with £36,000,000 of money, and to give power to the Commissioners of the Treasury to cancel and create stock as they pleased. They should recollect that they were about to deal seriously with the principles laid down by the 9th George IV., and to set some of them altogether aside. He thought therefore, the Chancellor of the Exchequer ought to give a clear explanation of his intentions on this subject. A similar Resolution was proposed in 1854. It was passed, and a Bill founded upon it was introduced. What was the fate of that measure? It was repudiated by the directors of almost every bank in the country, who prayed the House not to legislate without a preliminary inquiry, and the Chancellor of the Exchequer was eventually compelled to abandon his Bill. A Committee of that House had taken a great body of evidence on the subject, and had reported a number of Resolutions, but among those Resolutions he found none like the Resolution now proposed by the right hon. Gentleman. He thought that at least a week's notice should be given of such a Resolution, and that the House should not be suddenly called on to exchange and alter the entire nature of the securities of the savings banks.

Mr. J. L. RICARDO said, that though it might be inconvenient to take the Resolution that day, it was still more inconvenient for the House to enter upon a discussion of it before hearing the Chancellor of the Exchequer's explanation. He felt some interest in the subject, but he confessed that the Resolution, without explanation, was totally unintelligible to him, and he conceived he was only making a reasonable request if he asked the right hon. Gentleman, after explaining the meaning of the Resolution, to give the House an opportunity, on a subsequent day, of voting upon it.

Mr. W. WILLIAMS said, he wished the Chancellor of the Exchequer would add to the present Resolution words affirming the expediency of repealing that Act of Parliament which gave to the Commissioners for the Reduction of the National Debt the power of chopping and changing the vast amount of savings-banks' money to Exchequer bills or 3 per cent Consols, just according to their opinion of the necessity of sustaining the money market. It was well known that a vast amount of money had been lost to the public by such transactions.

Mr. SPOONER remarked, that the most convenient course for the House to pursue, was to resolve into Committee, and hear the Chancellor of the Exchequer's explanation. Afterwards, if it should be deemed desirable, the decision on the Resolution might be postponed till some subsequent period.

Colonel SYKES said, he must maintain that in such a thin House as the present, and with some £36,000,000 of money at stake, hon. Members ought not to be called upon all at once to bind themselves, by passing a Resolution, embracing a variety of important points. The suggestion to hear the explanation now and to defer the decision to some future period, therefore, appeared to him reasonable.

Question put and *agreed to.*

Acts *considered* in Committee.

(In the Committee.)

The CHANCELLOR of the EXCHEQUER: I hope, notwithstanding what has been stated by some hon. Friends of mine as to the expediency of postponing the vote on the Resolution I am about to propose, the Committee will now come to some definite opinion with respect to it; and it is not for any purpose of my own, but for the advance of public business, that I wish to induce the Committee to adopt the Resolution to-night. I will briefly state the general objects of the proposition, and then the Committee will be in a better position to judge whether it would be desirable or not to pass the Resolution. It has been said, and truly said, that it is difficult to gather the meaning of the proposition from the Resolution, and the hon. Member for Evesham (Sir H. Willoughby) lamented that he had had only one day to consider it, though from a subsequent part of his speech it appeared that he had had five years to consider it, because he said that the present Resolution was the same in effect as one proposed by me five years ago. It must be obvious to any one who takes the most cursory view of the matter, that it is difficult to frame a Resolution of this preliminary kind in a satisfactory manner. It is desirable to frame it so fully that it may cover in letter and spirit the whole of the objects requiring a preliminary Resolution; while at the same time it is impossible to make it completely explain a measure of this kind, which will be found not too easily understood when introduced with all the details in the shape of a Bill. A preliminary Resolution drawn up with the same detail as a Bill would obviously defeat the object intended, which is, that the principle of a measure should in every case be first discussed, and afterwards the provisions. The present Resolution has been drawn up by persons of experience, and I am not aware that it could be better drawn up for its purpose; but it is quite impossible to make it a satisfactory vehicle of conveying to the House any clear idea of the meaning of the measure, and if hon. Gentlemen are anxious—legitimately anxious—to obtain a clear idea of its meaning, the only way of doing so, beyond listening to the few words I have to state, is to adopt the Resolution and permit the Bill to be brought in; and then, when they have the Bill in their hands, and have read it a first and second time, and put it into Committee, they will know what are the objects of the measure, and in what manner it is proposed to attain them. The adoption of a Resolution like the present binds the Committee to no greater extent than the expression of an opinion that they think the general objects of the measure desirable, and are ready to consider in Committee upon the Bill the means by which they may be carried out. The hon. Member for Evesham, who takes a lively interest in the position of the depositors in savings banks and friendly societies, has frequently complained in this House that that position was unsatisfactory, declaring that their property has been impaired and diminished by the financial management of their funds in the hands of the Government. I, certainly, for one, hold that the depositors in those savings banks and friendly societies have an honourable claim on the public for the full and absolute restitution of every farthing placed, through the means of those banks and societies, in the hands of the Government, entirely irrespective of what might be the management or mismanagement of the funds, or what might be the literal conditions of the law. At the same time, I must admit that, in point of mere dry law, the title of the savings banks, and, I believe, of some friendly societies, to the full restitution, principal and interest, of the money lodged in the coffers of the Government is, in part at least, and as the law now stands, an imperfect title. I think that is a state of things which calls for a remedy; and I propose to give, by the Bill to be founded on this Resolution, a perfect and absolute title to every friendly society and every savings bank to the whole sum which it may have placed in the hands of the Government, principal and interest, according to the stipulated terms. I ask the Committee to consider whether that is not a desirable object to attain; and then, if they think it be a desirable object, to allow me to lay before the House a measure calculated to give practical effect to it. Well, now, I come to the next point. I have not the slightest doubt that every hon. Member believes that every farthing of the funds which the Government receives from those parties ought to be held secure and harmless. But if the principle of the restitution of every farthing to these institutions is admitted, it is clear that the real debt of the State to savings banks and friendly societies is not to be measured by the amount of stock which the Commissioners hold, but by the amount that has been actually paid into their hands by those banks and societies. But, unfortunately, under the present law, the public official statement of the national obligations and the public liability in this particular is an untrue statement, because we owe to savings banks and friendly societies a very considerable sum which nowhere appears in the statement of the public debt. I may say that it is in round numbers about £2,000,000; and the second object of the Bill is, that instead of having a statement of the public debt untrue in that respect, we shall have, as each year comes round, a statement which shall be true, and shall represent the exact amount which we owe to those institutions. Another object I have in view, is to economise the management of those moneys; but the particular way in which I propose to do that I can hardly make intelligible on the face of the Resolution, and I would rather, for the present, defer entering into details on that part of the subject. The next and principal object I have in contemplation is to limit the powers which are now held over those moneys by the Chancellor of the Exchequer. Somebody said, in the course of the preliminary discussion, that my object was to get hold of £36,000,000 of money. It is rather more than that; it is £39,000,000. Get hold of £39,000,000! Why, I have got a most complete hold of it already. The hold of the Finance Minister over this money is a larger and more absolute power than is required for the public interest, and I ask the Committee to afford me the opportunity of limiting that power. That is another of the objects which I have in view. I should wish, however, to state the practically important point on which I desire to effect that limitation. The hon. Member for Lambeth (Mr. W. Williams) has said that it is in the power of the Commissioners of the National Debt—and that means it is virtually in the power of the Finance Minister—to convert Exchequer bills of particular descriptions which they may buy from the Government into stock, and thereby to create a new permanent National Debt without the consent of Parliament. That is perfectly true. I do not enter now into the question about the conversion of Exchequer bills, which form part of the regular Funded Debt. That is an entirely different matter. I speak of the conversion of what are termed deficiencies, and of what are termed Consolidated Fund and Ways and Means bills. These are means by which a temporary provision is made for the balances in the Exchequer. It is well known that by means of the conversion of those bills into stock it is in the power of the Minister of Finance, when there is a deficiency in the public revenue, to turn over that deficiency into permanent public debt. I proposed by this Bill entirely to abolish that power; and the last object I have in view is to bring the whole transactions of the Chancellor of the Exchequer, through the medium of the National Debt Commissioners, regularly and periodically, under the view of Parliament. It is requisite, in my opinion, that considerable powers should be left in the hands of the Finance Minister. Though I am rather sceptical as to all that has been said as to the ill uses to which these funds have been put, there have been occasions on which uses have been made of these powers which I am not prepared to justify; very considerable discretion, however, must remain in the hands of the Finance Minister. It is for the public interest that it should be so; but there has been no adequate public provision made for bringing his proceedings regularly under the view of the House of Commons. I propose to enact, for the first time, that the whole of his transactions shall be, at the commencement of every Session, submitted to the view of Parliament. Nor will I stop with the mere presentation of a return. A Committee of this House, appointed about three years ago on the subject of the public monies, by my right hon. Friend the Member for Portsmouth (Sir Francis Baring) made, among other recommendations, a very valuable and judicious one, to the effect that the public accounts in the various Departments should regularly, at the commencement of every year, be submitted to a Committee, and that not an ordinary Select Committee, but one invoking in its constitution the aid and discretion of the highest authority in this House—namely, that of the Speaker himself. That is an admirable suggestion; and I do not consider this House, as the guardian of the public money, has discharged its duties, unless it reviews those accounts regularly from year to year, and sees how the Supplies have been appropriated. Looking forward to that review of the public accounts, I propose that you should extend it regularly from year to year to the management of those public monies which the Chancellor of the Exchequer holds in deposit. These are the general objects I propose to attain by the measure which, if permitted, I shall ask leave to introduce. On a former occasion, in December, 1854, when Parliament was summoned for the purpose of considering exclusively certain subjects connected with the war in the Crimea, I asked for leave to pass a Resolution of a similar character, in order that I might be enabled to introduce a Bill. Some hon. Member objected to passing a Resolution of the kind at that time; but the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) rose in his place and said, it was evidently for the convenience of the House that that preliminary Resolution, which committed no one, should be disposed of in order to the plan being put into an intelligible form; and with the unanimous approval of the House that was done, and the Bill was printed. If the Committee is still of opinion, after what I have stated, that a postponement is desirable, I shall not offer any opposition. My wish, however, is to be permitted to pass now this Resolution to report it to the House, and then to bring in my Bill, which will be printed in three or four days, and there will be ample time given to every Member to consider its provisions and understand its object before I ask the House to read it a second time.

Resolution *moved* :—

That it is expedient to create a charge upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland in respect of the sums due to Savings Banks and Friendly Societies, and to provide for the payment of interest thereon to the Commissioners for the Reduction of the National Debt; and also to make provision out of the said Consolidated Fund, or by Exchequer Bills or Exchequer Bonds, for any difference which may now or hereafter exist between the assets in the hands of the Commissioners for the Reduction of the National Debt in respect of Savings Banks and Friendly Societies, and the liabilities thereon, and for the interest on such Exchequer Bills or Exchequer Bonds; and also to authorise the cancelling of such amounts of the several capital stocks of annuities held by the said Commissioners for Savings Banks and Friendly Societies respectively as may appear to the Commissioners of Her Majesty's Treasury to be expedient, and for the creation of like amounts of capital stock bearing a lower rate of interest than the capital stocks so cancelled, and for paying the interest on the stock so created.

MR. H. HERBERT said, he rose to express his satisfaction at the clear statement made by his right hon. Friend on this important subject. He regretted, however, that he had omitted to deal with one essential part of the question. On a former occasion, when bringing in a Bill on this subject, his right hon. Friend observed, that if it could be said that any public creditor lost a farthing the state of public finance could not be considered a satisfactory one. He now felt disappointed that his right hon. Friend did not propose to deal with the whole question. The mode in which the money of these institutions was managed before it got into the hands of the Commissioners for the reduction of the National Debt was in the most unsatisfactory condition. The depositors, however, ought to be protected from any loss on the amount they lodged with the Banks. It ought to be made impossible that there should be any loss prior to the money getting into the hands of the State. If this could not be done it was the duty of the Chancellor of the Exchequer to bring in a measure to sever altogether the apparent connection of the State with these Banks. There was just at present sufficient interference by the State with these Banks to give the public an idea that they had Government security, and if they imagined that they were entitled to every farthing that passed into the hands of the Government there ought to be some machinery to protect the money of depositors before it got there. The Chancellor of the Exchequer came forward, and told the House and the country that he wished to bring in a measure for dealing with this matter. If it were beyond the power of the right hon. Gentleman to produce a really good measure which would remedy the present state of things, the Government should get rid of all connection with these banks. Formerly the Trustees and Managers were legally liable to the depositors, but in 1844 they were absolved from all responsibility for the moneys deposited. He did not complain of this, for it was unreasonable to make private individuals responsible for so large an amount as the deposits of the savings banks; but surely their being absolved from that responsibility created a necessity for providing some other machinery by which depositors might be protected from loss before their money reached the State. He did not expect that his right hon. Friend would mix up this question of the losses of depositors with the one he had now introduced, but he might be permitted to express the hope that he had made up his mind to grapple with that important branch of the subject, and to put the money of depositors in such a position as to render loss to them impossible.

MR. AYRTON said, that on reading the Resolution, he had found it rather obscure, and now that he had heard the speech of the Chancellor of the Exchequer, he had been singularly disappointed with it, for he did not know much more than he did before. The object of going into Committee was to inform the House how, and in what manner, the Resolution on the table was to be carried out. But the right hon. Gentleman with great adroitness then said, that he could not make them understand what he wished to effect until they had seen the Bill. There was no alternative, therefore, but to accept the Resolution and wait patiently till the Bill was before the House. It was rather hard to be compelled to take so important a preliminary step in the dark; but if they had to do so he protested against being held responsible for anything whatever. As one of the savings-banks Committee he had gone into the matter very fully, but he had not arrived at the same conclusions as the Chancellor of the Exchequer with regard to the relations that existed between the Government and the savings banks. It seemed a very sound proposition to say that the savings bank should receive back the amount which had been received by the State, but the right hon. Gentleman kept out of view an important phase of the question, which was this, that the moneys were paid to the Commissioners, who were charged with a special duty under a special Act of Parliament, and that they were to be invested in a particular manner for the benefit of savings banks. These investments were very different to the cash received by the Government. If, however, they had been fairly dealt with by the Government as trustees for depositors, instead of there having been a deficiency, there would have been a large surplus, or a sum of consols beyond the amount of cash received by the Government. It could not be denied that the duty undertaken by Government was not truly fulfilled. It would be found that a large amount of the invested money had been taken from time to time to make good the interest which the Government came under an obligation to pay, irrespective of the capital fund. The Government having, from time to time, applied the capital fund for the purpose of making good the interest, at last brought the savings-banks accounts into this position, that the deficiency was so large that the question was raised whether it could continue to pay even the rate of interest that would have been received had the capital account remained intact; so that the people who now invested were to be called on to receive a smaller rate of interest in order to make good the deficiencies of former years. How this state of things was to be remedied they had received no information; but he trusted the Bill to be brought in would be more satisfactory than the one introduced last Session, and which the Government were compelled to abandon. There was one remark of the Chancellor of the Exchequer that somewhat alarmed him, as he was afraid from its tenor that they were to have the continuance of a system that had entailed much inconvenience as well as much loss on this fund. The Chancellor of the Exchequer had intimated that it would still be necessary for him to exercise considerable power over this fund which ought to be held as a sacred deposit for the working classes. He could not conceive that there was any necessity for the Chancellor of the Exchequer exercising any such power; if it was necessary that he should operate in the market as a "bear" or "bull" he must say he did not think the funds of the savings banks were legitimate funds for that purpose. If such a power were necessary, let there be some proper statute to sanction it. The present practice was productive of great inconvenience, and could not be defended on any principle. The Committee on Public Moneys were all agreed that for the time to come the administration of the savings-banks funds ought to be placed upon a solid basis, and that if the Chancellor of the Exchequer wanted resources for financial operations, he ought to come to the House and obtain them by some means which the House might distinctly sanction.

Sir STAFFORD NORTHCOTE said, he doubted whether the Committee would discuss this subject to advantage until they saw the Bill. He would, therefore, merely say that the objects proposed by the Chancellor of the Exchequer seemed to be good, but whether the details were such as ought to meet with the approbation of the House they ought not to judge too hastily. He wished to ask the right hon. Gentleman whether he proposed to deal with the other recommendations of the Public Moneys Committee. He understood him to propose that the administration of these funds should be subject to the control or audit of a Committee of that House, probably nominated by the Speaker. The Public Moneys Committee recommended a kind of appropriation audit, and that some check should be exercised upon the expenditure of the money that had once been voted. If he had rightly understood the right hon. Gentleman the recommendation of the Committee with regard to savings banks was only a portion of the suggestions made by them which the Chancellor of the Exchequer proposed to adopt.

Sir HENRY WILLOUGHBY remarked that, having heard the ingenuous speech of the Chancellor of the Exchequer, he felt bound to say that, like the hon. Member for the Tower Hamlets (Mr. Ayrton), he was not a bit the wiser for it. In 1854 he took exception to a financial Resolution thus suddenly produced. He understood the right hon. Gentleman to say that he had previously agreed to the same Resolution. Now it was one inconvenience of bringing forward these sudden Resolutions that he had not had time to refer to the Resolution to which the Chancellor of the Exchequer had alluded. But this portion of the present Resolution was, at least, entirely new:—

> "And also to authorize the cancelling of such amounts of the several capital stocks of annuities held by the said Commissioners for Savings Banks and Friendly Societies respectively as may

appear to the Commissioners of Her Majesty's Treasury to be expedient, and for the creation of like amounts of capital stock bearing a lower rate of interest than the capital stocks so cancelled, and for paying the interest on the stock so created."

This was not in the original Resolution, and it was very important. The Resolution of 1854 ended in nothing. A Bill was introduced making a certain proportion of the savings-banks money chargeable on the consolidated fund, and leaving the remaining third to be still dealt with by the Executive. He believed that what had occurred in 1854 would be repeated now. The trustees and managers objected then to the mode in which it was proposed to deal with their funds, and in like manner they would, he felt persuaded, resist the change now proposed, and entreat the House to adopt the recommendations of its own Committee. That Committee recommended that the investment of these funds should be treated as a *bonâ fide* trust, by Commissioners appointed under a law duly framed for the regulation of their proceedings, and that the saving banks should receive such interest for their money as the sums invested would bring. It appeared to him that the present Resolution struck at this principle, and only dealt with a single portion of the recommendation of the Savings Banks Committee. If, however, it should be the wish of the Committee to see the right hon. Gentleman's Bill he would not stand in the way of its introduction.

SIR FRANCIS BARING said, he was glad to hear that the hon. Baronet would not press his objection to the passing of the Resolution. It was true that the Resolution was not a clear exposition of the whole subject. The Chancellor of the Exchequer was compelled by the rules of the House to frame a Resolution which covered all that part of the Bill affecting the Consolidated Fund. The House would not, however, be committed by the Resolution to carry out all the words of the Resolution in the details of the Bill, and hon. Members who objected to any portion of the Bill were equally at liberty to object to it, whether the Resolution were agreed to or not. The objects proposed by the Chancellor of the Exchequer appeared to him to be most beneficial and proper. No one could doubt that in point of equity the depositors in savings banks had a claim to every sixpence of capital and interest for the money which had been placed in the hands of the Government. He had sinned like other Chancellors of the Exchequer, in exercising the power which he possessed over savings-bank moneys, but he did not hesitate to say it had been done before, and was perfectly legal, that Chancellors of the Exchequer, in so doing, exercised a power which ought not to have been placed in their hands. He had employed these moneys, and, as a financial operation, he was prepared to justify what he had done. He did not wish to fight the battle of 1841 over again. In a financial point of view he had made the best arrangement in his power; but looking at the matter in a constitutional light, it was a power which the Chancellor of the Exchequer ought to be deprived of, and he would vote for any measure that took it away.

MR. BARROW said, he wished it to be understood that in not dividing against the Resolution he did not pledge himself to its details, or to imply that he was in favour of empowering the Treasury to alter the investment of the moneys deposited in the hands of the Commission. He differed however from the hon. Member for the Tower Hamlets (Mr. Ayrton) in this, that he believed it to be a perfectly desirable and legitimate arrangement that banks should be provided in which the poorer classes might deposit their savings and receive a reasonable interest for their money, and as the amount of interest paid to them did not exceed the average interest on other loans, the tax-payers had no reason to complain. He hoped that the power of reducing the rate of interest proposed in the latter part of the Resolution did not imply any present intention of altering the present rate. He was anxious that the funds of the depositors in savings banks should be transmitted to the Government, to be employed for their benefit, and that depositors should be secured from loss by the institution of a *bona fide* Commission, but thought the Government should have no power of "stock-jobbing" with these moneys. He therefore felt bound to say that he acceded to the Resolution only with the full privilege of reserving any objections to any clause of the Bill which might carry out the purposes to which he objected.

MR. J. L. RICARDO said, he believed they were all agreed that, whatever might be the shortcomings of the Chancellor of the Exchequer, the depositors in the savings banks ought not to be the sufferers; that the accounts of these banks should be presented annually to the House, and that a Committee ought to be appointed to examine these accounts. The Chancellor of the Exchequer had not, however, been sufficiently explicit as to the functions he was himself to exercise in regard to the savings-banks funds. If the right hon. Gentleman was to have any control over them whatever, it was quite certain that he would make them subservient to financial purposes, and what had been done before would be done again and again. The same objections would then arise as at present existed. When he read the Resolution, he felt he should be unable to speak upon it until he heard some explanation regarding it, and then having heard the explanation, he was still unable to give an opinion until he had seen the Bill. Neither was sufficiently intelligible. But so far as he had understood the explanation as to the objects of the Bill, those objects were desirable achievements. He should, therefore, not oppose the Resolution. But he should like some description to be given of what the functions of the Chancellor of the Exchequer were to be.

COLONEL SYKES said, that as the passing of the Resolution did not pledge any hon. Member to the details of the Bill he should withdraw his opposition. He should object to the Chancellor of the Exchequer having any power under the Bill to deal with the funds for the purpose of propping up the public credit. The whole question, moreover, could never be in a satisfactory position until the depositors at large were fully assured that their funds were properly secured in the transit from the Bank to the Commission.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said he could assure his hon. Friend the Member for Kerry (Mr. H. Herbert) that he should be glad to have the opportunity of introducing a Bill for the better management of savings banks with a fair prospect of carrying it. He had not abandoned the hope of such a measure, and it was a subject that would receive his most anxious attention. With regard to the question of the hon. Baronet (Sir S. Northcote) as to the Report of the Public Moneys Committee, the saving-bank funds came not at all within their operations. Those funds were public monies on deposit, and in no way allied to the public money forming the revenue of the country, which alone formed the subject of that Committee's deliberations. He had, perhaps, been misunderstood in the allusion he made to that Cemmittee, but what he meant to say was this—that the recommendations made by that Committee were equally applicable to the savings-bank funds as to the revenue, and he proposed, therefore, that a Committee should be appointed to discharge the same functions with regard to those funds that the Public Moneys Committee did with regard to the revenue. He wished to relieve the mind of the hon. Member for Nottinghamshire from the apprehension that the Bill would empower the Government to alter the rate of interest paid to depositors in savings banks. The two subjects were entirely distinct; and the rate of interest ought to be fixed in a Bill for the management of savings banks, because the depositors would then see in one view all that portion of the subject which concerned them. He quite admitted that the rate of interest ought not to be left in the discretion of the Government, except as the law might fix it. He had been asked to describe the functions of the Chancellor of the Exchequer under this Bill. He had not entered into that subject at large, because he took it for granted that it would appear from what he had said—namely, that those functions were to remain as they were, except that they were to be based on certain limitations and restrictions. It might be the opinion of some hon. Members that savings-banks funds should not be subject to the operation of any discretion on the part of the State as to the use to be made of them. He differed from that proposition entirely. He believed, if such a course were adopted, it would be found injurious and detrimental both to the public interest and disadvantageous to the depositors themselves. In point of fact, the question was, whose ought those monies to be? They ought to be the monies of the public, and used for the public benefit, but held at call, and liable to be restored to those who were originally and ultimately entitled to them. If, then, they were to be used for the public, it would be absolutely impossible to exclude the Government from all discretion in the management of them. In the Bill he proposed to limit those powers that were considered principally objectionable, and to enlarge those to which the recommendations of the Committee should point. But these were matters of detail. Finally, however, he proposed to bring all those powers regularly and periodically under the strict review of a body acting for and to be appointed by the House of Commons, and in whom the House will have confidence. Such were the main principles of the measure, but it was open to any hon. Member to propose any changes he might deem expedient.

Motion *agreed to.*

House resumed.

Resolution to be reported *To-morrow.*

House adjourned at Nine o'clock.

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HOUSE OF LORDS,

Friday, January 27 1860.

MINUTES.] *Sat First in Parliament.*—The Lord Abercomby—after the Death of his Father.

PUBLIC BILLS.—1ª Endowed Schools; Law of Property.

DISTRIBUTION OF INDIAN PRIZE MONEY.

QUESTION.

THE EARL OF **ELLENBOROUGH** regretted that two years and a half had elapsed since the capture of Delhi, and he was still compelled to put the Question of which he had given notice—namely, Whether any Measure has yet been adopted with a view to the Distribution of the Property captured by the Army in India during the War of the Mutiny; and upon what Principles such Distribution, if intended, is to be made?

THE DUKE OF **ARGYLL** replied, that a proposition had been sent over by the Indian Government before the rising of the House in the last Session, in reference to this subject; and a reply had been sent back by the then Secretary of State for India, approving of the principle which was there laid down. The principle was that all the property taken by the army being property of mutineers, or belonging to the State which had been seized by the mutineers, should be given to the army as prize money; but there was a reservation, and he thought a very proper one under the circumstances, in the case of property taken by the army which belonged to individuals who could prove their loyalty to the State, that such portion should be given up to the owners. The question was of a most anomalous and complicated nature, and had given rise to a great many questions which had prevented the Indian Government from computing the whole amount of prize money due to the army. The Indian Government were now taking steps with a view to ascertain the whole sum disposable, and there was every disposition to hasten the matter forward, and to give to the army their share of the prize money, which they had so well and so nobly earned.

THE EARL OF **ELLENBOROUGH** still wished to know upon what principle the distribution was to proceed? It was not necessary to ascertain the total amount, for money might be given on account, as was often done. He wanted to know whether the prize money was to be awarded for actual service or for service of a constructive character? To those only who were actually engaged in the capture, or to those also whose co-operation being essential to success were, though not actually present, present to all practical purposes. He thought it a great hardship that the army should have to wait so long before they received that to which they were so justly entitled.

COTTON AND SLAVERY.

RETURN MOVED FOR.

LORD **BROUGHAM**, in rising to move, according te notice, for returns relating to the importation of cotton, said he understood there would be no objection on the part of the Government to granting them. He thought it would be most satisfactory to all to know that since the repeal of the duty there had been such an enormous increase in the importation of cotton, from 63,000,000lb. to 1,024,000,000 lb., or sixteen-fold on all cottons, and an increase of thirty-two fold on the importations from the United States alone, which had risen from 23,000,000 lb. to 830,000,000 lb. This enormous increase in the importation of cotton—so advantageous to our manufacturers and the community at large—had been accomplished at the trifling cost of about £500,000, which was the amount of the duty upon cotton previous to its remission. He hoped the fact would be an encouragement to repeal duties without any regard to what was called the reciprocity system, but to repeal them simply because we wished to get rid of the burden imposed upon ourselves by those duties. There were now no less than 480 articles upon which Excise or Custom duties were levied, to the great obstruction of trade and the injury and vexation of those who dealt in the articles, while the total product to the revenue was under £1,000,000; indeed, he believed it was only about £700,000, or not above £1,500 per article. He rejoiced in the benefits which had resulted to the people of the United States, as well as to ourselves, from our repeal of the duty on raw cotton, but he expected to see those kinsmen of ours suffer greatly by a falling off in the cotton sales; for it should not be forgotten that some of our own colonies presented great facilities for the growth of cotton, and he hoped that in British Guiana, Jamaica, and in Africa every encouragement would be afforded by the Government to the cultivation of this most important material. Above all, he trusted that a trade in cotton would be opened on the east coast of Africa, in the districts explored by Dr. Livingstone; for upon the high lands of that country cotton to any amount, and of the best quality, might, with a slight encouragement, be raised. He was told that a capital of £20,000, judiciously directed, there would be sufficient to secure this very great advantage; and he did hope, that if it were inexpedient for the Government to interfere in such matters, his wealthy as well as worthy friends at Manchester and Liverpool would lend a hand to promote that in which they had so great an interest, and would help to raise the money. Let us consider how this change would operate in the United States. There they have what they call the domestic institution, though we might rather call it an offence than an institution, except that, not many years ago, we were ourselves offenders. So the slave-trade as well at slavery, was defended by referring to its antiquity, and here again we had little to say, having been, till of late years, ourselves culprits. That the Americans had not ceased to offend when we did is deeply to be lamented, although their Government appears well disposed to put down the traffic; but they have, in parts at least of the Union, now committed an offence in which we never at any time had any share—an outrage so atrocious as almost to exceed belief, and to make one hope that the accounts of it which have reached this country have no foundation. They have declared all the free people of colour slaves, unless they instantly go into banishment. It is supposed that this may be only a threat in Maryland, but in Arkansas and Missouri it has been carried into execution. Many persons have been driven from their homes, and those who refused to go have been reduced to bondage. All this enormity is grounded on the inability of the State to control those poor people from the defective condition of its police. That such a crime should be perpetrated in the middle of the nineteenth century—nay, in any age, or by any civilized people—seems altogether incredible, and one hopes to see the whole statement contradicted. A wholesale massacre of the unhappy race would not be much more shocking to our feelings; and might be justified by the same kind of reasons as are used to defend this monstrous proceeding, the convenience of the State in getting rid of a troublesome part of its subjects, and the high antiquity of the crime; for certainly murder dates from the very beginning of the world, the first man who was born having murdered the second. All these things, however, belong to the internal affairs of the United States, and we have no right to complain; but we have a right to feel; and it is impossible to restrain the feelings of reprobation, nay, of horror, from finding vent in the accents of indignation. If, however, we have no right to complain of our kinsmen in the Southern States, so will they have no right whatever to complain of us if we take every course most likely to increase our supply of cotton from other quarters than their grounds, although the effect of that change may be not only to secure the benefits to our own manufacturers, but to shake the "domestic institutions," which it most assuredly will, as our markets take seven-eighths of all that the Southerns grow. He should be glad to learn from the noble Duke that these accounts from the United States can be contradicted; and also, that if no direct encouragement can be given to cotton-planting in our own colonies, and in Africa, at least all obstacles to it will be removed, and these on the west coast as well as the east. But without further pursuing the subject at present, he should be satisfied with moving—

"That there be laid before this House, Account of the Quantities of Cotton imported into Great Britain during the Years 1814, 1815, 1844, 1858, 1859; distinguishing the Countries from which such Quantities came."

THE DUKE OF NEWCASTLE said, the Government, of course, had no objection to the production of this Return, and he assured his noble and learned Friend at the same time that the Government had a deep sense of the importance of extending, as much as possible, the growth of cotton. Great efforts had been made and would every way be encouraged by the Government to promote the cultivation of cotton, by means of free labour. In Jamaica, as his noble and learned Friend knew, attempts were being made to introduce the cotton plant; but both there and in Guiana and other colonies the great difficulty was not so much in the soil as in the want of sufficiently cheap labour. It was not the practice of the Government to enter into commercial speculations, which in this country were properly left to private enterprise; but so far as the Government could assist and even stimulate the efforts now being made to further the growth of cotton they would certainly do so. Thus, on receiving information that in Ceylon lands could be brought into cultivation for this purpose, the Government, departing from their usual custom of not parting with Crown lands except by sale, granted certain of those lands for the period of five years, in order that the experiment might be tried. In the new colony of Queensland, in Australia, he had given instructions to the Governor to encourage the introduction of the cotton plant, and he earnestly trusted that both there and in other of the British dominions this experiment would be successful. His noble and learned Friend was aware, that on the West Coast of Africa the Lieutenant Governor of the Gold Coast had instituted a Society for improving the cultivation of cotton, and had made arrangements for facilitating its conveyance from the interior.

The Bishop of OXFORD said, he had heard with satisfaction what had fallen from the noble Duke. It was quite true that it was not the custom of the British Government to engage in direct speculations to promote the trade in any article; but with regard to the growth of cotton, the British Government had rendered great assistance in another way—namely, by making the highways of the great continent of Africa —the rivers—accessible to English merchants, so that cotton might be cultivated on each side of them, and the traders have a safe passage up and down. The difficulty which was experienced in other countries of obtaining free labour to produce cotton did not exist in Africa, where there was an abundant native population, whose cultivation of cotton would be attended with the additional advantage of introducing a wholesome and lawful commerce, which would absolutely destroy the slave trade; for the only way by which that trade could be ultimately destroyed was by teaching the African chiefs that the employment of their dependent people in the production of the raw material of cotton would be more advantageous than selling them into slavery for transportation to other parts of the world. He therefore earnestly trusted that the attention of the Government would be directed to the maintenance and even to the increase of efforts for opening the great rivers in Africa, especially the Zambesi, the opening of which he believed the Government was about to aid, and the Niger, which for years the Government had assisted in opening.

Lord OVERSTONE believed that a question of more importance than that relating to the extension of the sources for the supply of the raw material of cotton could not be brought under the consideration of the Legislature. He had therefore heard with satisfaction the statement of the noble Duke, that the attention of the Government was directed to this subject, and that every encouragement, consistent with sound principles, would be afforded to extend and vary the sources of the supply of cotton. The noble and learned Lord (Lord Brougham), had stated that within a short period the importation of cotton into this country had multiplied thirty-two fold, and when their Lordships considered how extensive was the demand for cotton goods throughout the world, and how vast the number of our population depending upon that manufacture for their daily subsistence, they would at once perceive that it was a serious matter to have for the supply of the raw material only a single source, liable to be affected by the uncertainties of climate, to say nothing of the obstacles which any unfortunate state of political relations might raise up in the way of our merchants applying to that source. He trusted that no efforts would be omitted by the people of this country to promote every rational enterprise for the supply of cotton from every quarter where it could be obtained—and as there seemed a reasonable prospect of getting a supply from the West Coast of Africa—he hoped that all the encouragement, which the Government could legitimately give, would be afforded.

Lord WODEHOUSE said, that their Lordships were, no doubt, aware that the attention of several Administrations had been given to the important point of opening up the rivers of Africa; and two expeditions with that view were now actually in progress, one on the Niger, and the other on the Zambesi. From both very satisfactory information had been received with respect to the supply of cotton; and he would read a short extract from a recent despatch of Dr. Livingstone, dated May

12, 1859, referring to his visit to Lake Shirura and the adjacent country :—

> "Cotton is cultivated largely, and the further we went the crop appeared to be of the greater importance. The women alone were well clothed with the produce ; the men being content with goatskins and a cloth made of bark of certain trees. Every one spins and weaves cotton. Even chiefs may be seen with the spindle and bag, which serves as a distaff. The process of manufacture is the most rude and tedious that can be conceived. The cotton goes through five processes with the fingers before it comes to the loom. Time is of no value. They possess two varieties of the plant. One, indigenous, yields cotton more like wool than that of other countries. It is strong and feels rough in the hand. The other variety is from imported seed, yielding a cotton that renders it unnecessary to furnish the people with American seed. A point in its culture worth noticing is, the time of planting has been selected so that the plants remain in the ground during winter, and five months or so after sowing they come to maturity before the rains begin or insects come forth to damage the crop."

On May 31, Dr. Livingstone again wrote:—

> "Only two or three of the Portuguese have planted cotton, the people of the Shire on the contrary, brought several bags of cotton for sale on our second visit, though no time had elapsed to allow of planting since we informed them of the existence of a market. The cotton trade is quite ready for development among them by agents such as Sierra Leone supplies to the Niger. The inhabitants are quite independent of the Portuguese, but unless a late ordinance of the Government of Portugal allows foreigners to settle in the country neither cotton nor sugar will be collected."

Reports had at the same time been received from the Niger, stating that a very great increase in the produce of cotton had taken place, but the extension of the supply in certain districts was mainly dependent on the suppression of the slave trade. He wished he could state that that great object—the suppression of the slave trade—was near accomplishment. He was sorry, however, to say that the slave trade, on the contrary, had increased, and he feared tended to a still further increase. He concurred with the right rev. Prelate (the Bishop of Oxford) in thinking that the extension of industry and legitimate commerce among the natives of Africa was the ultimate means of extinguishing this most deplorable and execrable trade ; and as the cultivation of cotton was a most important branch of industry, the supply of the demand of this country for that article would coincide in a marked degree with the suppression of the slave trade. He was not prepared to discuss the matter referred to by the noble and learned Lord relating to the internal affairs of America, but as regards the slave trade, the United States had, by a recent measure, shown their disposition to suppress it ; so that he trusted the people of that country would never encourage that accursed traffic, much less recur to a principle they had repudiated as a nation.

Earl GREY said, he quite agreed with the right rev. Prelate and his noble Friend as to the importance of encouraging the growth of cotton in Africa. It was quite true, as stated by the noble Duke, that in our own colonies the want of labour must for many years be an obstacle to any sensible increase in the production of cotton ; but in Africa there was an immense territory fitted for the cultivation of cotton with a population sufficient to carry it on. In many parts of that continent the inhabitants already cultivated cotton to a considerable extent, and beyond doubt this might be increased with infinite advantage both to them and to us. He was sorry to hear that the slave trade had increased, and he was afraid that its increased activity was mainly owing to the assistance it derived from the American flag. To the infinite and eternal disgrace of the United States, that country allowed its flag to be prostituted for the purpose of enabling the slave traders to defeat the efforts made for the suppression of the trade. He believed that if that went on America would incur the reprobation of every man of right feeling throughout the civilized world. She would place herself under the ban of humanity. It was impossible that their Lordships could express too strongly the indignation they must feel at such disgraceful conduct on the part of a great country. But, besides America, he should have been glad to hear from the Under-Secretary for Foreign Affairs (Lord Wodehouse) that another powerful nation, which was deeply to blame in the matter of the slave trade, had seen the error of her ways, and had adopted a wiser policy. He should have liked to hear from his noble Friend what was the position of France with respect to the slave trade. Their Lordships knew what France had done. While she had nominally abolished slavery in her dominions, her Government had directly authorized the purchase of what were in mockery called "free emigrants"—of men brought down in chains to the coast and shipped as "free emigrants" to French colonies. Their Lordships were told last year that this atrocious system had been put down on the east coast of Africa. He wanted to know what was going on at present on the west coast. There, he was informed, the system still continued, and under the name of *dépôts d'industrie,* the French Government had slave-markets—established places to which the slave trader might bring his goods and be certain of a market. To pretend to have abolished slavery in the French colonies and the slave trade while these markets were open for slaves was a mockery and a delusion. Every one knew that the receiver of stolen goods was the main promoter of theft, and was a more dangerous person than the actual thief. So with respect to the slave trade. The Under-Secretary of State had told their Lordships that the growth of cotton in certain parts of Africa had been stopped by recent slave-hunts. For what purpose were these slave-hunts undertaken? Were they or were they not undertaken for the purpose of obtaining victims to supply the contract authorized by the French Government? That was a circumstance which their Lordships ought to know. England, of course, had no authority to dictate to France. France might do what she thought right; but if she continued to encourage the accursed traffic in slaves, she must expect to have Members in both Houses of Parliament freely expressing their opinions of her conduct, and to find that conduct condemned throughout the civilized world.

LORD WODEHOUSE regretted to be obliged to concur in the statement of the noble Earl that the American flag had been prostituted for the protection of the slave trade; but, on the other hand, it was some consolation to know that the United States' Government had acknowledged that their squadron on the coast of Africa was ineffective, and had increased it by some small vessels. The proposed addition had not been as fully carried out as he trusted it would be; but, still, what had been done showed the determination of the American Government to maintain the purity of their flag, and to prevent the exportation of slaves from Africa. He was likewise obliged to concur in the remarks of his noble Friend upon the French emigration scheme, but he was happy to say that the French Government had put an end to the system on the east coast of Africa, and had expressed its intention, when the existing contract had terminated, to abandon it on the west coast also. Negotiations were commenced by the late Government with the Government of France for the emigration of coolies from our territories in India to French colonies. Those negotiations had been continued by the present Government, and he trusted they would be brought to a successful termination, in which case the French Government would, doubtless, fulfil its promise to put an end to the unhappy emigration of blacks from Africa, an emigration which, however humanely conducted, under whatever precautions, must tend to perpetuate the horrors of the slave trade.

Motion *agreed to.*—Returns ordered.

ANNEXATION OF SAVOY TO FRANCE.

QUESTION.

THE MARQUESS OF NORMANBY inquired of Her Majesty's Government, pursuant to notice, whether they have received any Information as to the Negotiation stated by the Ministerial Journals in Paris to exist between France and Sardinia for the Annexation of the Duchy of Savoy and the County of Nice to the Dominions of the Emperor of the French? As he had stated when he gave his notice, it was not his intention to call the attention of their Lordships to the political effects of the annexation of Savoy and Nice to the French Empire, or to the probable consequences of an arrangement which was in direct violation of a treaty which England and the other Powers of Europe were bound to maintain; but he wished to state why he thought the question had now reached a point which rendered it necessary that the Government should be asked what was the present state of their information on the subject. His question, it would be observed, was founded upon a statement which had appeared in the French newspapers, and he might be told that he ought to be able to adduce some higher authority than one or two journals in Paris. When he recollected, however, that we had recently been subjected to a succession of surprises, and that the policy of some other countries had been changed in conformity with—he would not say in obedience to—the suggestions of newspaper paragraphs and anonymous pamphlets, he submitted that he was entitled to call the attention of their Lordships to the annexation of Savoy and Nice to the Empire of France, even though he based his remarks upon articles in French newspapers. The statements to which he had alluded had appeared in the two principal and habitual organs of the French Government. It was first published in *Le Pays*, the most careful and prudent of the Ministerial journals; but what had chiefly attracted the attention of Europe was its circulation in the columns of *L'Indépendance Belge*, a Brussels paper in the enjoyment of Imperial favour, and possessing, perhaps, the most general circulation of any European journal. Subsequently it reappeared under the shape of a manifesto in *La Patrie*, the most adventurous of all the Imperial organs, a journal which had even been chided for being in too great a hurry to publish certain matters to the world. Nevertheless, what was stated by *La Patrie* was pretty sure to be near the truth. Last autumn *Le Pays* announced that it was the intention of the Emperor to adhere strictly to the programme which he had laid down for himself in the engagements taken at Villafranca. *La Patrie* threw some doubt upon that statement, and *La Patrie* was undoubtedly the more correct of the two. Such was the journal which published the manifesto to which he wished to call the attention of their Lordships, and which was transferred to *L'Indépendance Belge* on the 22nd instant. This article said that France was now determined by counsel, by her soldiers, and by sacrifices of every kind to substitute for the hereditary arrangements of Vienna the truthful policy of nationalities; and the writer went on to say that it was evident the day was drawing nigh when the superstructure raised by diplomatists must disappear before the power of logic and the course of events. He was not aware that there had been any diplomatic declaration to this effect, but the dangers contingent upon the adoption of such a principle by the powerful Government of a great nation were much greater than any which could arise from the annexation of the Duchy of Savoy. Could it for a moment be imagined that England had no interest in the assertion of such a doctrine? Why, let us look at our own possessions, scattered over the face of the globe, and then see how far we could recognize the principle of nationality. How could England stand this test? How would it apply in the Mediterranean, or the Ionian Islands? How affect Gibraltar? How might it be brought to bear on Aden or the Empire of India, or our dependencies in another hemisphere? Why, if such were to be admitted as a valid ground there would not be a single country in Europe the foundation of whose title would not be shaken. Such a doctrine would be quite subversive of those treaties and of that order and regularity which forty years' peace had brought about. Russia, indeed, prided herself upon her nationality. Nor, as regarded Poland, did he think they could collect the scattered remnants of a national existence. The restoration of Poland to nationality would almost remind one of Mr. Canning's expression regarding the repeal of the legislative union with Ireland: "Repeal the union—restore the heptarchy." Well, then, as to Prussia and this doctrine of nationality—see how it worked from Posen to Aix-la-Chapelle. Again, witness its application to Austria. And here he must say that he looked upon the stability of Austria as one of the main elements of European security; and he wished that some one who had the same conviction, and had more opportunity of making his opinion known in the proper quarter, would urge how important it was to grant what was just and reasonable in the demands of Hungary. He hoped and believed that, as regarded her Hungarian dominions, the loyalty of the Hungarian people was not yet shaken. Another of these journals eulogised the disinterested motives of France, and urged the desirableness and expediency of annexing the County of Nice, for which the writer said the reasons were more satisfactory and conclusive than even in the case of Savoy. The two did not, in fact, stand upon the same footing; for the truth was that Nice was far more Italian than even Piedmont itself. Nor could he at all perceive any reason there existed for confounding Nice with Savoy. All who were acquainted with the politics of Europe knew that the *Indépendance Belge* was a paper which was in direct communication with the French Government, and had a Paris correspondent who received his inspiration from the Foreign Office. In the *resumé politique* of that journal there had appeared a statement from its Paris correspondent, stating that it was understood that the desire of England to see the extension of Piedmont to the Marches, and her satisfaction with the commercial treaty just negotiated, would lead her to observe a strict neutrality while the Duchy of Savoy and the County of Nice were consulted as to their desire to be united to France. He did not believe that his noble Friends opposite would be actuated by any such motives, or would form their decision upon any grounds but those of their public duty; but he should like to ask his noble Friend what was the state of these negotiations. He could not suppose that the answer would be that the Government knew nothing upon the subject, because, after the publication of the article to which he had referred, the natural course would be for our Minister in Paris to communicate with the Minister of Foreign Affairs, and obtain from him a categorical explanation of its meaning. This was the course which he adopted with the nine Ministers with whom during six years he had to deal. It was that which he pursued with regard to the Swiss matter during the last few months of the reign of Louis Philippe, when he obtained from M. Guizot the most full and ready explanations; and also with reference to the expected invasion of Savoy by the Provisional Government in the year 1848, when M. Lamartine admitted to him that the disposition of the people was opposed to annexation with France; and he did not at all suppose that our present Government would have any difficulty in obtaining explanations from a Government with whom it was on such close and intimate relations. It might be worth while, for their Lordships and Englishmen generally, when they were anxious to apply those admirable constitutional principles which they valued so much at home to other States, to recollect that that country, which had not enjoyed a liberal system of government, but only the form of government under which it had lived for centuries, was so averse to part with its institutions in the year 1848, that it actually rose unassisted to resist any invasion by a French revolutionary force; and that in consequence of the introduction of that which we called the model system of Government, of late years established in Sardinia, the loyal feeling of that ancient appanage of the House of Savoy had become so weakened that the whole population was now positively stated in all these journals to be desirous of parting with the blessings of that constitutional monarchy, which we so much lauded and of uniting itself to the imperial *régime* of France. It was to be hoped, therefore, that our countrymen, who were apt to be led by a generous impulse into advocating the adoption in other countries of the principles of Government which they so justly prized for themselves, would pause and consider whether they were so sure that they understood the real sentiments of the people in whose behalf they spoke. He would be very glad if the noble Earl opposite could state that Her Majesty's Government had ascertained that no ground existed for imputing to the French Government any such intention as had been ascribed to it. If, however, the answer given to his question should be, that the Government were at present unable to afford any information to Parliament on the subject, of course that discussion must now close, though he trusted it would not close for ever; indeed, if the question were not brought before their Lordships by some Member of the distinguished political party behind him (the Opposition), he should take the liberty as an independent Peer, unconnected with any party, to introduce it to the notice of the House himself. The noble Marquess concluded by asking whether Her Majesty's Government had received any information as to the negotiations stated by the Ministerial journals in Paris to exist between France and Sardinia for the annexation of the Duchy of Savoy and the County of Nice to the dominions of the Emperor of the French?

EARL GRANVILLE:—My Lords, I regret very much that I was not in my place yesterday when the noble Marquess gave notice of his Question. But, on inquiring of my Colleagues, I was informed of the nature of that notice, and also of the fact that the noble Marquess had announced his intention to put the Question without raising any discussion in this House. I was, therefore, not quite prepared for his very long and interesting speech, entering into the political literature, the geography, and the different nationalities of Europe, opening up also some of the most important principles of politics and of international law which it is possible to conceive, and ending with agreeable personal reminiscences and autobiographical details of what happened to him during his embassy at Paris. I do not think it necessary to follow the noble Marquess at equal length, and I must likewise decline to give him an answer in either of the formulas which he was kind enough to suggest to me. I shall content myself with simply replying to the Question which he has placed on the paper. Her Majesty's Government have received no information "as to the negotiation stated by the Ministerial journals in Paris to exist between France and Sardinia for the annexation of the Duchy of Savoy and the

County of Nice to the dominions of the Emperor of the French." At the same time I think it right to add, that the Government of France has been long acquainted with the opinions of Her Majesty's Government as to any such arrangement; and I can assure the noble Marquess on one point—namely, that it is perfectly ridiculous to suppose that the successful negotiation of any commercial treaty, intended for the interest of both countries, could ever have the slightest influence upon Her Majesty's Government in regard to the expression in the firmest, and at the same time most friendly manner, of any opinions they may have on any great European question.

House adjourned at a quarter past Six o'clock, to Monday next, Eleven o'clock.

* * *

HOUSE OF COMMONS,

Friday, January 27, 1860.

MINUTES.] PUBLIC BILLS.—1° Highways; Probate and Administration (India); Municipal Corporation Mortgages, &c.; Saint Mary in Rydal Marriages Validity; Newspapers, &c.; Roman Catholic Charities.

ATTEMPTED MURDER IN IRELAND.
QUESTION.

COLONEL FRENCH said, he wished to put a question to his right hon. Friend the Secretary for Ireland. It was stated in *The Times* of that day that a Mr. Dunne had been murdered at Tullamore, the county town of King's County, where there was a stipendiary magistrate, an inspector of police, and strong constabulary force; that he was fired at about ten o'clock at night, and that, notwithstanding the large force of Government officials there, they had no knowledge of the outrage until the morning after its commission. He wished to ask his right hon. Friend if he knew whether that statement was correct; and, if he did not know, whether he would direct inquiry to be made into the matter?

MR. CARDWELL: I am happy to be able to inform my hon. Friend that the person who was fired at is still living; that he has identified the person who fired the shot, and that that person has been arrested and committed for trial.

Earl Granville

AUSTRALIAN MAILS.—QUESTION.

LORD A. CHURCHILL said, he rose to ask the Secretary to the Treasury what is the annual subsidy granted to the Egyptian Government for the transit of the monthly mail to and from Australia; and what is the anticipated increase to the Post-office revenue consequent upon the additional penny charged upon all newspapers sent by way of Southampton and Suez to the Autralian colonies; and also, whether it is the intention of Her Majesty's Government, in deference to the expressed wish of the Australian colonies, to relax the recent impost of an additional penny upon newspapers?

MR. LAING said, that the amount paid to the Egyptian Government for the transit of the postal service across Egypt, was £12,000 a year, but that included the charge for the Indian as well as the Australian mails. It was impossible to distinguish the exact amount paid for the Australian service alone. It was difficult also to give any precise estimate of the revenue which might be received from Australian newspapers: but as nearly as he could get at it, the additional penny on newspapers to Australia might be roughly taken as likely to contribute £5,000 a year. With regard to the latter part of the question, the determination to impose the additional penny was taken by the late Government, and it was not the intention of the present Government to propose any alteration. On the contrary, seeing that this country paid £70,000 a year for the conveyance of the Australian mails, and that newspapers were conveyed by the same vessels 12,000 miles across the ocean, including the delivery, for one penny, he thought the additional penny to meet the charge imposed by the Egyptian Government was by no means extravagant.

RAILWAY ACCIDENTS.—QUESTION.

MR. BENTINCK said, he had to ask the President of the Board of Trade Whether it is the intention of Her Majesty's Government to introduce any measure during the present Session founded on the Report of the Committee on Railway Accidents which was laid on the table of the House in the year 1858?

MR. MILNER GIBSON said, the Report to which the hon. Member referred had been carefully considered. It no doubt contained many useful suggestions for the prevention of railway accidents; but with regard to that part of the Report in which the Board of Trade was specially concerned—namely, the recommendation that Parliament should be asked to confer additional powers on the Board of Trade for the investigation of railway accidents, he might state that they had not found railway companies at all backward in affording facilities for investigating such accidents, and therefore it was not thought necessary to ask Parliament for any increased powers to the Board of Trade for that purpose. There was accordingly no intention at present on the part of the Government to introduce any measure on the subject.

DELHI AND LUCKNOW PRIZE MONEY.

QUESTION.

MR. TURNER said, he wished to ask the Secretary of State for India, Whether any and what steps have been taken towards effecting the payment of the prize money due to the troops engaged in the capture of Delhi and Lucknow, and when it is probable that the money will be forthcoming?

SIR CHARLES WOOD said, with regard to the Delhi prize money they had not yet received from the Indian Government a statement of what the amount would be. A question had been raised, as to certain property which had been taken, whether it legitimately came under the description of prize money or not. Till that was settled the Indian Government were unable to tell what was the amount of prize money to be distributed. As soon as this was known, however, the necessary measures would be taken for declaring the prize. With regard to Lucknow, information had very lately been received of the amount of prize money captured there, and formal measures were now in progress for making the usual application to Her Majesty.

LAW OF LANDLORD AND TENANT IN IRELAND.—QUESTION.

MR. MAGUIRE said, he rose to ask the Attorney General for Ireland if he could say when it is the intention of the Government to introduce their promised measure for a more equitable adjustment of the relations between landlord and tenant in Ireland?

MR. J. D. FITZGERALD replied that he was not able to specify the day on which his right hon. Friend the Secretary for Ireland would ask for leave to introduce this Bill; but as he knew that his hon. and learned Friend felt considerable interest in the subject, it would be gratifying to him to learn that the Government plan on the subject was matured, and his right hon. Friend proposed to take the opportunity of bringing in the necessary Bills some time before the approaching assizes.

PROMISSORY NOTES IN INDIA.

QUESTION.

MR. R. CRAWFORD said, he wished to ask the Secretary of State for India whether he has under his consideration any plans or proposals for authorizing and regulating, by means of a bank or otherwise, the issue of promissory notes payable on demand in India?

SIR CHARLES WOOD said, that the question was one which had been for some time discussed in India, and last year a despatch was received from thence making some suggestiens on the subject. Those suggestions, however, were not exactly such as he could approve of, and before adopting any measure of the kind it was determined that nothing should be done till a report is received from Mr. Wilson, than whom no one is more conversant with the subject, and who has recently been sent to India for the purpose of giving his able assistance in all financial and commercial matters. He could not, therefore, say that he was prepared with any measure for the purpose of establishing a paper currency in India, although he readily admitted that it was exceedingly desirable to do so.

On Motion that the House at its rising do adjourn till *Monday* next:—

FRENCH TROOPS IN LEGHORN.

QUESTION.

MR. DARBY GRIFFITH said, he rose to ask the Secretary of State for Foreign Affairs whether it is true, as stated in a French paper, that 30,000 French troops are expected at Leghorn, and whether he has reason to believe that the French Government has any intention of taking any such step for the purpose of preventing the annexation of the provinces of Central Italy to Sardinia, which their constitutional representatives have voted as their final determination? The statement to which he referred appeared in The *Salut Public* of Lyons, a French paper of good repute, and it had received corroboration by many circumstances that had occurred. First of all, the other French journals had been desired not to copy the paragraph. This was an exercise of power on the part of the French Government which they were very much in the practice of resorting to, and in his opinion it was extremely significant. It was clear from that fact that the French Government were aware of the existence of the rumour, and that they were desirous of suppressing it. Another significant circumstance was, that a number of English newspapers which contained the statement — *The Morning Herald, Daily News, Globe*, and others— had been seized and confiscated by the French Government. Again, an ordinance of the Minister of War appeared on the 23rd of January, in the *Moniteur de l'Armée*, the official organ of the Government on military matters, giving orders which would enable the equipment of the army to be provided immediately upon the occurrence of any emergency. Not less than 100,000 uniforms were to be kept in store, and regimental arrangements were to be made by which 60,000 uniforms would be made in a month. The *Moniteur de l'Armée* said,—

> "The result during peace will be in reality an excellent investment. Rumours of war and war itself may then arise; it will no longer be necessary to apply for extraordinary credits, and thus uncover one's game, when it is requisite that the greatest secrecy should surround the first preparations. Europe has not beheld without astonishment the rapidity with which the French army passes from the peace to the war footing. It has been decided to apply this principle to the regimental workmen, who will be able in case of need to turn out 60,000 uniforms per month."

A letter from the private correspondent of an English paper also stated :—

> "I am able to confirm in every point the important news I sent you yesterday respecting a portion of the Imperial Guard having received its campaign equipment. The regiments at Versailles are ready to march at four hours' notice. The officers are puzzled, but, of course, anticipate Italy."

Taken in connection with the rumour in question, these changes were sufficiently significant and were sufficient to justify the first part of his Question. If he were asked what justified the second part of his Question, and the imputation of the intentions there mentioned to the French Government, it might be sufficient in reply to review the proceedings of that Government since the House last met. On the 11th of July the treaty of Villafranca was signed, which contained that sagacious project of a confederation of Italy under the presidency of the Pope. That plan had been brought forward on many occasions, and whether it was even now abandoned might almost seem doubtful. At any rate it was entertained up till a very recent period. But the second, the most important feature of the treaty of Villafranca was, that the two emperors, who had just terminated a sanguinary war, entered into a deliberate engagement to restore the Grand Dukes to their possessions in Italy. This certainly justified Austria in the expectation that their forces were to be employed in obtaining the restoration. On the 22nd of July a question was put to the noble Lord the Secretary of State for Foreign Affairs in that House as to the intentions of the French Government. The noble Lord gave a satisfactory answer to that question on the part of the French Government. The engagement then given, which was the only cable that had held firm amid all the changes that had taken place, was, that no interference by force of arms in the internal affairs of Italy would receive the sanction of the English Government, or would be attempted by the Emperor of the French. He must in honour declare that the French Government, and particularly the remarkable man at the head of that Government, had faithfully observed that pledge. While, however, there had been no armed interference in Italy, every endeavour had been made to turn the flank of that engagement, so to speak, and to induce the populations of Central Italy to accept some other solution of the difficulty than that which they proclaimed to be their deliberate election. M. Pietri was despatched to Italy, and after him Prince Poniatowski, and deputations were received by the Emperor of the French from the Italian populations. On the 10th of September a remarkable document came out in the *Moniteur*, to the publisher of which it was sent direct from St. Saviour. The concluding paragraph was as follows ; — "But let not Italy be deceived. There is but one Power in Europe that wages war for an idea. That Power is France, and France has accomplished her task." On the 9th of September the *Constitutionnel*, a semi-official organ of the French Government, scolded *The Times* for being adverse to the claims of Prince Napoleon, but shortly afterwards the *Moniteur* rebuked the supposition that the French Government desired to see Prince Napoleon King of Etruria and Central Italy in these words: "To refute these rumours it suffices to remind the public of the acts and words of the Emperor before and after the treaty of Villafranca." On the 28th of September, Lord John Russell made his speech at Aberdeen, in which, if correctly reported, he laid down the proposition, which appeared to him (Mr. Griffith) of rather too broad a character, that subjects had a right to rise against their rulers, and also repeated his pledge that no interference would be permitted in Italy to contravene the wishes of the people of that country. The *Constitutionnel* of the 6th of October affirmed that "France offered advice, but would not dictate orders." On the 17th of October the treaty of Zurich was signed. A few days afterwards the Emperor of the French said at Bordeaux, that in his opinion "the temporal power of the Pope was not incompatible with the liberties and independence of Italy," an opinion which he had apparently since had occasion very considerably to modify. The Emperor added, "But French troops cannot remain indefinitely at Rome." On the 29th of October appeared the letter from the Emperor of the French to the King of Sardinia, in which a proposition was made whereby the fortresses of Peschiera and Mantua were to be federal fortresses, although he had never heard that Austria had assented to that arrangement. The Emperor went on to say,—"So far as the interests of France are not opposed to it, I shall be happy to serve the cause for which we have combated together." The Emperor thus acknowledged that the cause for which they had combated together might be adverse to the interests of France. On the 10th of November Prince Carignan was elected Regent. That election was peremptorily stopped by an order from Paris, and the *Moniteur* of the 12th of November set forth that the election of the Prince tended to prejudge the decision of the Congress. On the 16th, Buoncompagni was substituted *malgré* France. On the 29th of November the invitations to the Congress were sent out, which the noble Lord (Lord John Russell) thought it well for his own part not to refuse. He did not intend to question that decision. He was opposed upon principle to a Congress to settle the affairs of Italy, which ought to be allowed to work out her own freedom without being indebted to any other Power. When, however, the noble Lord was told that if he obstinately refused to give the Italians the benefit of his protest against interference the Congress would go on without him, the noble Lord perhaps had no resource but to accept the invitation; and if he had been in the noble Lord's situation he should, no doubt, have done the same thing. On the 13th of December, Rome and Naples gave in their adhesions to the Congress. On the 22nd of December appeared that most remarkable pamphlet, *Le Pape et le Congrès*, bearing all the marks of official inspiration, advocating the separation of the Provinces of the Legation from the Holy See, and enunciating principles very dissimilar to those contained in the Emperor's speech of the 11th of October. Immediately after that Count Cavour was appointed to represent Sardinia in the Congress; and on the 31st of December was published the letter of the Emperor to the Pope, which fully confirmed the supposition that the pamphlet on the Congress had expressed his views. The Pope did not hesitate to denounce the pamphlet as a "signal monument of hypocrisy and an ignoble tissue of contradictions." Count Walewski resigned, and the Congress was postponed. On the 17th of January the Pope refused to cede the Romagna, and on the same day Count Cavour had been reinstalled as the Minister of Sardinia. The policy of that statesman was notoriously at variance with that of the Holy See; all prospect was therefore at an end of establishing an Italian Confederation under the presidency of the Pope. To show the uncertainty that prevailed in the councils of the Emperor, he might mention that only the day before yesterday he had received deputations from the Marches and Umbria, and gave thereby his apparent adhesion to the policy of taking away other Provinces besides the Legations of the Romagna from the Holy See. With these facts before them, he thought that was sufficient justification for anxiety as to the intentions of the French Government, and he was confident the House would see how desirable it was that Italy should be relieved from the uncertainty of the last five or six months, and that the Emperor of the French, if really bent upon conducting himself as the Liberator of Italy, should carry out the principle of non-intervention and at once withdraw his troops from Italy. There would then be an end to the apprehensions which now prevailed that Leghorn was to be occupied by French troops, like Milan and Genoa, and that England, unwilling to resort to war, would find remonstrance ineffectual before the fact of actual possession.

CASE OF THOMAS SMETHURST.

APPEAL IN CRIMINAL CASES—QUESTION.

MR. EDWIN JAMES said, he would not detain the House many minutes, while he directed the attention of the right hon. Gentleman who was at the head of the Home Department to one or two facts connected with the case of Thomas Smethurst, who, it would be in the recollection of the House, was tried for and convicted of the crime of murder in the course of last year, and subsequently pardoned by the Crown. He was sure he need not apologise to the House for bringing it forward on account of the deep importance of the case, and the serious way in which it was calculated to affect the criminal jurisdiction of the country. In the few remarks he was about to make he begged to say that he had not the slightest desire to cast any imputation on the right hon. Gentleman the Home Secretary on account of the pardon which he had advised Her Majesty to grant to Thomas Smethurst, in which he believed the right hon. Gentleman was actuated not only by motives of humanity, but by those of the strictest and most impartial justice. But he wished the House to consider what would be the effect of this anomalous system of reversing a sentence, after a public trial, on private and *ex parte* evidence, which the public had no opportunity of knowing, and on which the verdicts of juries were reversed without the public or the jury knowing on what grounds they were reversed. If these proceedings were allowed to go on, and no public court of appeal were established, juries would become careless and indifferent as to the verdicts they gave, and the mode in which they discharged that most anxious duty of coming to a decision in trials for murder. For those simple reasons he wished to direct the attention of the Secretary of State to one or two facts which occurred after the trial of Thomas Smethurst. These facts were simple. On the 15th of August Thomas Smethurst was convicted of the crime of murder and sentenced to be executed. The trial was conducted before the Chief Baron of the Court of Exchequer, one of the most humane Judges who ever adorned the bench, and from the range of his attainments singularly well qualified to deal with a case which depended very much upon a close scrutiny and careful analysis of the medical testimony. After the conviction, however, the attention of the country and of the press was directed to serious doubts that were raised as its propriety, and representations were made to the Secretary of State on the subject, the result of which was that, at his request, as he (Mr. James) collected from letters in the newspapers, a most able and elaborate report was drawn up by the Judge who presided at the trial, containing probably an expression of his opinion of the case. Various statements by other parties with regard to the case were made to the Home Secretary, and on the 15th of November there appeared in *The Times* a letter from the right hon. Baronet who held that office to the Chief Baron, which, he had authority to say, was not sent for publication by his Lordship. The letter of the Home Secretary was to the effect that the Chief Baron's report upon the trial, together with the whole of the medical evidence, had been referred to Sir Benjamin Brodie, who had given it as his opinion that, though the facts were full of grave suspicion against Smethurst, there was not absolute evidence of his guilt; but that his (the Home Secretary's) advice to Her Majesty to grant a free pardon to the convict did not arise from any defect in the constitution and procedure of the legal tribunals, but from the difficulty of ordinary citizens dealing with matters which puzzled the most experienced medical men. The jury who had given their anxious attention to the subject during the five days of the trial thus found their verdict set at nought; but though the evidence upon which the jury arrived at that decision had been fully published, neither the report of the Lord Chief Baron nor the report of Sir Benjamin Brodie had ever been revealed. In point of fact, the public had had no opportunity of judging of the medical testimony upon which the verdict of the jury had been reversed and the convict pardoned. In making these observations he was not blaming the Home Secretary, who, under the existing system, could hardly have done otherwise than he did; but he felt that the responsibility of acting under such circumstances was too great to be thrown on any single individual; and he hoped to prevail upon the right hon. Baronet to introduce some measure for the purpose of removing so great an anomaly. He was far from wishing to trench on the prerogatives of the Crown in the right of granting pardon. That prerogative might well consist with the existence of a criminal court of appeal, because there might still be good reason to preserve to the Crown the right of granting pardon on evidence which would not be admissible by a court of law, on a motion for a new trial. He thought the question was one well deserving the attention of the House and of the Government, and he would press it upon the Government that if they were not themselves prepared with any measure on the subject, they might at least accede to some rational and well-considered measure proposed by others for some court of appeal where pardons might be granted in such a way as would make patent to all the grounds on which the sentences were pronounced. In conclusion then he wished to ask, whether the Government contemplate the introduction of any Measure to give the Right of Appeal to persons convicted of capital and other crimes?

OUTRAGES IN AMERICAN SHIPS ON THE HIGH SEAS.—QUESTION.

MR. MONCKTON MILNES said, his noble Friend at the head of the Foreign Office would not be surprised at his rising to ask him what effect had been given to the Address presented by this House to Her Majesty in August last, in respect to the cruelties and murders committed with impunity on board American ships engaged in the traffic between the United States and this country. He would ask the House to allow him to state one or two additional facts which had occurred since this Address was presented. The picture, he regretted to say, had been considerably darkened since that time, and acts of gross and cruel murder had been added to the catalogue of crime. A few days after the Address was presented an American sailor, named Antonio, died in the Liverpool Hospital from the effects of the cruel treatment he had received. An inquest was held on the body, when a solicitor appeared on the part of the American Government, who denied altogether the jurisdiction of the court, and stated, not without considerable acuteness, that it was an American transaction, committed on board an American ship, and with which nobody but Americans had anything to do. If, he added, he had died on board, the case might have been one of murder or of manslaughter; it would have been a case for American jurisdiction. But as he had died in Liverpool in consequence of injuries inflicted in the course of the voyage, the jury could find no other verdict but "Found dead," and that verdict was returned accordingly. There were other cases with which he would not trouble the House, but he must advert to the case which was probably fresh in all their recollections, as it occurred only on the 14th of the present month. Two American mates of the barque *Anna* were brought before the magistrates of the Isle of Wight on a charge of having done to death no less than six sailors in the course of a voyage between America and England; for having put to death, under circumstances of great cruelty and violence, the half of the whole crew of the vessel. With the two men there appeared before the bench of magistrates a solicitor of the name of Stokes, who represented himself as an agent of the American Government, and who questioned the jurisdistion of the Bench. He claimed these men as American subjects, with whom the British magistrates had nothing to do; that the murders which were alleged to have been committed were done on the high seas, the only death on which a question could arise having occurred more than a league from the British coast. The magistrates had been blamed, but he thought very unjustly, for discharging the prisoners; but in point of fact they had no jurisdiction. It was wrong to say that the mates were guilty of the horrible crimes charged against them, but it was a very significant fact that a smile passed over their faces when the nonjurisdiction of the Court was established. Surely the state of the law required alteration, and he should be rejoiced to hear that in the considerable interval that had elapsed since the Address was presented her Majesty's Government had done something to remedy so great a scandal. There was no doubt that the impunity with which these grave crimes were committed were telling most detrimentally upon our own merchant service. In a case of great violence the other day it was given in evidence that the captain said, "How I regret I am under English law! If I were under American law I could do anything I chose to my men." He hoped, therefore, that something had been done to remedy this state of things, which he was sure was felt to be a scandal, not only in this country, but still more by that great community across the Atlantic. The American Chamber of Commerce, he knew, had made strong representations to their countrymen at home on the subject. Great interest was felt upon the subject in America, and no doubt the American Government would co-operate with the English Government in trying to find a remedy for a grave and growing evil. The noble Lord the Secretary of State for Foreign Affairs was not one likely to lack zeal in the cause of humanity. The right hon. Gentleman the Secretary of State for the Home Department was no tyro in matters of international legislation, and between the two he trusted something would be accomplished. He therefore wished to ask the Secretary of State for Foreign affairs what measures have been adopted with regard to the Address presented to her Majesty on the 2nd of August, 1859, by that House, praying Her Majesty to enter into negotiations with the United States of America for the purpose of preventing the assaults and cruelties committed on merchant seamen in American vessels.

Lord JOHN RUSSELL:—With respect to the question put to me by the hon. Gentleman opposite (Mr. Darby Griffith), he will not, I think, expect me on this occasion to enter upon a discussion of the affairs of Italy. But with respect to the questions which he has asked, I will only say that I do not believe there is any truth in the statement which he has seen in a French newspaper, to the effect that 30,000 French troops are expected at Leghorn. I have certainly no reason to believe that the French Government has any intention of taking any such step for the purpose of preventing the annexation of the Provinces of Central Italy to Sardinia. On the contrary, I consider the statement is highly improbable. My hon. Friend (Mr. M. Milnes) has asked me a question upon a subject of great interest and importance, with regard to which he brought forward an Address last year, which was adopted by this House. When that Address was agreed to I immediately communicated with my right hon. Friend the Home Secretary, and I believe it was his opinion that it would be of advantage if the negotiations were conducted in this country with some lawyer of experience from the United States. Accordingly, I wrote to Lord Lyons, and he received an answer that it was the opinion of the American Government that the negotiations could not be entrusted to better hands than those of the able and enlightened representative of the United States in this country, Mr. Dallas. My right hon. Friend has therefore had interviews with Mr. Dallas on the subject. They felt anxious, as every man in this House, and I have no doubt in America also, must feel, that some remedy ought to be found for a state of things so shocking, and that an attempt should be made to punish the authors of these acts of outrage and cruelty which take place on board American vessels. They were agreed as to the principle upon which that remedy should be applied, and there is now drawing up the draft of a convention with a view to carry their views into effect. I think it would be premature to enter into the details of that convention at the present moment; but when it is agreed to and ratified, as I trust it will be speedily, no time will be lost in bringing in a Bill to obtain the object which my hon. Friend has so properly advocated.

THE DIVORCE AND COMMON LAW COURTS.—QUESTION

Mr. BOVILL said, he rose to ask the Secretary of State for the Home Department, Whether it was the intention of Her Majesty's Government to propose any alteration in the constitution of the Courts of Probate and Divorce? The subject was of importance, no so much to the legal profession as to the public at large. In the last Session of Parliament, in order to facilitate the operations of the Court, an Act was passed authorizing two Puisne Judges to make with the Judge Ordinary a full Court for Divorce, in substitution of the previous provision, which required the Judge Ordinary, a Chief Justice or Chief Baron, and one senior Puisne Judge to constitute a full Court. The consequence of the withdrawal of two Puisne Judges to sit frequently in the Divorce Court had been seriously felt, and the suitors in the Courts of common law had during the last term suffered great inconvenience. In the Court of Error, where there should be a large attendance of Judges to decide appeals from the Courts in which they were not Judges, there were very seldom more than five or six Judges; so that in the case of a division of opinion they might have had three Judges, or a majority, overruling the unanimous decision of five Judges in either of the three common law Courts. The inevitable result must be to increase the number of appeals to the House of Lords. But there was the further difficulty that, as the Court of Error was prevented from disposing of the business before it in December, and the Judges would be summoned to the House of Lords now that Parliament was sitting, it would take many months to clear off the arrears which had been created. Amongst other cases which were in consequence postponed, was the important case respecting the Shrewsbury estates. Unless some remedy were speedily applied arrears would increase, and the greatest inconvenience be caused. Considerable inconvenience also arose from the constant changes of Judges in the Divorce Court. It was not possible to have any settled practice, and two Judges coming fresh into the court might overrule the decisions of the Judge Ordinary, who sat there regularly. In consequence of the great increase of business in the common law Courts of late years the demands on the time of the Judges had greatly increased; and though it was immaterial to them where they sat, the interests of the public necessarily suffered. It was not for him to point out what was the proper remedy for the evil; but it was clear that the subject was one which called for the consideration of the Government, in order that they might effect some improvement in the existing system.

MR. BOWYER said, before the right hon. Gentleman announced the question he wished to make one or two observations on another great evil attending the Divorce Court. The operation of this Court had justified all the apprehensions expressed at the time of its creation. The reports of the proceedings were a standing scandal to the country. They polluted the columns of the newspapers to such an extent that it was really difficult to allow a newspaper to lie on the table in any decent house. If the principle on which the Court was formed were persevered in, and the business went on increasing at its present ratio, it would very shortly be necessary to give the County Court Judges power to grant divorces, a result which would be most deplorable in its effect on the morality of the country. But what he wished more particularly to direct the attention of the Government to was, the system of gross collusion which went on in that court. Proceedings were taken there which had been arranged beforehand, and the Judge had neither power nor machinery to prevent them. Unless some remedy were applied the court would become in a short time a sort of Encumbered Estates Court for the transfer of women. The name originally intended to be applied to it was the "Court of Marriage," but really a far more applicable title would be the "Court of Adultery." Some steps ought certainly to be taken for the prevention of this collusion. In his opinion, the only way of meeting the evil was by the appointment of an officer with a competent staff, whose duties it would be to see that all suits were properly defended—to support the validity of marriages, and to prevent divorces being improperly granted. In every other country where there were courts for the dissolution or voiding of marriages there was an officer of the sort, whose duty it was to prevent collusion. Without some such official the Judge of the court might be made the instrument of doing much that was unjust and improper. His objections to the court and to divorces *à vinculo matrimonii*, which he considered contrary to the law of God, still continued unchanged; but if the court was to exist some steps ought to be taken to render it as little injurious to the morality of the country as its nature would permit.

SIR GEORGE LEWIS: The House is no doubt aware that by the constitution of this Court a portion of the business is transacted by the Judge Ordinary alone, and for the other portion, the presence of two Judges from the common law Courts is necessary. On the establishment of the Court a new official was created—namely, the Judge Ordinary—but with regard to the associated Judges, reliance was had upon the attendance to be obtained from the Courts of common law. The business of that Court has been considerable—probably greater than was anticipated at the period of its formation, and demands have been made upon the common law Judges to a greater extent than is altogether consistent with the convenient despatch of business at certain times, more particularly when it is desired to form a Court of Error, where the presence of a number of Judges is necessary. To a certain extent, therefore, there is doubtless ground for the complaint made by the hon. and learned Member for Guildford. The matter has been under the consideration of the Lord Chancellor, but acting on his advice, the Government are not prepared to recommend an increase in the number of the common law Judges, or the appointment of a new Judge for the Divorce Court. They think that it may be practicable to enlarge the class of business to be disposed of by the Judge Ordinary alone, and to render unnecessary the presence of other Judges except in cases of peculiar difficulty and importance. With regard to what has fallen from the hon. and learned Member for Dundalk (Mr. Bowyer) respecting the expediency of enabling the Judge to exclude the public from the Court in certain cases, a noble Lord opposite (Lord John Manners) has given notice of his intention to introduce a Bill for this purpose, and it would therefore be prematurely taking up the time of the House in the miscellaneous Friday evening's debate to enter into the subject. I must decline, also, to enter into the general policy of the Divorce Act, unless some specific Motion be made on the subject. With regard to what fell from the hon. Member for Pontefract (Mr. M. Milnes), I hope it will be distinctly understood, both in the House and in the country, that the Courts of England have no jurisdiction in regard to offences committed in a foreign ship on the high seas, however grave that offence may be, or however excited may be the feelings of the people of this country when the persons who have committed the offence land here. Our tribunals are utterly powerless in such cases, and I do not believe there is a single case in which any criminal Court here can take cognizance of such offences—except the case of treason may be considered an exception. The only way, therefore, in which an English magistrate or policeman can deal with such offences is under an extradition treaty. We have such treaties only with France and the United States, and I am happy to be able to inform my hon. Friend and the House, that this very day I have signed an order under the extradition treaty for the delivery to the proper authorities of the two mates of the ship *Anna*, in order that they may be sent to the United States, to take their trials before the tribunal of the country, which alone has jurisdiction over them. Turning now to the question of the hon. and learned Member for Marylebone (Mr. E. James), I will just remark that a Bill was the other day introduced into this House with reference to criminal appeals. I believe that Bill has not yet been circulated, but an early day has been fixed for its second reading. When it comes on for discussion, I shall be ready to express my opinion upon the whole subject. With regard to the particular case of Thomas Smethurst, the hon. and learned Member admits that he does not wish the prerogative of pardon to be abolished, but he speaks of the anomalous proceeding of pardoning a criminal without the knowledge of the jury who found him guilty, and upon a private and *ex parte* examination. The course which I followed in this case was precisely that which has been taken, time out of mind, I may say, by the Secretaries of State for the Home Department who have preceded me; therefore the term "anomalous" can only be applied with reference to some new system of practice which the hon. and learned Gentleman wishes to introduce. The course which I adopted was to call for the shorthand writer's notes of the trial, to hear everything which could be alleged on the part of the prisoner by his friends or legal advisers, and to refer all the papers which were brought before me to the learned Judge who tried the case, and it was not until the learned Chief Baron, after long consideration of the subject, made a very full report that I took any steps in the matter. In that report the Judge recommended that the matter should be referred to some eminent medical practitioner; and I accordingly placed his report in the hands of Sir Benjamin Brodie, whose eminence and fitness will, I think, be universally admitted. In a conversation which I had with him, in order to obtain his permission to the reference, he assured me that he had but a superficial knowledge of the subject, and had formed no opinion whatever with regard to the case; and therefore I believe that it would be impossible for me to find a more impartial referee. After full consideration, given, I can assure the House, with the utmost attention of which I was master, and after hearing an infinite variety of opinions from different persons, I came to the conclusion that the proper course for me to adopt was to advise the Crown to grant a free pardon; and I can only say that nothing which has occurred since I gave that advice has made me entertain any doubt as to its rectitude. I think it right to state that the Chief Baron expressed an opinion that the prisoner ought not to be executed, and he subsequently made the suggestion that Smethurst did not administer drugs to Miss Isabella Banks with a view of taking her life, but possibly with a view of procuring abortion. That was the hypothesis which a consideration of all the evidence had suggested to him, but it was a hypothesis wholly different from that which was adopted by the prosecution at the trial, or from that which was submitted by the Judge to the jury, and it is impossible for me to say whether, if that view of the evidence had been submitted to them, they would have found a verdict of guilty. I think the House will be of opinion that, consistently with the opinion of the learned Judge which was formed after the maturest consideration, this was not a case in which Her Majesty could have been advised to commute the capital sentence into one of penal servitude. The hon. and learned Gentleman succinctly stated the course which was taken with regard to the published letter; and I am glad that he does not propose to move for any document on that subject. I shall be ready to give, in general terms, any information which the House may desire, but, with reference to the Royal prerogative of mercy, I must be allowed to express my opinion that great inconvenience and great embarrassment would arise in the exercise of an extremely delicate and painful duty if confidential papers of this kind were called for.

MR. DIGBY SEYMOUR observed, with regard to the question which the right hon. Gentleman had previously answered, that he had lately seen an extract from *The New York Times* from which it appeared that during the last year there had been no less than forty-nine complaints by seamen against captains and officers brought in the American courts, and only in one instance had there been a conviction. The great majority of these cases had broken down for want of evidence. He begged to remind the House and the right hon. Gentleman that, by one of the provisions of the Merchant Shipping Act of 1854, any captain of a vessel was competent to call upon the captain of another vessel to take on board a person accused of an offence of this description, and to carry him to a port where he might be tried, under a penalty of £50. He would suggest that, under the extradition treaty, this provision might be extended to American ships. It was a provision which might well be adopted by the American Legislature. At the same time he might add that the same Act contained provisions for taking the depositions of witnesses who could not attend at the place of trial.

Motion *agreed to.*

House at its rising to adjourn to *Monday* next.

MOTION FOR SUPPLY.

Committtee on Motion, "That a Supply be granted to Her Majesty."

Queen's Speech *referred.*

Motion *considered.*

(In the Committee.)

Queen's Speech read.

Resolved, "That a Supply be granted to Her Majesty."

Resolution to be reported on *Monday* next.

PROBATE AND ADMINISTRATION (INDIA) BILL.

FIRST READING.

SIR CHARLES WOOD said, he rose to ask leave to introduce a Bill, which was very simple in its character, and consisted of three clauses, applicable to India. The first of these had reference to Indian Stock, of which a great amount was held in this country, and it had become a question whether, when the holders died, their legal representatives were not bound to take out probate in India as well as in England. Such a proceeding would, of course, be very inconvenient to the parties; and the object of the Bill was to declare that probate, if taken out in this country, should be deemed sufficient. A similar law had been passed some years ago with reference to Scotch and Irish railway stock falling into the hands of persons in this country, and great benefit had been experienced from that Act. The next provision of the Bill which he proposed was one by which the necessity of sending bonds to the India House to be examined and registered would be obviated. At present they were passed from hand to hand, and great inconvenience and delay were thus occasioned. Under the new method of transfer which it was intended to establish it was expected that the character of the stock would be improved. The provision would entail a small expense on the revenue of this country, but not more than £90. By the third clause he proposed to extend the powers taken by the Act of last Session to Indian Bonds; this would render them repayable in this country, if the payment were desired. The powers taken by the Act of last year had proved most successful.

MR. BAILLIE observed that the Law of Property and Trustees' Relief Act of last Session contained a clause empowering trustees to invest trust-money in India Stock, but when an application was made to the Lord Chancellor to give authority for trust-money to be so invested he declined to do so, upon the ground that the Act was passed just at the close of the Session, and that the clause was introduced at the last moment, contrary to the wish of the promoter of the Bill, who had expressed his intention to bring in a Bill this Session to repeal that clause. He wished to ask the right hon. Baronet whether the Government intended to have that clause repealed, because, as it appeared to him, such a clause looked very much like taking the first step towards making this country responsible for the Indian loan, which was very objectionable.

Mr. CRAWFORD asked, whether the effect of the Bill proposed by the right hon. Secretary for India would be that parties could take out probate of wills either in this country or in India?

Mr. MALINS said, he wished to correct a mistake into which his hon. Friend (Mr. Baillie) had fallen. No Lord Chancellor would have refused to administer the law according to an Act of Parliament because it happened to have been passed at the close of the Session. In the case referred to nothing more was decided than that the stock, authority to purchase which was applied for, did not fall within the definition contained in the clause in the Trustees Relief Act. He hoped the Government would be very cautious how it pledged itself to repeal the provisions of the Act; he believed it a wise one. It was the duty of trustees to manage the affairs of their wards, as prudent men manage their own; and he could not imagine anything more absurd than a law compelling men who were continually investing their own money in Indian Stock to buy any trust money into the Three-and-a-half per Cents. As to the power given by the Trustees Relief Act being the first step towards obliging this country to adopt the liabilities of India, he could not see what connection it had with them. Indian Stock was secured on Indian revenue alone, and if that failed parties purchasing such securities would only have their own want of foresight to blame; but that they could consider the revenue of this country bound to make up any loss he could not understand.

Mr. GREGSON said, he wished to know why the powers of the Bill proposed by the Secretary for India were extended to some kinds of Indian securities and not to others. Why, for instance, were they not extended to the Rupee Loan?

Mr. AYRTON said, the object of the Bill, as he understood it, was a very necessary and simple one. The Government of India issued promissory notes, which constituted the public debt there. The interest of those notes was formerly payable in some part of India, but within the last year it had been made payable in this country, so that in one sense the property was Indian, and in another it was English. In order to get rid of that anomaly the right hon. Gentleman (Sir C. Wood) proposed to make notes, so circumstanced, subject to probate in England. There could be no reasonable objection to that, and he (Mr. Ayrton) thought the Bill would prove a very useful one.

Mr. ARTHUR MILLS said, he considered it of great importance that no misapprehension should be permitted to exist as to the nature of the securities in Indian loans, which were not of the same nature as Indian Stock. From the fact that the machinery of the Bank of England was used in regard to both, great misapprehension had arisen in the public mind as to the nature of the securities. It would be a great misfortune if Parliament had not made up its mind whether it would or not give a material guarantee in regard to the securities for the Indian loan — that a misapprehension should exist. He did not wish to express a premature opinion upon the Bill, but he certainly thought that, with respect to the Act of last Session, the nature and value of the securities should be clearly defined.

Sir CHARLES WOOD said, he apprehended there could not be the slightest question as to the construction of the Act of last year. The Lord Chancellor had held that the recently created Indian Stock did not come under the same denomination as the original Indian Stock. He decided that the expression used in the Act of last Session, applied to the old Stock of the East India Company, and not to Indian loans. The Government had no intention at present of interfering with that Act. The sole object of the Bill he (Sir C. Wood) now proposed was to relieve the executors or trustees of the holders of East India Stock from the necessity of taking out probate in India.

Leave given.

Bill to regulate Probate and Administration with respect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the operation of the Act of the twenty-second and twenty-third years of Victoria, chapter thirty-nine, to Indian Bonds, *ordered* to be brought in by Sir Charles Wood and Mr. Baring.

Bill *presented* and read 1°.

HIGHWAYS.

LEAVE. FIRST READING.

Sir GEORGE LEWIS said, that he rose to move for leave to bring in a Bill for the better management of Highways in England. The House was aware that highways, according to legal phraseology, meant roads which were not included in Turnpike Acts, and which still remained as parish roads. In order to show that the Bill he asked to introduce dealt with an interest of great magnitude, he would state the amount of money raised and expended in England in the maintenance of those roads. The House was aware that those roads were chiefly maintained by a highway rate, which was levied substantially on the same class of property as the poor rate, aided by some other slight sources of revenue. The expenditure was divided, on the one hand into highways in rural parishes, and on the other to highways in the nature of streets in towns. In 1850 the expenditure on the ordinary highways amounted to £1,026,000, and on streets in towns, under local Acts, to £828,000, making a total of £1,854,000. In 1857, the last year for which there was a return, the expenditure on the ordinary highways amounted to £1,148,000, and on streets in towns to £970,000, making a total of £2,118,000, which was more than £200,000 greater than that of 1850. It was, therefore, not only a large, but a growing expenditure. The Bill he asked to introduce was substantially, with one exception, identical with that introduced by the hon. Member for Leominster (Mr. Hardy) when he held the office of Under Secretary for the Home Department. That Bill itself was not only framed in a great measure on the model of previous Bills which had been submitted to the House, but it appeared to him (Sir George Lewis) to be arranged in a very convenient form, and to be expressed in unambiguous terms, and he had, therefore, taken it as the model of the one he now sought to introduce· Under the operation of the existing general Highway Act, the justices of quarter sessions had the bare option of uniting together a certain number of parishes into a district for the maintenance of highways and the appointment of a paid surveyor, and might, if they thought proper, make an order to that effect. The power thus possessed was, however, one to which they scarcely ever had recourse, inasmuch as their action depended in the first instance on the decision of a single parish. The system had, in consequence, been found to be for the most part inoperative, and his noble Friend the Member for Pembrokeshire (Lord Emlyn), in order to remedy the defects of that system, had a few years ago introduced into Parliament a Bill the object of which was the compulsory establishment of a series of districts for the maintenance of highways in the six counties of South Wales. That Bill had become law, had been in operation for some time, and he (Sir George Lewis), being a resident in one of the counties to which it applied, could bear testimony to the satisfactory manner in which it worked. It had, in fact, brought about a most efficient repair of the highways in those counties without, at the same time, creating any increase of expenditure which could afford reasonable grounds of complaint to a class of ratepayers who were on the average considerably less wealthy than the majority of those who were resident in England. The principle, then, he might briefly state, upon which the Bill which he held in his hand was framed was, that the magistrates of quarter sessions should be empowered to divide counties into districts of parishes for the repair of highways; that they should form districts and appoint the number of way-wardens which each should return; that the board of way-wardens should be elected by the ratepayers in a manner similar to that in which the Poor Law Boards were constituted, and that the resident magistrates of the district should be entitled to have a seat at those boards. He might add, that when the Court of Quarter Sessions should have made the order to which he had alluded they should be considered as *functi officio*, and neither possess nor exercise any further interference in the matter. Local Boards having been called into existence in the way which he had described would have the power of appointing paid surveyors, and selecting the other officers whose services would be required. The machinery by which their proceedings would be directed would be of a most simple character—quite analogous, in short, to that which had been in operation for some years for the relief of the poor. There was every reason to hope, therefore, that it would work in an efficient and satisfactory manner. With respect to boroughs, he proposed that the town-council should have the same powers as he would confer upon the magistrates at quarter sessions in counties. Such was an outline of the Bill which he was about to ask the House for leave to introduce; but before he sat down he might observe that it differed in one material particular from the Bill which had been brought in last Session upon the same subject, and which he trusted would facilitate its adoption in the present Session. The House could not fail to observe that the construction of railways had to so great an extent altered the comparative importance of former lines of communication throughout the country, that some of the main lines of turnpike roads had sunk into a position of inferiority in that respect to some of the parish roads. Now, it happened that there was no law in existence which provided for the due repair of those great highways, and considerable inconvenience was in consequence experienced in different parts of the kingdom. That inconvenience would, he believed, be removed by means of the machinery which the present Bill would bring into operation; but while he was of that opinion, he was, nevertheless, alive to the fact that there were certain counties in which a strong opposition to the passing of any such measure was manifested. To the want of unanimity which prevailed upon the subject was, indeed, to be attributed the obstacles to the success of any legislation with regard to it with which it was surrounded. What he proposed, therefore, to do—departing in that respect from the Bill of last Session—was to make it optional with the magistrates of each county whether or not they would set the machinery which he had provided in motion in that county. He proposed, in short, that the justices of quarter sessions should, in the first instance, be enabled to make a provisional order; that the consideration of that order should be postponed until the following quarter sessions; that if it were then confirmed it should be taken to be a compulsory order, but that its sanction should be the voluntary act of the magistrates and the town-council. If, then, the inhabitants of any part of the country desired to avail themselves of the provisions of the Bill they might do so without difficulty, while, upon the contrary, the machinery which it provided would not as a matter of course be brought into action in those counties where there was an objection to its introduction. Having made these observations it simply remained for him to express a hope that the scheme which he had shadowed out would meet with the sanction of the House, and to move for leave to introduce a Bill for the better management of Highways in England.

Mr. BRIGHT said, that a Bill similar to that which the right hon. Gentleman asked for leave to introduce had, Session after Session, been brought forward in that House, and yet that no Minister had ever informed the House what was the real reason of its introduction, or who it was by whom such a measure was required. He had, indeed, been told that the predecessor in office of the right hon. Gentleman had been under some pledge to certain Gentlemen to bring in such a Bill, but that not having remained long enough on the Treasury Bench to redeem that pledge he had left the promised measure in some pigeon-hole and had entered into an engagement with his successor to proceed with it. Now, whether that statement was strictly accurate or not he (Mr. Bright) could not say, but he could assert with perfect truth that he had never seen a petition in favour of such a Bill, nor heard outside the walls of that House a single human being complain that he was aggrieved by the system by which highways were at present regulated, or that he wished to see a departure from that system. The right hon. Gentleman had begun his speech by dwelling upon the magnitude of the interest concerned in this question, and he had pointed out that a sum amounting to more than £1,000,000 per annum was expended upon the highways not connected with towns, while upon those which were so situated not less than £800,000 was annually laid out. The right hon. Gentleman had, however, drawn no inference from these facts, and he had not endeavoured to argue that in the expenditure thus incurred any waste of money was involved. The fact indeed was, as the right hon. Gentleman must be aware, that in the various towns in which the outlay which he had mentioned took place there existed the most perfect system of local government which could be devised, while in the case of parishes unconnected with towns the whole management of their highways was vested in the individual occupiers, who appointed annual officers, by whom the £1,000,000 in question was expended. It was under those circumstances but natural that there should be no petitions laid before that House in favour of the Bill. Speaking generally, indeed, and leaving out of the question a few individuals who might be possessed by some crotchet on the subject, he believed no single ratepayer throughout the kingdom had asked the right hon. Gentleman to make any such proposal as he had that evening submitted to their notice. As for himself, he had in a former Session protested against the introduction from a Government office of any such scheme tending to disturb ancient arrangements. He had repeatedly protested against such a disturbance of ancient arrangements in a case in which no single individual asked for the change; and he should unhesitatingly assert, without fear of contradiction, that there existed in any part of the country no demand for the present Bill. The right hon. Gentleman had informed the House that under the operation of the law as it stood there existed a power to unite parishes for the purpose of providing for the repair of highways, and had adduced that fact in support of his Motion, although he was obliged to admit that so little desire had been evinced on behalf of the inhabitants of the country to avail themselves of the power which they possessed, that the law was totally inoperative. Now, he (Mr. Bright) was aware that he would not be taking a proper course in that House in describing the Gentlemen who presided at quarter sessions in unfavourable colours, and he should refrain from adopting that course, because he did not think it was altogether justifiable, or that they deserve to be so depicted, but he might at the same time be allowed to observe that those gentlemen were not the persons in whom the ratepayers in counties had the greatest confidence. They were appointed by somebody who was appointed by the Crown; the fact being that their appointment lay, in the county in which he lived, in the Chancellor of the Duchy of Lancaster, and that in his neighbourhood a whole batch of them had, for political reasons, been nominated to the offices which they held. Every owner of land, in short, to the extent of 1,000 acres, was generally appointed a county magistrate, and those were the gentlemen to whom the right hon. Gentleman proposed to give the power of making all the parochial arrangements for the repair of highways upon a principle analagous to that which prevailed in the case of the Poor Law Boards for the purpose of doing that which nobody asked for, and remedying grievances of which nobody complained. What was the state of things at the present moment? In some of the unions in England the magistrates formed an equal number with the elected guardians. In the parish where he lived there was, he believed, a majority of one, but on what side he did not know. If, however, they put into any Board a close body like the magistrates, who were not elected by the ratepayers, and only an equal number who were elected by the ratepayers, the principle of election and representation in that Board would be virtually destroyed, and that system would be put an end to which had existed for centuries without complaint and without any reasons being assigned for the change. All the right hon. Gentleman said was that some one had brought in a somewhat similar Bill for South Wales, and there had been no complaint; it had not been productive of greater expense or a worse administration. But that was not enough; some stronger reason should have been given. He ought to have shown that it had given a better administration, and at less expense. Who asked for this change? It was just this, neither more nor less—the transference of a power which had existed for many generations in the hands of the ratepayers of parishes to take care of the repair of their highways to a body of magistrates not appointed by the ratepayers, and in no way responsible to them. That was a direct contradiction of every principle which the House ought to hold dear in legislating on matters of that kind. Then the right hon. Gentleman said he was going to make it a much better Bill than that of the hon. Gentleman opposite, by making it optional—not optional with the ratepayers, or the population of the parishes who have the greatest interest in the maintenance of the highways and the expenditure of the money, but optional with the gentlemen of the quarter sessions: it was to be optional with them whether they would take more power than they had hitherto enjoyed, of diverting, changing, repairing, or letting go out of repair the highways of their parish, just as it might best suit them, and it was precisely for qualifications of that kind that this Bill seemed intended to provide. He appealed to Gentlemen opposite, who were loth to make changes that were not asked. Now that the highways were better maintained than ever why should they this Session, when they had so much before them, be troubled with a measure so offensive and unnecessary, so needlessly innovating as this? He did not think the right hon. Gentleman had the smallest affection for the measure; indeed, he could very well suppose, when he found it consigned to his care by his predecessor in the Home Office, language must have trembled on his lips—though he might not have uttered it—excessively uncomplimentary both to the Bill and to the person who drew it. Why, in the name of common sense, bring forward this Bill again? Let the right hon. Gentleman for one Session free them from its consideration. Some such measure seemed by a kind of fatality to be brought forward year after year, and having undergone almost endless discussion was in the end rejected. But its life could not seemingly be destroyed, and it was revived the next Session. The right hon. Gentleman, he had no doubt, would have occasion to be glad if the Bill were rejected; and, although he did not like to object to the first reading—that would be considered not very courteous to the right hon. Gentleman and the Government—he would unite with any Gentleman opposite in opposing the Bill on a future occasion.

Mr. SLANEY said, he thought the hon. Member for Birmingham (Mr. Bright) had unnecessarily cast some degree of condemnation on magistrates at quarter session and had misunderstood the statement of the right hon. Gentleman. His proposal was not that the magistrates should assume the powers described, but that the way-wardens elected by the parish should be the Board to manage, entirely separate from the magistrates, except that in the first instance the quarter sessions were to scheme out and fix the different districts. There would still be the way-wardens elected by the different parishes, to look after the expenditure and say if the improvements proposed were necessary. The hon. Gentleman must allow him to say that he did not understand the management of the roads in the country, though he might be well conversant with matters relating to towns. For the most part, the separate parishes now had, instead of a surveyor, a person who was changed every year, generally a farmer ignorant of the mode in which roads should be made; in very many instances he was changed just as he became acquainted with the duty, and the consequence was the roads were neglected, or not made in the best manner, and at a much greater cost than if a skilful person were employed to look after the work. This Bill, if carried, would be the means of improving very greatly the communications of the country at a less expense than they now cost, while the power would still be left in the hands of the ratepayers, who were to elect the way-wardens, who were to meet together and choose a skilled surveyor and a person to keep the accounts. He would remind the hon. Gentleman that, while the great communications with our large towns were not highways, but railways, it was of the utmost advantage to have roads made as feeders to the railways at important stations, and, as these went through parishes having in some instances eight or ten townships, each township with a separate surveyor of roads, it was of the greatest consequence that they should have a larger area and properly qualified surveyors.

Mr. HARDY said, that he could not help noticing the imputations which had been thrown by the hon. Member for Birmingham (Mr. Bright) on those who had charge of Highway Bills as having some concealed motive,—some occult desire, in taking them out of the pigeon-holes at the Home Office, to gain some advantage for themselves. For himself, he begged entirely to disown such an intention. The hon. Member for Birmingham stood forth in a new character to-night. Who could have expected to see him appealing to them *stare super vias antiquas*? He only hoped, when the Bills came to be discussed which the hon. Member had alluded to, and to which he wished this measure should give way, he would still appear standing on the old paths. It was not for him to defend the gentlemen at quarter sessions. He would only observe that the duties committed to magistrates by this Bill were simply of an administrative character, and did not destroy the power of the ratepayers. The hon. Gentleman, who had spoken from his knowledge of the towns in Lancashire, must be well aware, that in a great number of instances where the roads were well attended to, the duty was not performed by parish surveyors appointed year by year, but by Boards elected by the ratepayers, having paid surveyors under them. In this way repairs were carried out efficiently; but when the hon. Gentleman told them that the highways of the country were repaired efficiently, economically, and in consonance with the wishes of the ratepayers who used them, he told them what no man in the House who knew the facts could bring himself to believe. This was not a Bill that was likely to cause any great outcry *pro* or *con* in the country; but the Members of the House generally knew the opnions of those who lived in their neighbourhood were in favour of such a measure. When he was in office he brought in the Bill to which the right hon. Gentleman had referred, and since that time he had been constantly asked by people in the country whether nothing was to be done for the better management of the highways. Those who really used the roads were most anxious for a change, and he believed that the farmers themselves were of the same way of thinking. In the districts where a system of management by Boards such as those provided for in this Bill was acted upon, the rates had been reduced and better roads formed, roads being made for the public advantage, and not for the benefit only of the surveyor. He had an objection to the alteration in the Bill proposed by the right hon. Gentleman, because he thought the House,—if in a position to give an opinion that the country ought to be divided into districts for the maintenance of roads,—ought to dictate to the quarter sessions, and not leave the quarter sessions to dictate to others. He would give the quarter sessions a merely ministerial duty to do, and so leave the matter as it stood in the former Bill. If the hon. Member for Birmingham looked into the subject, he would find that there were small parishes burdened with forty miles of roads. Those small parishes would be greatly benefited by being associated with others, as they would thus be enabled to stop up a great many unnecessary roads. The hon. Member for Birmingham spoke of this Bill having been taken out of a pigeon-hole in the Home Office. There was no one who had a better right to take the Bill out of a pigeon-hole than the right hon. Gentleman (Sir George Lewis), as in 1849 he was the first to take the subject into consideration. If he now pressed the Bill firmly on the House he believed the House would go cordially with him, and that the result would be a better and more effective administration of our highways.

SIR BALDWIN LEIGHTON said, although seated on the Opposition side, he was in respect of the present Bill a reformer, and nothing had surprised him more since his entrance into this House as the strong terms of Conservatism he had just heard from the lips of an hon. Member who was supposed to be the essence of Reform. He beieved that the ratepayers in the counties had confidence in the magistrates who act in quarter sessions, though it is possible there may be a different feeling among the ratepayers in borough towns. There is no Bill of this Sessions which, if it passes into a law, is likely to be of more benefit to the agricultural population, and the agriculturists ought to be much obliged to the right hon. Gentleman for bringing it in. Hon. Members cannot be aware of the state of the roads in his neighbourhood, and it is to be feared if they travelled over them, they would both lose their tempers and break their carriages. The hon. Member for Birmingham said the ratepayers were anxious to appoint their own surveyors, but that was against his experience, for out of nearly fifty surveyors in his district, not above five were elected by the parishioners, the rest being appointed by the magistrates. He cordially trusted that this Bill would be carried.

SIR GEORGE LEWIS, in reply, said he was always reluctant to treat a debate on the introduction of a Bill as if it were a debate on the second reading. The hon. Member for Birmingham had in his speech subjected him to this inconvenience, and had made it necessary that he should answer arguments applied to the principle of the Bill, when the Bill itself was not before the House, and hon. Members were consequently not in a position to judge whether the objections were valid. He would, however, confine his remarks within the narrowest possible space, reserving much that he had to say for the second reading. His hon. Friend had raised a sort of constitutional objection to the Bill, and argued that it was an unnecessary deviation from ancient customs and institutions. and, if not a dangerous, at all events a vexatious and uncalled-for innovation. He was afraid that his hon. Friend's constitutional studies in this branch of our laws had been somewhat limited. If he had looked into the nature of the Turnpike Acts passed since the middle of the last century, which abolished the ancient constitution of highways, he would have found that the very essence of the turnpike system was that it repealed the old laws with respect to highways, abolished the rights of ratepayers, and placed the management of highways under certain trustees, not appointed by popular election, but designated in the Acts of Parliament, being generally magistrates resident in the district. All the important roads of the country were placed under local Turnpike Acts, and, with regard to all the main lines of communication, the old constitutional system of highways was entirely repealed. And what he (Sir George Lewis) asked to introduce now was a system not less popular, but more popular than that which now existed. Nothing could be more accurate than the statement of the hon. Member for Shropshire (Sir B.

Leighton) that the surveyors of highways were practically appointed by the magistrates, and that the ratepayers did not exercise their functions in that respect. He proposed to constitute a Board formed of elected representatives from the parishes comprising the district, together with the resident magistrates of the district. The constitution of Boards of Guardians had been found to work in a satisfactory manner with a mixture of nominated and elected guardians ; but if the hon. Member thought the magistrates should be omitted from the Highway Boards which he proposed, that was a question which he could raise in Committee. He maintained, then, that there was nothing in the Bill that sinned against the popular principle. But his hon. Friend said that there was no practical grievance. It was certainly true that the table was not covered with petitions on the point, but he (Sir George Lewis) could appeal with confidence to the experience of any person who lived in the country, and ask whether the present mode of repairing the highways was not in the highest degree unsatisfactory. Where a line of road passed through different parishes, and had different surveyors, there was great inconvenience experienced in keeping it in proper repair. The surveyor was usually a farmer, unskilled in road making, and very frequently it was found that the surveyor took special care of the roads near his own house to the neglect of those at a distance. This was not the popular system that his hon. Friend's imagination had conjured up, for a more imperfect, rude, and unsatisfactory mode of administration than was exhibited in the management of highways it was almost impossible to find. That was a practical grievance, and the remedy provided by the present Bill was wholly unobjectionable. If he had proposed to intrust the operation of the measure to certain Commissioners in London, or to the Secretary of State, he would have been told that he wished to introduce a system of centralization, to which many objections would be taken. He proposed, on the contrary, to make the Bill local in its operation, and to intrust it to the county magistrates who had no interests hostile to those of the ratepayers, and who were, in fact, interested in the economical management of the rate, since the highway rates were practically a deduction from their rents. The hon. Member for Leominster (Mr. Hardy) said, it would have been better to adhere to the Bill he introduced, and not to make the adoption of the Bill optional with the magistrates of the county. If the House chose to make this alteration in the measure, he had no objection. He should himself prefer a compulsory Bill ; but he feared it might be found very difficult to pass such a Bill, and he thought it would facilitate the passing of any measure if its adoption were left optional with the magistrates. It was true, as the hon. Member (Mr. Hardy) had remarked, that he had proposed a Bill on this subject many years ago. He believed that the Bill was founded on a sound principle, that it would produce a more efficient repair of the highways, at less cost than at present, and he trusted that the House would give its assent to the measure now brought forward.

Leave given.

Bill for the better Management of Highways in England ordered to be *brought in* by Sir GEORGE LEWIS and Mr. CLIVE.

Bill *presented* and read 1°.

MUNICIPAL CORPORATION MORTGAGES, &c.

LEAVE. FIRST READING.

SIR GEORGE LEWIS, in moving for leave to bring in a Bill to make further provision concerning Mortgages and other dispositions of Property belonging to Municipal Corporations in England and Ireland, said that at present under the Municipal Act, a Municipal Corporation could not mortgage its property without the consent of the Treasury, which had no power to require a sinking fund to be set aside, or to make arrangements for the intermediate investment of the money and other matters. It would be for the convenience of the public and the advantage of Municipal Corporations that the powers granted by the present Bill should be conferred upon the Treasury, which was at present compelled to resort to circuitous and troublesome contrivances to effect its object. The Bill was not likely to meet with objection, and its details could only be understood when it was before the House.

Leave given.

Bill *ordered* to be brought in by Sir GEORGE LEWIS and Mr. CLIVE.

Bill *presented*, and read 1°.

House adjourned at half-past Seven o'clock, till Monday next.

HOUSE OF LORDS,

Monday, January 30, 1860,

MINUTES.] *Sat First in Parliament.*—The Earl of Minto—after the Death of his Father.

PUBLIC BILLS.—1ª Criminal Statutes Repeal; Accessories and Abettors; Malicious Injuries to Property; Coinage Offences; Forgery; Larceny, &c.; Offences against the Person.

2ª Law of Property.

CONSOLIDATION OF STATUTE AND CRIMINAL LAW.

THE LORD CHANCELLOR *presented* several Bills having for their object the consolidation of the statute and criminal law, and said that, as he had had little share in preparing the measures, he might say without scruple that he could strongly recommend them to their Lordships' favourable regard and consideration. So long ago as 1833, a Commission was appointed with the view of codifying the criminal law; and he joined in the hope that such a proposal was practicable, although he never thought that the whole law could be so codified. The Commissioners were most assiduous in the performance of their duties, and in successive years presented eight Reports, which embraced the whole of the criminal law of England. Before the result of their labours could be presented to Parliament, however, it was thought advisable to have a Commission of revision. Such a Commission, composed of learned men, did sit accordingly, and presented five Reports; and the sanguine hope was entertained that what they recommended might be reduced into Bills and become law. One or two Bills were, therefore, prepared under the superintendence of his noble and learned Friend (Lord St. Leonards) during the time he held the Great Seal, and were introduced by him into this House. One respected the law of offences against the person, and was read a second time, and referred to a Select Committee. He (the Lord Chancellor) had then the honour of being Chief Justice of the Court of Queen's Bench, and attended the meetings of the Committee, which sat eleven days; but at the end of that time it found that it could not agree upon a definition of the crime of murder—a result that was certainly very discouraging. His noble and learned Friend who succeeded to the Great Seal (Lord Cranworth) consulted the Judges on the general subject; but their opinions were by no means auspicious. If it were, then, impossible to codify one law so as to have the whole common and statute law put together in the same way as the *Code Napoleon* it would, of course, be a great matter to consolidate the statute law. The Statute Law Commission was accordingly appointed, and had been most zealous in performing their duties. Bills had been prepared with that object, and had been submitted to, and had received the approval of Lord Chief Justice Jervis, Mr. Baron Parke, now Lord Wensleydale, and other most learned men; but various circumstances intervened to prevent their passing into law. The last attempt that was made towards consolidating the law was to assimilate the law of Ireland and the law of England, when Mr. Whiteside, for whom he (the Lord Chancellor) entertained the most sincere respect, not only as a great orator, but a very learned lawyer, laid upon the table of the House of Commons some Bills for that especial purpose. But before those Bills could be considered, a dissolution of Parliament took place. The object of consolidating the statute law, and assimilating in all respects the criminal law of Ireland with the criminal law of England, was a most laudable one; and he thought all their Lordships would agree that it was capable of accomplishment. During the last vacation the law officers in each country had been most assiduous in devoting themselves to the question, and he believed that it was now in a shape fit for legislation He had not read every line in the Bills himself, but he had spent much time in examining them along with the gentlemen employed to prepare them, and he really believed that in their present state they would meet with the approbation of both Houses of Parliament. To show their Lordships the difference which existed between the criminal law in Ireland and in England he might mention that, by the law in Ireland, conspiracy to murder was a capital felony, whilst in England it was only a misdemeanour. He thought, then, that the time had arrived when such anomalies ought to be swept away, and the law made uniform in all parts of the kingdom. If their Lordships would give the Bills a first and second reading, he would then move that they be referred to a Select Committee.

His Lordship then *presented* the following Bills:—

A Bill to repeal certain Enactments which have been consolidated in several Acts of the present Session relating to indictable Offences and other Matters (Criminal Statutes Repeal Bill.)

"A Bill to consolidate and amend the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences. (Accessories and Abettors Bill.)

"A Bill to consolidate and amend the Statute Law of England and Ireland relating to malicious Injuries to Property. (Malicious Injuries to Property Bill.)

"A Bill to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin. (Coinage Offences Bill.)

"A Bill to consolidate and amend the Statute Law of England and Ireland relating to indictable Offences by Forgery. (Forgery Bill.)

"A Bill to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences. (Larceny, &c. Bill.)

"A Bill to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person. (Offences against the Person Bill.)"

LORD CRANWORTH sincerely rejoiced at the course which his noble and learned Friend had taken with regard to the assimilation of the Irish statute law with that of England. His noble and learned Friend would do him the justice to recollect that a large portion of that was done when he (Lord Cranworth) had the honour to hold the Great Seal. He would express no opinion with respect to the present Bills, but he did hope that this attempt to assimilate the Irish and English law might not give rise to such discussions in Parliament as would lead to the rejection of the Bill altogether.

The said Bills were then severally read 1ª.

ST. GEORGES'S-IN-THE-EAST.

QUESTION.

THE BISHOP OF LONDON wished to put a question to the noble Earl (Earl Granville) with regard to any orders which might have been given by the Government for the preservation of the peace in the parish church of St. George's-in-the-East. His attention had that day been drawn to the fact of a serious riot, threatening danger to property, having taken place in that church last evening; and it must be obvious that it was very desirable that all persons who were likely to take part in such disturbances should be made exactly aware of the steps that were to be taken by the Government to bring the offenders to justice. Whilst the present state of things continued it was almost impossible for the clergy, or for the ecclesiastical authorities generally, to take any steps on their part:—for until the majesty of the law had been vindicated it would seem to be impossible to make any change in the services, even those which were desirable, because, of course, it was not desirable that that which was right in itself should be conceded to violence and to riotous, disorderly clamour. He was bound to say that as the matter then stood nothing could be more unsatisfactory. Some changes had been introduced into the manner of performing service at that church, but they had not as yet met the wishes of the people, who had chosen the present mode of expressing their disapproval of the manner in which the services were performed. It was impossible that anything further could be done while these disorders and riots disgraced the parish night after night. It would be satisfactory, therefore, if the noble Earl could state that the police had received orders to put a stop to these disorderly proceedings. He was bound to say that nothing could exceed the kindness and courtesy with which the authorities at the Home Office had gone into the matter hitherto. Steps had been taken, which it was hoped would have put an end to these disgraceful scenes; but after a time the Home Secretary communicated to him that it was not thought expedient that the presence of the police in a parish church should be continued. It seemed, however, that the right hon. Gentleman's anticipations of peace had not been realized; and it would be satisfactory to know, therefore, what steps he now proposed to take in the matter. He believed that an idea existed that it would be easy to put a stop to these disturbances by refusing admission to any but parishioners into the parish church; but it was very doubtful whether that would be a legal course. He was afraid, also, that if none but parishioners were admitted, many persons would be excluded who were at present desirous of preserving order there; and from all that he could gather many of those who had caused disturbance were themselves residents in the immediate locality of the church. He did not wish to express any opinion as to the original cause of these discontents. That seemed to him to have nothing to do with the present question. The question was simply this—whether disturbances could be allowed to take place in a parish church which would not be tolerated in any other place of worship in the kingdom; and he now earnestly put it to the noble Earl to consider carefully whether such steps could not be taken as would quell those riots for the future. The experience of past times taught that these things were contagious, and the foolish zeal of uninstructed persons, if unrestrained, might lead to the destruction of property, and to the greatest injury not only to religion but even to the civil welfare of society.

EARL GRANVILLE: I am not surprised that the right rev. Prelate should address me a question upon a subject so interesting to him and to the public. Your Lordships will all agree that the events which have occurred in this church are a very great scandal. As far as my opinion goes, I must say that I think that the present state of things is not creditable to any of the parties concerned. I am, however, hardly in a position to give an exact answer to the right rev. Prelate, as I have not yet seen the police report of these occurrences made to the Home Office, and only know the facts as they are stated in the morning papers. It may, however, be satisfactory if I state what has been the course of the Government up to the present time in relation to these matters. When these disturbances first occurred, there was a difficulty in ascertaining the law by which magistrates could punish offenders in such cases, and it was found that the only Act giving such power was one of Philip and Mary, respecting which a question arose whether it applied to Protestant churches, it having been originally passed with a view to Catholic churches. It was held that the law applied in the present instance; but there were still difficulties in carrying it into effect. Several parties were brought before the magistrates upon summons; but in a short time the disturbances rose to such a pitch, that a large body of police were ordered to occupy the church; and that state of things lasted for several Sundays. At the end of the year, it having been represented to the Home Secretary that great inconvenience had been experienced from having so large a number of police engaged in that special duty—and it is obvious that it is impossible to maintain as a permanent institution and establishment a large number of policemen in a church for the suppression of such disturbances—and they were accordingly withdrawn. It was thought that during that time there had been ample opportunity for the clergy to make such alterations in the service as would meet the wishes of the congregation, and, on the other hand, for the congregation to cool down in their feelings towards the clergy. Yesterday's proceedings, however, show that that has not been the case. But although the police were not in the church on that occasion, there was a sufficient force in the neighbourhood to clear the church, and to maintain the public peace, and it was by their intervention that the disturbance yesterday was quelled. I am not able to state what particular steps will be taken in future, but I fully admit that it is the bounden duty of the police to preserve the public peace in that parish as elsewhere.

CHURCH RATES.—PETITION.

VISCOUNT DUNGANNON said, he had to present to their Lordships a petition of a very important character indeed. It had originated at a very large meeting of the clergy and laity of the rural deanery of Wrexham, in the diocese of St. Asaph, which was presided over by the Archdeacon. In that diocese an association had been formed of clergy and laity for the protection, as far as in them lay, of the interests of the Established Church, and for endeavouring to secure that, whatever changes were effected, the Established Church should still remain in its full efficiency and purity. The petitioners suggested that the fact that some hundreds of parishes had refused to pay church rates was no plea whatever for their entire abolition, when so many thousands of parishes did not object to pay them. They stated that they did not propose anything in the nature of a compromise; because it was not a compromise but utter abolition, and the entire overthrow of the Established Church, that the enemies of church rates required. They also suggested for their Lordships' consideration some very important points which they conceived would tend greatly to remove the existing grounds of contention and complaint. They suggested that it would be necessary to have pointed out what was considered indispensable for the performance of Divine service, and properly chargeable to the church rate. Also, that the law relating to district parishes should be amended. There was much to complain of in this respect. The inhabitants of such parishes not only paid for their district church, but were required also to pay rates for the parish church, which they never frequented; and this called for a legislative remedy. The petitioners suggested further that easy means should be provided for compelling payment of a rate lawfully made. Therefore he felt it to be his duty, not simply to present a petition of this kind, which loudly called for consideration, but to do it that justice which the importance of the subject commanded. The noble Viscount then presented a Petition of Clergy and Lay Consultees of Wrexham against the Abolition of Church Rates.

Petition read; and *ordered* to lie on the table.

CHURCH-RATES.—SELECT COMMITTEE.

The Duke of MARLBOROUGH said, it would be remembered that a Committee of their Lordships' House was appointed last Session to inquire into the operation of the law and practice respecting the assessment and the levy of church rates. On closing their labours last year the Committee recommended that they should be re-appointed, in order to complete the evidence which was forthcoming on the subject. It would be improper for him at present to enter upon any of the subjects there touched upon; but the evidence was of so important a character as fully to justify the re-appointment of the Committee. In submitting a Motion to that effect it was not his wish that the Committee should prolong its labours to an indefinite time, so as to interfere with any decision which might be come to by their Lordships respecting church rates. In a short time the labours of the Committee would be completed, and then their Lordships would have an opportunity of considering its report, and of arriving at a decision upon this much-vexed question. The noble Duke concluded by moving for the appointment of a Select Committee to inquire into the present Operation of the Law and Practice respecting the Assessment and Levy of Church Rates.

Motion *agreed to.*

Select Committee *appointed;* and the Lords nominated to serve on the said Committee.

House adjourned at a quarter before Six o'clock, till To-morrow half-past Ten o'clock.

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HOUSE OF COMMONS,

Monday, January 30, 1860.

Minutes.] Public Bills.—1° London Corporation; Oxford University.
2° Saint Mary in Rydal Marriages Validity.
Viscount Dungannon

BRIBERY AT GLOUCESTER AND WAKEFIELD.—QUESTION.

Mr. HADFIELD said, he wished to ask whether any engagement had been entered into by the Government, or on their behalf, or by the Commissioners for investigating the cases of bribery and corruption at Gloucester and Wakefield, or either of them, whereby the parties who have given or received bribes are to be indemnified, or are not to be proceeded against, for any illegal transactions in those Boroughs at the last or any other Elections?

Sir GEORGE LEWIS said, the hon. Member was no doubt aware that the Act of 15 & 16 *Vict.* c. 57, laid down certain conditions with regard to witnesses making a true disclosure of the matters on which they should be examined, upon which the Commissioners were bound to give them a certificate of indemnity. Assuming that the witnesses made a true disclosure, the power of granting certificates of indemnity was invested in the Commissioners alone, and the Government had no concern in the matter. Having received full information as to the manner in which the discretion invested in the Commissioners by the Act had been exercised by the two sets of Commissioners, he would state to the House what he was in possession of. With regard to Gloucester, the Chief Commissioner, on opening the proceedings, made a short address, and stated that the Commissioners were empowered by the Act of Parliament to give certificates of indemnity to such witnesses as, in the opinion of the Commissioners, should make a full disclosure of all matters upon which they should be examined. This certificate was granted to all who applied for it, with three exceptions. About 500 witnesses were examined, and about 200 applied for certificates of indemnity. In one case the certificate had been pleaded before Mr. Justice Keating in certain proceedings taken before him, who thereupon stayed proceedings, and made the plaintiff pay the costs. The Wakefield Commissioners had followed a similar course. About 140 witnesses examined before that Commission received certificates, and in thirty-eight cases the certificate was refused. He held in his hand the Report of the Wakefield Commission, which would be laid upon the Table that night. When the Report was printed the hon. Member would see a schedule of the witnesses examined, and the names of those who had received the certificate.

SIR FITZROY KELLY:—Will the right hon. Gentleman have any objection to lay before the House the form of the certificate granted by the Commissioners?

SIR GEORGE LEWIS:—Not the least.

MR. HADFIELD said, he would beg to ask whether witnesses examined before Committees of that House could not receive certificates of indemnity?

SIR GEORGE LEWIS:—The Act of Parliament limits the power of granting certificates of indemnity to the Commissioners, and does not extend the power to Committees of this House.

REPUBLIC OF GUATEMALA.

QUESTION.

MR. R. CRAWFORD said, he wished to ask the Secretary of State for Foreign Affairs, with reference to the Convention recently concluded between Her Majesty and the Republic of Guatemala relative to the Boundary of British Honduras, to state out of what fund it is intended to defray the expenses of the proposed Survey, and the cost of constructing the Road to connect the capital of Guatemala with the Atlantic coast.

LORD JOHN RUSSELL:—Sir, in answer to my hon. Friend I have to state that it was justly considered very important by Lord Malmesbury that the boundary between the British territory and the Republic of Guatemala should be thoroughly defined, and, accordingly, instructions were given to Mr. Wyke to negotiate for the settlement of that boundary. Mr. Wyke succeeded in that negotiation, but it was found that the Government of Guatemala were very desirous to have some assistance towards surveying the country for the purpose of making a road, that road being entirely in the district within the boundary of the Republic of Guatemala. According to the Convention between the two countries it was agreed that officers should be sent out for the purpose of marking out the boundary of our colony, and at the same time surveying the country for the purpose of making this road. The expense of the survey by the officer sent out, and six others who accompanied him, will be borne by the British Government. It is supposed that the operations in which they are engaged will take about eighteen or twenty months; and with regard to any further expenses beyond the survey they will be defrayed by the Government of Guatemala. The whole of the expenses of the construction of the road will be borne by the Government of Guatemala, it not being intended that the British Government should be at any expense for that purpose.

INVESTMENTS IN EAST INDIA STOCK.

QUESTION.

MR. A. MILLS said, he rose to ask Mr. Attorney General, Whether any measure will be introduced in the present Session to amend so much of the Act 22nd and 23rd *Vict.* c. 35, as related to investments by Trustees in East India Stock?

THE ATTORNEY GENERAL said, that the section of the Act to which the hon. Gentleman referred was introduced into a Bill that came down from the other House. It had, however, from the construction put upon it by the Courts been reduced to a dead letter. Lord St. Leonards, the author of the Bill, had introduced another measure into the House of Lords, and the probability was that it would come down to that House, and that hon. Members would then have an opportunity of discussing the subject.

FAIRS AND MARKETS (IRELAND).

QUESTION.

MR. DAWSON said, he wished to ask the Chief Secretary for Ireland, Whether it is the intention of the Government to introduce any measure during the present Session for the regulation of Fairs and Markets in Ireland, and if so, whether such measure will be introduced upon an early opportunity?

MR. CARDWELL said, that the subject had been considered by the Government, and he should be glad when the state of public business gave him an opportunity of bringing in a measure. He was not, however, at present able to say at what time of the Session he could introduce the Bill.

ANNEXATION OF SAVOY TO FRANCE.

QUESTION.

MR. DISRAELI:—Sir, I wish to make an inquiry of the noble Lord the Secretary of State for Foreign Affairs in reference to the rumoured annexation of the Duchy of Savoy and the County of Nice to the Empire of France. The Chief Minister of the Crown, in "another place" has stated that Her Majesty's Government have made a communication of their opinion on the subject of this annexation to the French Government. I wish to know whether this communication will be found among those Italian papers which have been promised, and which we await with great interest, and if not, whether the noble Lord will have any objection to lay it upon the Table?

LORD JOHN RUSSELL:—Sir, the communication to which my noble Friend referred in "another place" was made in July last, and arose from a communication which the British Ambassador at Paris had received from our Minister in Switzerland, in which some alarm was expressed on the subject. As to the production of these papers, I would rather take a day or two to consider whether it can be done without inconvenience to the public service.

THE FIRST COMMISSIONER OF WORKS.

QUESTION.

MR. EDWIN JAMES said, he would beg to ask the noble Viscount at the head of the Government Whether, considering the very important matters now pressing upon the attention of the Board of Works, it would be convenient for the Government to fill up the office of First Commissioner of Works, vacant by the death of Mr. FitzRoy, without delay.

VISCOUNT PALMERSTON:—Sir, it is the intention of the Government to fill up the appointment, and I trust to be able to do so very soon. In the meantime, if there are any matters of pressing importance to be disposed of, I apprehend the *ex officio* Commissioners ought, for purpose of that sort, to be competent to act; but I have not heard that there are any such matters to be attended to, or that any inconvenience has been caused by the temporary vacancy in the office.

ST. GEORGE'S-IN-THE EAST.

QUESTION.

MR. BUTLER said, he wished to put a question to the right hon. Gentleman the Secretary for the Home Department with respect to the lamentable proceedings which had taken place in the parish church of St. George's-in-the-East. The Question he had to ask of the right hon. Gentleman was, Whether Her Majesty's Government intended to introduce any measure for the relief of parishioners, in cases similar to that which had arisen in the parish of St. George's-in-the East? and whether he was taking, or intending to take, any steps for the purpose of enabling the parishioners in that unfortunate district to attend Divine service in their own parish church?

SIR GEORGE LEWIS: Perhaps the House may wish to know precisely the steps that have been taken with regard to the church of St. George's-in-the-East. That church was closed for Divine service for some time during the summer and autumn. Upon its re-opening application was made by the Rev. Bryan King, the clergyman, to myself and Sir Richard Mayne for protection, in the event of any disturbances taking place within the church. After a full consideration of the law on the subject, I found that there were considerable difficulties in the way of the interference of a police-constable in the case of any noise or disturbance within a church, not amounting to a breach of the peace. The law of brawling in a house of prayer is altogether inapplicable to such cases, and, being merely a remedy to be enforced by a suit in the Ecclesiastical Court, arms the police with no authority whatever. There are other modes, defined by the Act of Uniformity, whereby any person who disturbs a church can be summoned before a magistrate; but neither does that enable a police-constable to interfere summarily in the matter. After full consideration we found that there was an Act of Philip and Mary more or less applicable to the subject; but I must admit there is considerable difficulty in interpreting the statute law in regard to this class of offences, because it is one, fortunately, which has been so extremely rare that it has not of late years been made the subject of distinct enactment. Under these circumstances, after a conference with the clergyman and churchwardens, I agreed to authorize the stationing of a body of police, in their uniform, inside the church during Divine service, and the churchwardens undertook to assign places to them. The police, accordingly, attended on successive Sundays, and to a certain extent succeeded in preventing any open disturbance or breach of order during the services. At the same time, I am bound to admit that, owing to the state of the law, very scandalous interruptions of Divine worship took place, notwithstanding the presence of the police. At the end of the year Sir Richard Mayne represented to me that it was impossible permanently to continue the system of guarding any of the metropolitan churches by a body of police, and that at the beginning of the new year some change in the practice should take place. I therefore sanctioned the withdrawal of the police, who had been stationed in the church for six successive Sundays. I regret to say that the presence of the police has had no lasting effect, and that on their withdrawal the disturbances have been greater than previously. Yesterday, after the termination of the evening service, which is one in which certain rites and ceremonies are introduced by the Rev. Bryan King, which appear to be very distasteful to the parishioners, a very decided exhibition of disapprobation took place, which ended in a riot and tumult. I should have stated that when the police were withdrawn from the interior of the church, a large body of them were constantly stationed in the vicinity during Divine service, so as to be within call in the event of any open breach of the peace. As soon, therefore, as the riot broke out yesterday evening, intelligence was conveyed to the Inspector, who at once entered the church with a strong force of police, put an end to the riot, and cleared the church; and I believe that no further breach of the peace took place. I have to-day had an interview with Sir Richard Mayne, who has learned from Mr. Bryan King the plan which that gentleman proposes for the maintenance of order on Sunday next. That plan has been acceded to, and is that a body of police should be stationed outside of the church, and that persons who appear to be entering it with the intention and design previously conceived of creating a disturbance during Divine worship, should not be admitted into the church. I confess I am not aware of any other means of preventing a breach of the peace during the services; and I think the House must see that these interruptions are, to say the least, of a most unseemly and scandalous nature. I make no remarks upon the religious opinions or sentiments which may be involved in the controversy. I look at the question simply as one concerning the maintenance of the public peace; and I conceive I should be wanting in my duty if I did not take some steps to prevent the recurrence of such disturbances as occurred yesterday at the evening service. In reply to the question of the hon. Member, I have to say that it is not the intention of the Government at present to introduce any measure with the view of meeting such cases as that of St. George's-in-the-East; but we will, of course, be quite ready to consider any measure which any Gentleman may think appropriate to the subject. I may state thus much—that it appears to me that no remedy would be effectual in this or similar cases which merely provided for the removal of the clergyman on the ground of heresy. I do not understand that any of the doctrines promulgated by the Rev. Bryan King or any of his curates are heretical or contrary to the Articles or canons of the Church of England. What is objected to is the ceremonial which he has introduced, upon his own discretion, in the Divine service as performed in his own church; and it is not denied that an incumbent has a discretion in such matters. If the Legislature thought fit to deprive the incumbent of all discretion, and to give the Bishop the absolute power of prescribing rites and ceremonies which are in themselves indifferent and not defined by the Articles of the Church, and if the incumbent were obliged to yield to such authority, I think that would afford, practically, a complete remedy for such cases; because it seems to me very improbable that the unfortunate want of discretion and judgment that appears to distinguish some of our parochial clergymen, would be found upon the Episcopal Bench; and therefore I should look with great confidence to the success of a remedy which was left to the discretion of the Bishops. I may add that, personally, I am of opinion that great advantage might arise if power were given to the Crown by an order in council, upon proper ecclesiastical advice, to modify the rubrics of the Common Prayer-book. That is a subject, however, which is much litigated at the present moment, and which requires great consideration. In saying so, therefore, I merely express my own individual opinion, on which I have no intention of acting, and which I mention only as part of the difficulties of this question.

MR. DANBY SEYMOUR moved the adjournment of the House, and expressed his opinion that the disturbances yesterday at St. Georges-in-the-East, and similar disturbances, no less important, which had taken place in other parishes in England, were of a more serious character than the right hon. Baronet seemed to suppose. He then read the following passage from the account of the riot in *The Times*:—

> "Unhappily, notorious as this parish has become in consequence of the religious differences which prevail, and serious as have been the distur-

bances which have taken place, everything which has previously occurred sinks into insignificance when compared with the terrible scene which was witnessed there last night. At the evening service it was such as it would be impossible for any language adequately to describe. The conduct of the congregation was, to use the only phrase at all applicable to it, 'devilish.' A considerable amount of Church furniture has been destroyed, the cushions in the galleries were torn up and thrown into the body of the Church, Bibles and Prayer-books flew about in all directions, and many of the altar decorations have been injured."

He was sorry that, with such a state of things existing, the Government did not think proper to bring in some Bill by way of remedy. But as he was at present advised, such a Bill would be introduced. He hoped, unless the Government took it out of his hands, to be able himself to introduce a measure which, if it did not pass both Houses, might raise discussions which would prevent incumbents bringing about such an unfortunate state of things in their parishes as had been witnessed in St. Georges-in-the-East.

Mr. HADFIELD said, he rose to second the Motion. The people of England had borne this nuisance long enough. The fact of Protestant clergymen receiving their income from Protestant sources, and having in their hearts inclinations towards the Church of Rome, had tried the public patience long enough. This was a very grave question. It affected more than members of the Church of England, because, if some remedy were not devised, the people of England would take the law into their own hands; and then the clergy would hear of it in a form not very agreeable to themselves. The Nonconformists agreed in doctrine more than the members of the Church of England; there was not, in fact, more dissension between the different Nonconformist bodies than existed in the Church of England. Was there a member of the Church of Scotland who was not interested in the question? It was therefore high time that the Government took the matter into their own hands. If the Church of England was so crazy and so infirm that if a single brick were taken out of the edifice the whole would come down? If that were the state of the Church, the sooner the people of England knew it the better. He thought the Government had too long trifled with this subject. In former times people had made fortunes and been enobled by pandering to Church power; but it would be a bad speculation now-a-days to attempt to make political capital out of the Establishment. But public opinion was rising—it had risen, and at present the Nonconformists outnumbered the members of the Church of England. ["No, no."] He said Yes. Such was the dissatisfaction which was felt with the Church of England, that, as was proved on Census Sunday, the number of Nonconformist worshippers was greater than those belonging to the Church. Look at the number of members of the Church compared with the population of the United Kingdom—what was their proportion? Not one-third of the whole country. But without counting numbers, he believed that the Protestant feeling of the country was sound, and every attempt to carry them over the line, and land them in the Church of Rome, he was confident, would fail. Hon. Gentlemen opposite might try to bolster up the Church as much as possible, but they would fail in so doing unless by a reform of the Church of England such as no Government had yet ventured to attempt.

Motion made, and Question "That this House do now adjourn" put, and *negatived.*

THE FRENCH TARIFF.—THE BUDGET.

QUESTION.

Mr. CRAWFORD rose to ask a question, of which he had given notice to the right hon. Chancellor of the Exchequer, and which was a matter of great interest to the whole commercial world—he alluded to the anticipated changes in the French tariff and in our commercial intercourse with the French nation. If there was any time more convenient than another at which these changes could be brought into operation it was at the present time; for the House was probably aware that the first week in February was the time when the buyers proceeded to lay in their stocks of French goods. The Question he wanted to put was, whether these changes in the tariff would accompany the financial statement which the right hon. Gentleman was about to make on Monday next, or in any other form? and whether these changes would take effect, as was usually the case, as soon as the Resolutions were passed by the Committee.

The CHANCELLOR of the EXCHEQUER:—As I intimated with a less degree of certainty upon a former occasion, I now beg to say, in answer to my hon. Friend, that it is the intention of Her Majesty's Government that the financial statement for the year shall be made on Monday next. The ratification of the treaty of commerce with France, we have reason to believe, will be exchanged within the next few days. The House of Commons, we presume, would not wish to entertain the subjects which that treaty opens without likewise being made acquainted simultaneously with the whole proposals of the Government with regard to the financial year. On Monday next, therefore, it will be my duty to submit the whole proposals of the Government, including such as are related to the commercial treaty with France. I am well aware, as has been stated by the hon. Member, that this is a season of the year which is a critical one with respect to many branches of trade, and that it is of extreme importance that when the announcements are made the decision of the House should be taken at the earliest possible moment. It is, therefore, the desire of the Government, if they are permitted to do so by the House, to ask the House, after hearing the statement I shall make on Monday next, to proceed with the consideration of the subjects on the following Thursday; for, if we trusted only to that portion of Friday which by present practice of the House is left for purely public business, I am afraid the progress would be so slow as to be unsatisfactory to the British public. Of course, that is a matter upon which we shall be entirely in the hands of the House. I make the proposal now, in order that hon. Members may have an opportunity of considering its fairness; and if we find that its justice commends itself to other minds, as it does to ours, it will be necessary for me to move that Orders of the Day have precedence of Notices of Motion on Thursday week. With regard to the time when the projected changes will come into operation, I think I have stated as much as is within my duty to state. On Monday next it will be my duty and study fully and clearly to explain to the House the whole of the proposals of Her Majesty's Government.

MR. HORSMAN:—Will copies of the treaty be in the hands of Members before the statement on Monday?

THE CHANCELLOR OF THE EXCHEQUER:—It will not be practicable to present the treaty to the House before Monday next; but I do not think the treaty will be so complex as not to be possible to convey in a general outline the principal subjects upon which it touches. I beg it will be understood that the Committee of the Whole House will not be asked to vote upon any subject of great importance—although there may be some minor matters which they may dispose of—without full notice and opportunity of consideration. I may add that it is my intention to propose a Committee of the Whole House on the Customs' Acts, that certain Resolutions may be moved which these changes will render necessary.

SUPPLY.—OBSERVATIONS.

Report of Resolution "That a Supply be granted to Her Majesty" brought up.

On Motion that the said Report be received:—

SIR HENRY WILLOUHGBY said, he did not rise to oppose the reception of the Report, but he wished to take that opportunity of calling the attention of the House to a practice which he believed was calculated to impair, if not altogether to render nugatory, the right of that House to vote Supplies. The House was aware that they never knew what was exactly the expenditure of any one year till some twenty months after it had been incurred. At the end of last Session, in the month of August last, the Secretary of the Treasury laid on the table of the House a document which showed the entire expenditure on the army and navy for the year 1857-1858. This was the last expenditure of which they knew anything — at present they knew nothing of the expenditure for the year 1858-59. The document was printed and issued to hon. Members only during the recess, when it was impossible for hon. Members to make any use of it. But he found that in that year more than £1,500,000 had been spent on the army and navy in excess of the Supplies which had been voted by that House. If these things were allowed to be done what became of the right of the House to vote Supplies? It appeared that £800,000 was spent on the navy in excess of the Supplies, embraced under twelve different heads, on almost every conceivable subject —law charges, acquisitions of land, coastguard, transport service, and so on. In the army he found that the excess for the same year amounted to £1,029,000, and that had been spent under six different heads. It was true that the House was afterwards called on to vote money for this expenditure in excess, but by that time their power of control was gone, as the money had been long spent. He wished now to ask the Chancellor of the Exchequer whether there had been any excess of expenditure over supply for the financial years 1858-59; and if so he would ask the House whether they did not think it necessary to apply some remedy to this abuse, and insist that no excess should be allowed except in cases of the gravest emergency. He would not have pressed this matter on the attention of the House if he did not feel that it struck at the root of all the financial power of the House, and if he did not believe that the practice was annually increasing to a large extent.

The CHANCELLOR of the EXCHEQUER: — The hon. Baronet has called my attention and the attention of the House to a subject of great importance and great complexity, but which, I think, cannot be discussed with advantage, except upon notice indicating the direction which the discussion is likely to take. The hon. Baronet has put to me a question whether during the financial year ending the 5th April, 1859, there has been any excess of expenditure over the Supplies voted by the House of Commons in any department. Of course I need not say that the hon. Baronet might have better put the question he has put to me to the Gentlemen who were responsible for the finances of the country at that period, of whom I was not one—but it does happen that the accounts of the War Department have been obtained within the last few days —a little earlier than usual—from which it appears that there is an excess of expenditure for the year 1858-59 over Supply somewhat exceeding £300,000. The hon. Baronet may wish to make his remarks or comments on this statement, and he will have an early opportunity of doing so, as it is the intention of my right. hon. Friend the Secretary for War to ask for a vote of Supply to cover this excess of expenditure, on one of the days of the week. With regard to the larger aspect and bearings of this question, I shall not enter upon them casually and loosely, as I must do were I to do so now, but I can assure the hon. Baronet that Her Majesty's Government are very sensible of the importance of avoiding any expenditure in excess of the Supplies voted by the House, except in cases of urgent necessity; and when compelled to do so, of rendering an account to Parliament at the earliest possible moment.

Colonel SYKES said, that he wished some Member of the House would move at once a vote of censure upon the head of any Department who should have expended money in excess of his Votes. That was the only remedy he could think of for the evil, and he would cordially support his hon. Friend opposite in any such attempt.

The CHANCELLOR of the EXCHEQUER: —Sir, I am sorry to say that I have rather understated the excess of the army expenditure in 1858-59. That excess amounts to £470,000.

Resolution *agreed to, Nemine Contradicente.*

Committee appointed for *Wednesday.*

ANNUITY TAX ABOLITION (EDINBURGH) BILL.

COMMITTEE. LEAVE. FIRST READING.

The LORD ADVOCATE moved that the House do resolve itself into a Committee to consider the Annuity Tax (Edinburgh).

Motion *agreed to.* House in Committee.

(In the Committee.)

The LORD ADVOCATE said, that the subject had been often under the consideration of the House, and therefore a short statement only would be necessary of the provisions of the Bill. As the House had been often told, the annuity tax was a rate amounting to 4¼ per cent upon the rental of houses within a certain limited area of the city of Edinburgh, and which was laid upon the occupiers of those houses, the proceeds being applied to the support of eighteen Ministers of the Established Church within the city. He must also explain that the congregations covered a much larger area than the districts taxed; nor did the tax extend to all the occupiers, inasmuch as there was a special exemption of a large and wealthy class, consisting of members of the College of Justice—that was to say, the judges, barristers, and solicitors. Without entering into the question whether the principle of this taxation were right or wrong, no one could deny that it was very unjust in the mode of its imposition. Several plans for modifying it had been introduced into the House, and he would now proceed to state in what way he proposed to make a new attempt in the same direction. His hon. Friend and colleague the Member for Edinburgh (Mr. Black) in the last Session and in the Session previous to that, had introduced a measure which on both occasions had received the assent of the House on the second reading. By the provisions of those Bills the ministers of

Edinburgh would be preserved in their existing interests; but when the present ministers were all dead, when the last vacancy occurred, the future ministers of Edinburgh would be dependent on seat-rents, church-door collections, and a sum of £2,000 which was drawn from the Exchequer, being part of a rent-charge levied from the docks of Leith. The principle of that proposal—the final abolition of this impost—had twice received the sanction of the House. Therefore the question was not now as to the continuance of the tax or its abolition, but upon what terms and conditions it should be abolished. The measure he was about to introduce was essentially different from the Bill proposed by the hon. Member for Edinburgh last Session, because the plan of the hon. Gentleman of a tax of 4½ per cent was to be levied to pay the existing stipendiaries. An approximate calculation had been made of the amount which would have to be paid by the citizens of Edinburgh if the principle of maintaining the tax during the continuance of vested interests were acted on. Taking the assumed ages of the present incumbents as a basis, it had been estimated that for the first fifteen years a payment of £3 7*s.* 4*d.* per cent would be annually required from the citizens of Edinburgh; and that for a further period of sixteen years—making thirty-one years in all—there would be a total sum paid which would be equivalent to £63,000. Thus it was evident that the Bill of his hon. Friend would not, if adopted, have had the effect of extinguishing this burden for a considerable period. Within the present year two contingencies, which were not foreseen at the time the calculation was made, had taken place—one of these ministers having been appointed to a professorship, and a second translated to another benefice. Such contingencies might, of course, occur hereafter, but they were chances that could not be taken into calculation. With regard to the Bill of his hon. Friend for the total abolition of the tax he would offer no opinion whatever; but it was impossible not to see that the proposal, which to a great extent left the clergy dependent on voluntary contributions, would meet with very strenuous opposition, and that it was doubtful whether it would obtain the consent of both Houses of Parliament. The issue of a contest with the House of Lords might, as in other instances, prove successful, but a number of years would first be spent in the struggle; and, believing that the time and money requisite for that purpose might be more economically employed, he was about to make a proposition which would give immediate relief to the inhabitants of Edinburgh, which would completely extinguish the tax within a limited period, and which would also provide in its stead a just and equitable substitute to the ministers of that city. Some of the sources from which it had been proposed in former years to derive this substitute were no longer available. A law-suit had arisen with respect to the right of the Town-Council to dispose of the sum paid by the railway company for the site of Trinity College Church, which it had been proposed by a Parliamentary Committee that sat in 1851 to apply in aid of the extinction of this tax, but in consequence of the suit that had arisen this fund was no longer available. There was also a sum payable to the Deans of the Chapel Royal, which it had been proposed to apply to this purpose; but these funds also were now beyond reach, the University Commissioners having recommended that they should be applied to increasing the number and efficiency of the Divinity Chairs in the University of Scotland. The third source was Government money; but he was happy to say he did not propose to have recourse to that. His proposition was one by which the citizens of Edinburgh would be enabled to redeem the tax. At all events, it contained the materials for an amicable settlement of the question. Great scandal resulted from the present mode of collecting the tax. The other day there was a trial for resisting the officers in the execution of these warrants, in which the prosecutor failed to get a verdict; and it was most desirable that the question should be settled. At present the ministers were eighteen in number. Three of the churches were collegiate. It appeared to him that they were not bound to provide for the second charges in those collegiate churches. He did not propose to abolish any of them; but, in providing a substitute for the annuity tax, and providing for existing interests, he did not think that it would be necessary to provide for those second interests; and that opinion was shared by many members of the Established Church. That would leave fifteen ministers—a larger proportion for Edinburgh than was provided for in other towns. He thought it too much. He wished to say nothing invidious against the Established Church, but still his measure was a practical one. In 1837, when the Ecclesiastical Commissioners reported, the attendance at the Established Churches of

Edinburgh was very nearly equal to the aggregate of all other denominations put together. In 1843 there was an unfortunate disruption in the Church, and in the Census of 1851, by taking the attendance on a Sunday fixed by the Commissioners, it was found that of 48,000 attendants on Divine service in the mornings, about 8,000 only belonged to the Established Church; showing that the attendance had greatly fallen off. The seat-rents would also show the falling off in the attendance in the Established Church within the last twenty years. The seat-rents in the five years from 1832-37 amounted to £5,835; in the five years from 1853-58 they yielded only £3,235. The surplus derived from that source in the former period was £3,400 against £1,600 in the latter. He had no wish to pare down the revenues of the Established Church in proportion to the number of attendants, but it should be remembered that they were dealing with a question of an equitable adjustment. In the Old Church, Edinburgh, there were only forty-seven seats let, and 641 unlet—and the ordinary attendance was certainly not 200. Of the forty-seven seats let only one was let to a parishioner. The Old Church was under the roof of the High Church, and the High Church was a collegiate church. The Tolbooth Church had only fourteen seats let, against 634 unlet. He did not propose to abolish either of these. The present incumbents would retain the right to share in the annuity tax or in the substitute which by this Bill he was going to propose, as long as they lived; but they were not bound to make provision for future incumbents of those two churches. The Old Church was vacant at present, and he proposed that the minister to be appointed should not have the right to share in the annuity tax. He should therefore give power to the Commissioners to be appointed by this Bill to nominate one of the ministers in the Collegiate Church to the Old Church. His proposal was to the following effect:—An Ecclesiastical Commission to be appointed under the Bill; three members to be appointed by the Presbytery, two by the Town Council, one by the Faculty of Advocates, and one by the Society of Writers to the Signet. To those Commissioners would be transferred the property in the churches, the right to the seat-rents, and all liability for repairs. The seat-rents, now amounting to £1,600 a year, would be collected by them; it was quite certain the amount was far below what it ought to be; in all probability there would be an increase of about £60 a year. It was proposed that that fund of £1,600 a year should be accumulated for fifteen years at 3½ per cent interest, and supposing the fund to increase at the rate of £60 a year, the whole amount would be £33,600 at the end of that time. Then there was a sum of £2,000 a year paid from the Exchequer—part of a rent-charge derivable from the docks at Leith. It had been said that, if the annuity tax were abolished, this charge ought to be remitted; but he saw no sound reason for doing that, and proposed that it should be continued. He would allow it to accumulate in the same way for fifteen years at 3½ per cent interest, and the amount of the two funds at the end of that period would be about £80,000. He proposed that at the expiration of fifteen years the annuity tax should be abolished altogether, but that there should be laid on by the Town Council during that fifteen years an assessment of from 8*d.* to 10*d.* in the pound. The latter was lower than the present rate. A rate of 8*d.*, if levied on the present police assessment, along with the police rate, and paid by all occupiers, would give a surplus produce in the year of £1,520, after paying the stipends of the ministers now chargeable on the fund. This annual surplus, accumulated in the way he had described, would yield, at the end of fifteen years, a sum of £34,000 or £35,000. Then he proposed that the exemption in favour of the lawyers should be abolished—an exemption which ought never to have existed. If the lowest amount of rate were taken—8*d.* in the pound—the capital accumulated at the end of fifteen years would amount to £106,000. If 10*d.*, the highest rate, were exacted (and that was lower than the existing rate), the capital would amount to no less than £160,000. That, however, would be more than sufficient; and what he proposed to do was either to take the sum to be collected at £120,000, or the sum to be furnished by the town at £42,000—the two things would be very nearly the same—and the result would be that at the expiration of fifteen years there would be an annual income to the ministers of the interest of £120,000, at 3½ per cent.—£4,200. There would be in addition £2,500 from the seat-rents, and £2,000 the rent-charge on the Leith docks—giving £8,700 a year. To give £600 a year to thirteen ministers, £7,800 was all that was necessary, and there would still remain a balance in the hands of the Commissioners applicable to expenses. The plan would have this advantage; it would put an end to the tax altogether at the end of fifteen years, unless it should be found that the assessment on the town had not yielded £42,000; but he thought this was sure to be realized. He had made no allowance for the increase of the town, nor for a higher rate of interest than 3½ per cent being obtained on the accumulations. This proposal would not lay a greater burden on the ratepayers than the proposition made by his hon. Friend (Mr. Black) last year; for 8*d.* in the pound was only £3 6*s.* 8*d.* per cent, instead of £3 7*s.* 4*d.*, and the whole amount of £60,000, payable on the other scheme, would be saved. He certainly did not expect that this measure would satisfy general or abstract views entertained by some on this troublesome question; but at all events it afforded a means of extrication. If the ratepayers considered the rate too heavy they might reduce it by spreading it over a greater number of years—over twenty, instead of fifteen; on the other hand, if they thought it desirable to terminate the tax sooner, they could do it by making the rate 10*d.* instead of 8*d.* It had been suggested before, and again to him on that occasion, that the salaries of the ministers might be reduced from £600 to £500, or £550. If the members of the Established Church thought that a more desirable plan, and proposed that reduction in order to maintain the two churches, he had no objection. But he had not made the proposal, because he thought it infinitely better for the Church that thirteen clergymen should be fully paid, though they had to extend their strength over a larger surface. The hon. and learned Gentleman then moved a Resolution.

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to abolish the Annuity Tax in Edinburgh, and to make provision in regard to the Stipends of the Clergy in that City."

SIR JAMES FERGUSSON said, that a measure such as that which the learned Lord sketched out, the object of which was to effect the settlement of a question which had excited much bitterness of feeling, was entitled to be received with the utmost respect, and being of that opinion, he for one did not rise to offer any opposition to its introduction. He wished however, to make a few observations. He was, he might say, in the first place, glad to find that the learned Lord in framing the measure had proceeded on a different principle from that which characterized former measures which had been introduced to the House on the same subject. He had recognized the principle that it was the duty of the State to support the Established Church of the country, as well as the obligation which lay upon the people of Edinburgh to provide for the payment of the ministers of the Established Church in that city, the learned Lord had, however, in dealing with that subject passed over very lightly the history of the tax; nor would he (Sir James Fergusson) enter further in the points than simply to state that it was a tax which had been levied on a portion of the inhabitants of Edinburgh for a period of nearly two centuries and a half, and was originally the result of a compromise by which considerable advantages had been secured to the town itself by the voluntary cession of certain lands which had been formerly the property of the Church. The city of Edinburgh, which had so much benefited by that compromise, had the obligation imposed upon it to maintain the clergy of the Established Church within its confines; nor could he understand why they should be left dependant on voluntary support any more than other clergymen of the same communion whose stipends were paid out of the land of the country. The learned Lord, however, he was glad to find, did not propose to take that course, one of the main features of his scheme being to provide a substitute for a charge the complainants against which he (Sir James Fergusson) could not help thinking often had recourse to it as furnishing a sort of cheap martyrdom, and which was a charge, moreover, subject to which every individual who paid it entered upon the occupation of his house. But although it afforded him satisfaction to perceive that the learned Lord did not propose to leave the clergy belonging to the Established Church in Edinburgh dependant upon voluntary contributions, he thought there were one or two objections to the measure which might affect the progress of it. He must confess it appeared to him rather hard that no less than five of the Ministers of the Church in Edinburgh were to be swept away, under the operation of the Bill, and swept away too at a moment when the sphere of their duties was becoming rapidly extended. It had been found necessary to build new churches to meet the spiritual wants of the population, and it seemed to be very inconsistent to introduce at the same time a measure reducing the number of the ministers of the Church. There was, however, another feature of the measure which was even still more objectionable, and that was the proposal to perpetuate the imposition of seat-rents. Those rents were the property of the Corporation of Edinburgh, conferred, he believed, by Act of Parliament when that city was nearly bankrupt, and were so very high as to exclude from many of the churches in Edinburgh the great mass of the poorer classes resident in that city. He might add, that the Established Church was very anxious to reduce rents which so operated, but that it was unable to do so in consequence of their being the property of the Corporation, with whom he trusted the hon. and learned Lord would have no difficulty in coming to some satisfactory arrangement on the subject. If it were really the object of the Corporation to maintain an Established Church it should be one of their first objects to provide accommodation for the poorer classes. In conclusion, he should merely express a hope that the members of the Church of England would not fail to perceive that any attack made upon the property of the Established Church in Scotland tended equally to the prejudice of their own, and that they would, therefore, lend their aid to render this measure as little injurious as possible to its interests.

Mr. BLACK said, he should not resist the introduction of the Bill which proposed to deal with a tax which was of the most obnoxious character; but he thought he had seen other schemes much preferable to this, — indeed he thought that the scheme of the hon. and learned Lord was far from an improvement upon that which he himself had last year submitted to the House. He was, for instance, by no means satisfied with that portion of the Bill which provided for the continuance of the tax for a period of fifteen years, and which virtually amounted to its imposition upon those by whom it was at present paid during the remainder of their lives. His opinion was that the people of Edinburgh would not be willing to bear it. He was himself willing to bear his proportion; he was so anxious to see an accommodation of so vexatious a question that he had supported almost every proposition that had been made for its settlement, and would submit to almost any personal inconvenience to get rid of it. The opposition to its settlement had been most injurious to the cause of religion. It had been said how beautiful upon the mountains were the feet of them who published peace, but the ministers of Edinburgh, who called themselves ministers of peace, sent messengers with manacles in their hands for the purpose of handcuffing and carrying to jail respectable men who refused to pay for their support. He thought it unjust that the present generation of the citizens of Edinburgh should bear the whole burden of the measure proposed by the hon. and learned Lord. He doubted, indeed, whether the inhabitants of Edinburgh in general would submit to it. He thought his own scheme —for which, perhaps, he felt the fondness of a parent—preferable. No doubt, some of the town ministers were very long-lived; but suppose a few of them should live to a very great age, yet, when the greater bulk had come under the new arrangement, the few that remained might be expected also to concur. The hon. Member who spoke last talked of what the city of Edinburgh got by the agreement to pay this tax; this only showed that he was utterly unacquainted with the history of this impost. If his argument had been based on a knowledge of facts he would not have made the statements he had done. In fact, the city got nothing for it. It was that religious Monarch, Charles II., who recommended it, and they all knew what was the value of such recommendations in the days of the Stuarts. The hon. Gentleman had also talked about seat-rents, and that seats ought to be free to the poor; but this was mere religious sentimentalism; the churches in Edinburgh were half empty, and the poor were quite welcome to sittings, but the poor would not attend the church if they were charged no seat-rents at all. There could be no doubt that for some time the Established Church in Edinburgh had been sinking. This very tax acted as a wet blanket, and was, to a great extent, the cause of the popular dislike to it, leading them to regard the institution, not as one for promoting their welfare, but actually doing them an injury. It was impossible to believe that the Established Church in Edinburgh could prosper under such a system. The Bill he proposed did not interfere with the number of the clergy. He did not care what was the number; they might be fifty, provided those who appointed them paid for them. He thought the plan of the hon. and learned Lord would have a more injurious influence on the Established Church than that introduced by him last year. That would have given new life and energy to the Church, because it provided the clergy should be paid according to the talents and vigour displayed. He saw no reason why a man of talent, who paid great attention to his parish, and who was beloved by his people, should not have a higher income than a drone who cared nothing about his parish; but by the plan now proposed the drones and the working bees would be paid alike. He had no idea of such a system. It was quite possible some modification might be made in the measure so as to render it more agreeable to the inhabitants of Edinburgh, and more useful to the Church; he would vote for the Resolution and see what shape it took in its progress through the House.

Mr. W. MILLER thought, if the Bill had proposed the abolition of the tax on the shipping interests in Leith, which dated from the time of Charles II., for the support of the established clergy of Edinburgh, it would have given more satisfaction. If the inhabitants of Edinburgh complained of the Annuity-tax, much more cause of complaint had his constituents, who were saddled with an onerous burden for supporting a clergy from whom they received no benefit whatever. The tax affected the shipping interest of the whole country. A ship coming from Liverpool to Leith, for instance, had to pay a specified sum for the support of the Established Church of Edinburgh. It would be much more to the honour and credit of the citizens of Edinburgh if they would maintain their own institutions. At a future stage of the measure he should object to that part of the Bill which affected the town of Leith, and hoped he should receive the support of the House.

Mr. BLACKBURN thought the proposal unobjectionable, in so far as the new tax was less than that now in force; but with reference to the appropriation of the seat-rents considerable objections were stated by the hon. Member for Ayrshire (Sir J. Fergusson) and he, for one, also objected to the reduction of the number of Ministers from eighteen to fifteen. It would depend much on the details of the Bill whether he could give it his support, but no doubt there would be every disposition to have the matter settled.

Lord WILLIAM GRAHAM wished to know whether the Lord Advocate meant the Ecclesiastical Commission to be a paid Commission; if so, from what source would their salaries be taken? Of course, if they were drawn from the Annuity Fund it would *pro tanto* be reduced.

The LORD ADVOCATE said, he proposed that the Commission should be unpaid. He might take this opportunity of supplying an omission in his former statement. The seat-rents, to the extent of £300 a year, formed part of the ordinary revenue of the city of Edinburgh, and it would be necessary to provide a substitute by a rate to that extent, to be levied as a police-rate over the whole community.

Motion *agreed to.*

Resolution *reported.*

Bill *ordered* to be brought in by Mr. Massey, the Lord Advocate, Sir George Lewis, and Sir William Dunbar.

LONDON CORPORATION.

LEAVE.

Sir GEORGE LEWIS: — Sir, the House are doubtless aware that when the Municipal Corporation Bill passed, an exception was made of the Corporation of the City of London. That exception was mainly founded upon the generally popular character of the municipal government of that body. Before the Municipal Act was introduced a very large number of the corporations of England were practically close; the governing body was confined and limited in its character, and frequently the vacancies which occurred were filled up by self-election. The main object of the Municipal Act was to popularize the constitution of the corporations of the country; but the Common-council of the City of London being already a popular body, and having in former times exercised a great influence for strengthening the popular party in this country, it was not thought necessary to include that corporation in the general Municipal Act. A separate Report was afterwards made with respect to the institutions of the City of London; and a few years ago it was found, after the reform which the other corporations had undergone, that that which had at one time been regarded as the model corporation of the country would not bear a favourable comparison with the bodies included in the Municipal Act. Accordingly a Commission, of which I had the honour to be a member, was issued to inquire into the Corporation of the City of London.

That Commission made a Report, and a Bill was subsequently introduced into this House, founded on the Report of the Commissioners. The Bill was referred to a Select Committee, who went through all its clauses, and reported it to the House with Amendments. The measure which I now seek to submit to the notice of the House is substantially the measure which was reported by that Select Committee, and may, therefore, be deemed the result of the recommendations of the Commission, revised by a Select Committee of this House. The Bill so framed is limited to the constitution of the Corporation and to certain duties of its officers. It does not include the financial part of the question—namely, the coal duties, the metage dues, or the fees on brokers, which are all omitted from the operation of the measure. I think it not improbable that in the course of the Session I may have to call the attention of the House to the subject of the coal duties—which will expire, or at least a portion of them, at a not very distant date—as well as to other points connected with them which require consideration by this House. That question I however reserve to a future opportunity, and at present I merely ask for leave to introduce the Bill the object of which I have generally described. The right hon. Baronet concluded by moving for leave to bring in a Bill for the better Regulation of the Corporation of the City of London.

Mr. AYRTON said, he did not intend to oppose the Motion, but must express his regret that the Government, having had ample time to consider that important subject, should have arrived at so feeble a result. The question of the City Corporation had engaged the attention of the House and of the metropolis for many years past, and he did not complain of the extreme candour of the right hon. Gentleman in giving the true reason for the maintenance of that particular municipality. No doubt it had for a long period strenuously supported Liberal principles. When reform began to be applied to the other corporations of England, it saw the necessity of allying itself strictly with the Liberal party in the House of Commons; and from that time to this it had pursued that exceedingly wise policy to which it owed its immunity from real reform. It was to be doubted, however, whether the service it had rendered to the Liberal party was a sufficient ground for keeping up an institution which had not only ceased to be of practical utility, but was of very serious inconvenience to the metropolis. The right hon. Gentleman had introduced a measure which contained provisions of a very curious character. The House would remember that in the last Session of the late Parliament a memorable discussion took place to determine what should be the proper basis for the elective franchise. The late Government thought it wise and politic to maintain a £10 franchise. The Whig leaders solemnly condemned that as too high a qualification for voters for Members of Parliament; and by a concerted movement—in which they were supported by the entire Liberal party—they contrived on that very question to turn their opponents out of office. Now, however, after a year's deliberation, the Whig Government came down to the House and proposed a £10 franchise for the constituency of this great municipality. One was at a loss to know how to deal with such a Government. When he assisted the present Government last year in ousting their predecessors, he never imagined that they would adhere to a limit for the franchise which they had so solemnly condemned. Surely it would not be said that a higher qualification was required from those who chose the members of a municipal corporation than from those who returned representatives to Parliament. He could discover no reason for retaining such an anomaly, except that that Corporation had attached itself so affectionately to the Whig party that it was absolutely necessary for those who directed the politics of the Liberals to look more to the combinations of City corporators in elections than to the great political principles which they had professed. They must either maintain the Corporation of the City of London as a curiosity and a thing of the past, or place it on a footing consonant with all other municipalities. In its origin it was not, as it had now become, a mere local institution, confined within the ancient walls of London. It was formerly a very remarkable combination of all the freemen engaged in trade in the city in its widest sense, namely, as the whole metropolis. The Corporation was based on the freedom of the City, and that freedom was connected with the freedom of the Livery companies, bodies representing every branch of trade then carried on in the metropolis. No man had a right to take his place in the municipality unless he was free not only of the City but of one of the Livery companies, which were not limited to the City boundaries. These companies were all united into one Corporation, which was therefore not a mere municipal but a trading institution. The Mayor—an integral part of the Corporation, without whom nothing could be done—was elected entirely by the Livery, and was supposed to represent every branch of trade. It was now proposed, however, to divest the City Corporation of its trading character, and to reduce it within the limits of an ordinary municipal corporation, such as was to be found in any other part of the country. If it was dealt with in that way, it must abandon all its pretensions to represent the trading and commercial classes of the whole metropolis. If maintained, then, at all, its privileges ought to be extended to the entire metropolitan community. They last Session heard a good deal about the inconvenience resulting from the Government not possessing the confidence of the House of Commons; but in this case a Government which professed to enjoy that confidence was bringing forward a measure which was quite unworthy of the attention of the House. The same Government had recently entered into negotiations and concluded a treaty to relieve the manufacturers of Paris from a tax upon coal; but by this measure they proposed to continue a similar tax upon the manufacturers of London and about twenty-one miles round. Was it possible that a mere territorial municipality should be allowed to levy a tax upon the whole metropolis? The right hon. Gentleman, from his experience as a Commissioner appointed to inquire into this subject, knew perfectly well that the Corporation of London had at present no right to levy the smallest tax upon coal, or to levy any other tax whatever upon the metropolis. The coal tax was granted in times past, without any restriction, but for specific purposes and objects. Those purposes and objects had been fulfilled, and more than fulfilled; and it was now continued for the benefit of the City, at the expense of the rest of the inhabitants of the metropolis. Yet, because the Government did not like to quarrel with the Corporation of the city of London, who were all-influential in the city elections, the interests of the inhabitants of the rest of the metropolis were to be sacrificed, and this tax was to continue to be levied. He hoped that the House would not sanction any such feeble and unsatisfactory legislation. No doubt they would be appealed to to maintain the corporation because it was antiquated, and had in times past been associated with the triumphs of liberalism. Probably the noble Lord the Member for London would tell them that the Corporation was mentioned in Magna Charta, and that when the Barons had signed that document they were so frightened that they ran into the city of London and made themselves secure behind its walls. This, like the story of the 40s. freeholder who said that he had held his freehold since the days of William the Conqueror, was no doubt a very interesting historical fact, but it ought not to be allowed to influence the decision of an important practical question. Some years ago the Legislature established a really useful and practical municipality to conduct the affairs of the inhabitants of the metropolis; and how could it now re-establish by the side of that, a crude and imperfect corporation elected upon quite a different principle? In former days, the Lord Mayor of London was a person of considerable importance; but since the time of Beckford the municipality had been going down in public opinion, its chief offices were no longer sought for as distinctions, and it had become the mere plaything of people of no political importance, and served no useful purpose whatever. There were evils and inconveniences enough with which the right hon. Gentleman might have dealt; and which, if he refused to notice them, would, he hoped, be dealt with by a measure introduced by some independent Member. For instance, great loss and inconvenience arose from different parts of the metropolis being in different counties. For all municipal and legal purposes the metropolis ought to be formed into a single county, having one Recorder, with deputy Recorders for different districts, one *nisi prius* court, one jury system, and one sheriff; and thereby to secure uniformity of administration, a great relief to the inhabitants, and an impartial administration of justice. To effect such an arrangement would be worthy the exertions of a Secretary of State; but the measure now introduced was so incomplete and imperfect, that he trusted that the House would either send it to a Committee for improvement, or altogether refuse to proceed with it.

MR. W. WILLIAMS said, he thought the Bill so objectionable he should much prefer the postponement of all legislation on the subject to accepting it. The right hon. Gentleman the Member for Cambridge (Mr. Walpole), some time ago promised them a Bill on this subject. Now he (Mr. Williams) wished that that right hon. Gentleman would frame a measure, for he confessed he would feel greater confidence in the manner in which he would deal with it than in the right hon. Gentleman who had introduced the subject that evening. It was perfectly well known that if a Lord Mayor did not treat the Common Council well, they held out a direct threat to him that they would not vote him thanks unless he mended his manners. Why should the Aldermen of London be elected for life in contradistinction to those of Manchester, Liverpool, and the other important cities and towns in England, who were elected for only six years. He should not oppose the introduction of the Bill, but if it were the same as that of last Session he hoped it would be dropped by the Government, or very materially altered. Such was the influence of the Corporation of London, arising from their convivial meetings at the Mansion House, that they had evidently triumphed over the good intentions of the Government. It remained for the House of Commons, however, to resist their attractions, and to hand over the municipal affairs of the metropolis to a governing body worthy of the name.

Mr. Alderman CUBITT wished to say a few words on behalf of an important portion of the citizens of London. The Livery consisted of from 10,000 to 15,000 persons, a large proportion of whom were men of great influence and of the highest respectability. In the Bill of last Session their existence was entirely ignored, much to the dissatisfaction of the Corporation itself. He hoped the same error would not be committed in the measure about to be introduced. The Livery ought to be retained in their present position.

Mr. JOHN LOCKE said, he perfectly agreed with the last speaker that the Livery of London ought not to be forgotten. They were not confined within the walls of the city of London, but were spread throughout the whole metropolis, and his principal objection to the measure proposed to be introduced by the Home Secretary was that it dealt with a comparatively small portion of the metropolis. The Corporation of the City of London had already extended its limits; for a number of wards in the City were composed of districts which from time to time had been taken into and incorporated with the City of London. The Metropolitan Board of Works was intended to be something like a corporation for the whole of London, controlling its municipal Government in an essential respect, having the power of levying rates for improvements—a body, too, which he felt bound to say almost everybody disliked. By the fusion of the Metropolitan Board of Works with the Corporation of London an effective body might be constituted. This would be much better than having a second Guildhall in the neighbourhood of Charing Cross, where on the site of Berkeley House they were building a Palace for the Metropolitan Board of Works. If this Bill of the Government passed we should have two kings—the Lord Mayor and the Chairman of the Board of Works, with two grand establishments, the expense of which would fall on the inhabitants of the metropolis. Was this expedient? Why not, instead of passing this Bill, pursue the course formerly adopted, and extend and enlarge the Corporation — dividing the metropolis into wards, and making the Lord Mayor and Common Council the body which should govern the whole. To a body thus constituted the affairs of the entire metropolis might fairly be entrusted, and a great deal of unnecessary expense spared to the rate payers; for the funds and machinery of the Corporation were quite sufficient for a largely extended jurisdiction. But it had been said that by so doing we should create an *imperium in imperio*, and that even the Houses of Parliament and the Queen upon her throne would be obliged to succumb to the Corporation of London—but for these apprehensions there could be no grounds. The exisiting Corporation was powerful because it possessed large funds of its own, amounting to £60,000 a year, with which they could do as they pleased, derived not from rates but from property which it had inherited. But let the Corporation have a taxing power over the whole metropolis, and it would soon be unpopular enough. Devolve upon it the duties which were now performed by the Metropolitan Board of Works, convert it into a taxing body, and while its means of usefulness would be largely increased it would speedily find itself deprived of all that was improper in its influence. The Bill now brought in by the Government was, so far as he knew, totally inconsistent with its professed object, and was unworthy of the consideration of the House of Commons. He hoped to see before long a suitable measure laid before them.

Sir MINTO FARQUHAR hoped that the Home Secretary would not object to state whether it was intended to legislate in reference to a point of considerable importance, affecting towns in the neighbourhood of London. Certain towns within a radius of twenty miles round London, suffered materially from the coal-tax, and the inhabitants of those towns thought it a hardship to be taxed for metropolitan purposes. The town he represented (Hertford) was involved in this hardship, and a great stretch of authority seemed to be allowed to the Corporation of London, when it was permitted them not only to impose a coal-tax on the metropolitan district, but also to extend the tax to a radius of twenty miles round, thus compelling towns within that distance to subscribe to metropolitan objects. He hoped that the Home Secretary would not afford the Corporation of London any reason for believing that they might continue to impose so unjust a tax.

SIR GEORGE LEWIS said, it was quite true that Hertford was interested in the coal-tax, inasmuch as that town was included within the area where the coal duties were levied. The House was aware that the coal duties were made up of three different amounts, which were each disposed of in a different way. The total of these three amounts was 13*d.* per ton. The 4*d.* tax which was levied for the benefit of the City of London, the City claimed as its property, putting it on the same footing as the town duties of Liverpool and other municipal taxes, which, as the House would remember, were made the subject of discussion two or three Sessions ago. Whatever opinion might be formed by hon. Members on the matter, the City claimed that portion of the coal duties as part of the income of the City, which it had a right to appropriate to its own uses, and that portion was charged with the repayment of certain capital sums raised for metropolitan improvements and other purposes, which would not be satisfied for some years to come. With respect to the two other portions of the coal-tax, the 8*d.* and 1*d.* duties, these were applied not to the purposes of the City. They were collected by the officers of the City, but were paid over to the officers of the Board of Works, and were made applicable to the redemption of certain debts created for general metropolitan improvements. The purpose to which the 1*d.* duty was applicable was satisfied, and the sums receivable under the 1*d.* duty were now accumulating at the Bank of England, under the control of the Commissioners of Works. The 8*d.* duty would expire about April in next year. Such was the state of the coal duties, and it would probably be his duty to bring the subject under the attention of the House in the course of the present Session. He should not express any opinion of his own as to the propriety of that tax being levied over a radius of twenty miles; but he might observe that the ground upon which the levy of the coal duties in towns within that radius was vindicated was, that those towns were virtually within the metropolitan district; that their communications with the metropolis were frequent; that the value of the land was greatly enhanced by the vicinity of the metropolis, and that they were interested in the improvement of the roads and streets and other communications of London. He now merely stated the ground on which it was contended that there was an equitable right to levy the coal duties in those towns, but did not offer any opinion of his own as to the sufficiency of that ground.

MR. EDWIN JAMES deprecated this sort of piecemeal legislation, and would much prefer seeing the whole question of civic rights and civic finance placed on a broad and intelligible footing, and dealt with in one comprehensive measure. The present state of things was most anomalous. One day the Court of Common Council sat at Guildhall, another day the Board of Works, both possessing large powers. It would surely be better to have one measure which should deal at the same time with the municipal and electoral Questions. Here was the Government proposing to make the electoral franchise for the Common Council a £10 rating, which at one time, at least, the noble Lord at the head of the Government thought a £5 rating a sufficient qualification to vote for a Member of Parliament. He must designate the Bill of the Government as a paltry Bill, and one unworthy of the subject with which it proposed to deal and of the sanction of the House of Commons.

Leave given.

Bill *ordered* to be brought in by Sir GEORGE LEWIS and Mr. CLIVE.

Bill *presented,* and read 1°.

PACKET AND TELEGRAPHIC CONTRACTS

SELECT COMMITTEE MOVED FOR.

THE CHANCELLOR OF THE EXCHEQUER said, he rose to propose the appointment of a Select Committee—

"To inquire into the manner in which Contracts extending over periods of years from time to time have been formed or modified by Her Majesty's Government with various Steam Packet Companies for the conveyance of Mails by Sea; and likewise into any agreements or other arrangements which have been adopted at the public charge, actual or prospective, for the purposes of telegraphic communications beyond sea, and to report their opinion thereon to the House; together with any Recommendations as to the rules to be observed hereafter by the Government in making Contracts for services which have not yet been sanctioned by Parliament, or which extend over a series of years."

He had little to do beyond proposing to the House the reappointment of the Committee, as the Motion carried with it its own recommendation, and he was not aware that there existed any intention to oppose the Motion. He only wished to say that one reason why he was anxious that the re-appointment of the Committee should take place at an early period was connected with the change which the Government were disposed to make in regard to a department which was henceforward to be considered responsible for what were called the packet estimates. At present, and for a considerable number of years, these packet estimates had been under the charge of the Admiralty; but the Government, after due examination of the matter, considered it desirable to make a change in that respect, and to hand over the principal charge and chief responsibility of them to the Post Office Department, with which they seemed more peculiarly connected. Upon the whole, that would be a more suitable arrangement. The Post Office would, of course, discharge its duty under the control of the Treasury, and in regard to the maritime portion of the duty would be assisted by the marine department of the Board of Trade, with the power of referring to the Admiralty in case of expediency. The Government thought the change desirable for the general advantage of the public service, but, at the same time, it would be proper that the Committee should have the opportunity of taking the subject under view if they thought fit, and delivering any opinion they might deem suitable to the merits of the case. With respect to the notice given by the right hon. Baronet the Member for Droitwich (Sir J. Pakington) it was, of course, perfectly open to him to make the present Motion an opportunity for offering any comments on the conduct of the Committee which sat last year. He would not now by anticipation vindicate the conduct of that Committee—first, because he had not been a member of it, and, secondly, because he was not aware of any ground for impeaching its conduct; and, further, because he understood that the proceedings of the Committee, so far as related to the extent of the subject-matters to which attention should be applied, were proceedings unanimously taken by the Committee. He did not mean to say that the Committee were unanimous on all the questions they had to decide upon, but he was not aware of any difference of opinion arising as to their competency to inquire into the matters to which they did apply their attention. If he did not now further notice the subject involved in the notice of the right hon. Baronet, it must not be considered that there was any disposition on the part of the Government to censure the Committee, or to acquiesce in any censure which others might be disposed to pronounce. He would conclude these few observations by placing his Motion in the hands of the right hon. Gentleman, leaving the right hon. Baronet to address such remarks to the House as he might think fit. The right hon. Gentleman concluded by Moving the appointment of a Select Committee.

SIR JOHN PAKINGTON: Sir, I rise now, according to the notice which I have given, to submit to the House certain considerations with regard to the manner in which the investigations of this Committee were conducted during the last Session of Parliament, and the manner in which, as it seems to me, it would be desirable they should be conducted during the present year. But, Sir, before I proceed to state those considerations, I wish to clear the ground by saying, that I do not intend on this occasion to enter at all into the evidence which has been printed in the blue-book, nor to touch upon the case of Mr. Churchward, and the contract that was made with him by the late Government for the conveyance of the mails from Dover to Calais and Dover to Ostend. The hon. and gallant Member for Berkshire (Captain Vernon) has given notice of a Resolution on this subject, which he intends to move next week. It is perfectly clear, I think, that a definite issue must be raised upon the report of that Committee, whether or not this House approves of the recommendation it contains that the contract with Mr. Churchward should be violated. It would not be consistent with the rules of Parliament that that issue should be raised on the Motion the right hon. Gentleman the Chancellor of the Exchequer has just made for the reappointment of that Committee. It is, therefore, the intention of my hon. and gallant Friend, if I rightly understand his purpose, to move the Resolution I have mentioned for the purpose of raising that issue. For the same reason I will not touch upon the censure which that Committee have in their report passed upon Mr. Murray. I confess that I have a very strong opinion as to the grounds upon which it is stated that censure proceeded. The evidence on this question is so very much mixed up with the evidence relating to the conduct of Mr. Churchward that I think that if I were to enter into it I should inevitably bring on a highly inconvenient discussion with regard to both matters. I shall, therefore, limit myself to the object which has induced me to give this notice—that object being to raise the question whether the mode in which the examinations were conducted by the Committee and the shape in which they have drawn their report are consistent with a strict regard to justice or Parliamentary usage, but more especially whether it is consistent with the practice of this House in relation to all matters (I think I may speak in these general terms) which involve anything like a charge of personal misconduct. Now, Sir, I wish very much to submit the views I desire to express to the House in the most temperate language. I very much wish not to express and not to excite anything like angry feeling. I think in the discussion of this question last Session (and perhaps it was very natural that it should be so) there was mixed up a good deal of party heat and party acrimony; but it would be most desirable this year, at all events in this stage of the proceedings, that we should avoid so far as possible reviving any feeling of that sort. Now, I will, in the first place, remind the House of the acknowledged rule—and I believe that there is no rule more generally acknowledged—that our Select Committees are bound to keep themselves within the terms of their order of reference. For a long period this rule was what I may call part of the *lex non scripta* of this House; but in that very valuable work for which we are all, in my opinion, very much indebted to Mr. Erskine May, one of the clerks at the table, and which I believe is quite accepted as a manual of Parliamentary practice, the necessity of confining Committees to their order of reference is strictly laid down. It becomes, therefore, no longer a *lex non scripta*, for Mr. May, in a few precise, strong words, has expressed it to be thus:—

> "Like a Committee of the Whole House, a select Committee are restrained from considering matters not specially referred to them by the House. When it is thought necessary to extend their inquiries beyond the order of reference a special instruction from the House gives them authority for that purpose."

Now, I think that every Gentleman, on both sides of the House, will admit that if this be recognized as the law of Parliament in all cases, it is more especially necessary that it should be observed with greater stringency than ever in any case in which it becomes the duty of a Select Committee to investigate any questions touching the honour and character of an individual. Our honour and our character, as I need not state to the House, is the most precious possession that we have. No doubt it becomes our painful duty now and then to entertain in this House charges against the conduct of individuals; but I am sure that there is not a man on either side of this House who will question the propriety of what I say, when I state broadly my opinion that whenever it becomes our duty to entertain charges of personal misconduct, be they what they may, it behoves us and our Committees to be scrupulously cautious that every such charge is treated with the strictest regard to all the requirements of justice. I will now, with the permission of the House, call its attention to the terms of that part of the order of reference which was to guide this Committee in its inquiries respecting the Mail Packet Contracts; but I shall pass over that which relates to the Telegraph Contracts, because it has nothing to do with the question now before us. It says,

> "That a Select Committee be appointed to inquire into the manner in which Contracts extending over periods of years have from time to time been framed or modified by her Majesty's Government, with various Steam Packet Companies for the conveyance of the Mails by sea, together with any recommendation as to the rules to be observed hereafter by the Government in the making Contracts for services which have not yet been sanctioned by Parliament, or which extend over a series of years."

Those are the terms of the order of reference, and having read them I will now read a passage from the report of the Committee, which, I think, seems to show that the conduct of the Committee was not limited so strictly as it ought to have been by the terms of the order:—

> "It further appears to your Committee that neither at the Admiralty nor at the Treasury were the officers with whom the decision rested influenced in granting the renewal of the contract by any corrupt or political motive. But your Committee consider that the conduct of Mr. Murray, the private Secretary of the First Lord of the Admiralty, was open to grave censure, but they have not sufficient evidence to show that any member of the Government was cognizant of the communications that took place between Mr. Murray, Mr. Churchward, and Captain Carnegie."

Now, I cannot help very confidently thinking that hardly any Gentleman will rise in his place to tell me that this paragraph in the report is in accordance with the order of reference. I cannot think that any Gentleman will be of opinion that the order of reference justified the Committee in undertaking either to acquit, to convict, or to censure any gentleman for personal misconduct. I certainly did expect, nay, more, I desired and fully expected that this Committee would institute a full and searching inquiry into the principles and the policy upon which these contracts had been made. I further expected that they would investigate and report their opinion upon the wisdom and prudence with which successive Governments may have made these contracts. But, Sir, I did not expect that they would enter into the question of personal corruption or personal misconduct, which, in my opinion, had not been referred to them, and with which, further, I maintain they were not competent to deal. If this Committee had the right or the authority to acquit, why, then, of course they had the right to convict and to censure. Perhaps it may be said that my colleagues and myself ought to be obliged to the Committee for having acquitted us of every charge of corruption. But, Sir, I answer that we were in no sense before them. No charge of political misconduct was preferred, and I maintain that they had not, morally or legally, the right to enter into any such question, nor had they the right to negative such issues as personal misconduct. The right to acquit or to convict involves, as a matter of course, a trial. To have a fair trial two things are essential—namely, a distinct and specific accusation, and a competent tribunal; and I am prepared to maintain that in this case both those elements were wanting. I have heard that in reply to observations of this kind it has been said on behalf of the Committee, "Very true, we had no authority to inquire into misconduct or to try any charge of corruption on the part of individuals, but there was an understanding in the House that we should enter into these questions." Now I have two answers to that. In the first place I deny the existence of any such understanding. But even if there were the understanding I say further that I protest in the strongest terms against the idea that the conduct of any man—that a charge of corruption or misconduct against any man—can be referred to an incompetent tribunal upon an understanding unless the man is a party to that understanding. Therefore the Committee was not justified in travelling as they did beyond the powers which this House entrusted to them. But, Sir, I am prepared to deny that any such understanding took place, and I rest my denial upon the debates which took place last Session with respect to the appointment and the duties of this Committee. I think that the highest authority to which I can refer is the language of the right hon. Gentleman the Chancellor of the Exchequer, who moved for the appointment of the Committee, and I beg to remind him and the House that he rested his Motion solely and exclusively on the ground of public policy. In his speech he referred to several considerations which rendered the appointment of such a Committee desirable. He dwelt upon the great extent to which these contracts had increased; and, if I recollect rightly, upon the question whether a system had not grown up with these contracts which practically had the effect of taking them out of the jurisdiction of the House of Commons. He also dwelt upon another most important question—namely, the policy of granting subsidies with these contracts. Then, after touching upon the increase of the expense which also had arisen, the right hon. Gentleman moved for this Committee, but throughout resting his Motion exclusively upon these important public grounds—amply sufficient, as I think the House will feel, for the Motion he made, but not intimating in any way, that I recollect, that this Committee was to be made the engine of attack or recrimination upon any individual. Well, then, the hon. Gentleman the Member for the City of London (Mr. Crawford) also spoke upon that debate. He strongly approved of the appointment of the Committee, and dwelt, as the Chancellor of the Exchequer had done, upon the public grounds by which it was supported. He used the expression that "He did not think it was so much a question whether the making of a particular contract was to be charged as a ground of censure against this or that Government. Other hon. Gentlemen also spoke.

Some of the speeches made were of a strong party character. Party feeling, at all events, was strong at that moment. But I think I am justified in saying that the tone of the debate was entirely in harmony with the tone adopted by the Chancellor of the Exchequer, and tended to this view of the question, that the object of that Committee was to entertain questions of public policy alone. Well, Sir, another debate shortly after ensued. It arose in consequence of the presentation of a petition by the right hon. Member for Kilmarnock (Mr. E. P. Bouverie), from Sir William Russell who prayed that the Committee might be restrained from entering into the question of the Dover contract because they might prejudice his interests in respect of an election petition then pending. The speech in which the right hon. Member for Kilmarnock introduced the Motion he made for that purpose was marked by a good deal of party spirit; but the reason why I have referred to it is, that in that speech the right hon. Gentleman expressed in very strong terms, in terms indeed as strong as I could use now, his opinion that the Committee was not a fit tribunal to investigate personal charges if personal charges should be preferred; and he gave his reasons for that opinion. In those reasons I entirely concurred; in some others that he gave at the same time I did not concur, but I quite agreed with that conclusion. Well, Sir, he was followed amongst others by the right hon. Gentleman the Member for Hertford (Mr. Cowper), who, in a speech, not of the most kindly description as far as it regarded Gentlemen on this side of the House, also expressed an opinion in which again I entirely concurred, namely, that if personal charges were to be brought forward in connection with these contracts, they ought undoubtedly to be referred to a judicial Committee. The consequence of these two speeches was that the Chancellor of the Exchequer rose at the end of the debate, and particularly referring to the opinions they had expressed as to the unfitness of that Committee for judicial duties, he said,—

> "The Committee was not appointed for the purpose of conducting certain cases of criminatory accusations against any Government in particular. It was not to try the case of Dover or Galway in any other spirit than that in which it would be its duty to examine every other case of contract that might come before it."

Now, Sir, I do not know what construction the right hon. Gentleman may now put upon those words, but I have no hesitation in telling him the construction not only that I put upon them now, but that I placed upon them then; and it was this. They were uttered in answer to the objection that the Committee was not a competent judicial tribunal, and they meant, as I took them, that it was the intention of the Government and of right hon. Gentlemen that that Committee should enter into questions of public principle and public policy, and into nothing else. I feel convinced that that must have been the meaning of the right hon. Gentleman, because if, at the moment he used those words, he had had it in his mind that the Committee were to be at liberty to asperse the character of an individual, and be at liberty to enter into charges of or accusations, whatever they might be, of corruption (none were ever before formally preferred that I know of), and to acquit or convict upon those charges, dealing, therefore, with the honour and character of individuals —if such were the case, I think the right hon. Gentleman was bound to state it to the House, after what had fallen from those other right hon. Gentlemen who had spoken before him. I accepted, therefore, the construction I had alluded to, and I made no objection whatever to the appointment of the Commmittee, thinking it a most proper step on the part of the Government to adopt. But I must at once state this to the House, that if I had at that moment had an idea that that Committee were going, not only to investigate the public policy involved in the making of those contracts, but the characters of individuals, and to presume to acquit and censure on imputations of personal misconduct or corruption, nothing would have induced me to consent to the appointment of that Committee, constituted as it was. But now, Sir, let me state to the House the grounds on which I rest my assertion of the unfitness of that Committee for the investigation of anything like personal character, and let me add that I do so from the conviction that there is no member of it who can feel the least objection to the grounds which I am obliged to state. Sir, the right hon. Gentleman the Chancellor of the Exchequer, in the speech I have referred to, said that he thought the Committee ought to be most carefully selected, and I am free to admit that he fully redeemed his pledge—I say this, keeping in mind the two speeches that he made, and the intention which I have stated was to be inferred from them—so far as the investigation of that important question, what were the principles and the public policy which ought to govern these contracts was concerned. I am free to admit that the time had arrived for that investigation, and I also admit that I do not think it was possible for the right hon. Gentleman to select a Committee better qualified for carrying out that object. It contained several very distinguished members, and it was presided over by a most able member of this House; indeed, in that unusually large Committee, I do not think there was one man to whom I should have taken exception as one not thoroughly qualified to deal with the question stated. I own that my own individual opinion is always opposed to extending the number of Members composing Committees beyond fifteen; this consisted of nineteen Members, and considering the work they were appointed to do, and the questions I supposed were submitted to them, they could not have been better chosen. But, Sir, I am bound to state at the same time, that I do not think nineteen gentlemen could have been selected more unfit to enter upon an investigation or trial of any charge affecting the character or honour of an individual hon. Member of this House, or, indeed, of any one else. In this I hope I may not be misunderstood. I say it with no disrespectful feeling towards any of the members of that Committee. But my charge against them is this:—In the first place, whatever I may think about the prudence of appointing very large Committees to conduct any ordinary matter, I have no hesitation in saying that the appointment of a very numerous Committee to investigate anything like personal charges is not only opposed to the practice of the House, but it is opposed to all notions of a prudential character. But who were these Gentlemen? I look down the names, and I find men of high character, position, and credit; but I look in vain (I hope I do none of them an injustice) throughout the whole of that list for one man connected with the profession of the law. I find scarcely one that can be acquainted with the laws of evidence. I do not find a single Gentleman amongst them who is conversant with the mode in which business is transacted in our courts of law, who has ever been accustomed to judicial investigation of any kind, and who, therefore, is at all capable of conducting a judicial investigation as it ought to be conducted. Now, Sir, I am not sure that I can give the House a better idea of the objection I feel to the constitution of that Committee for the purpose I am now referring to, than by alluding to the examination of witnesses as conducted by their very able Chairman (Mr. Cobden). He is not now present, but I presume I am not irregular in thus alluding to him. There is no Member of this House less inclined than I am to speak with disrespect of the hon. Member for Rochdale. I trust, therefore, that I shall not be misapprehended in the observations that I am about to make. But any hon. Gentleman reading the examinations conducted by the hon. Member for Rochdale, will come to the same conclusions that I have arrived at—first, that he is a very acute and able man; secondly, that the right hon. Gentleman the Chancellor of the Exchequer could not have selected a better man to superintend an investigation into the policy of the contracts in question; but, thirdly, that he could not have selected a worse man to conduct an investigation into the conduct of individuals. I appeal with confidence to any lawyer who has read the questions that will be found in the blue-book containing the evidence taken on that inquiry, and which were put by the hon. Member for Rochdale, and I ask him his opinion of those questions. I say they were questions which I believe would never have been allowed to be put in any court of justice in the kingdom, or before any other judicial tribunal where a proper course of examination and investigation is understood and pursued. There are, in my opinion, strong reasons why the Committee fell into the error—the only error that I charge them with. I do not suppose that any member of the Committee intended to do that which was wrong, or unfair, or inconsistent with Parliamentary practice. I make no charge of that sort against them, but I wish to express my belief that the Committee were led into the error of assuming to themselves powers that they did not possess, and of discharging duties for which they were, for reasons I have mentioned, unfitted. Upon these grounds I certainly shall object to a repetition of any such an investigation on any such principle. What the intentions of the Government may be I know not, but I do think that the proceedings before the Committee last year were such as to make it very desirable that we should now distinctly understand what the Committee, if reappointed, is to be. If the Committee is to go into an investigation of those principles of public policy to which I have referred, I entirely concur in the Motion of the right hon. Gentleman; nay, I will go further, and say I think that he could not do better than reappoint the same Committee. But, on the other hand, if that Committee, on its reappointment, is to deal with the character of individuals—if they are to entertain and to try anything like serious charges affecting the character of individuals—then I cannot consent to a repetition of such an investigation by a body of men, who, I think, are so entirely unfitted for the purpose. And here let me repudiate in the strongest terms—I beg it may not be for a moment thought that in the observations I am now making, the members of the late Government shrink from any investigation. On the contrary, we court it, we invite it. If there is any man in this House who thinks that any man connected with the late Government was influenced in the discharge of his public duties by motives of corruption, or by dishonest motives—from which I have no hesitation in saying we should shrink with indignation—if any such opinion as that is entertained, let it be avowed, and let the issue be tried. In that case I have a right to require and demand, that if such opinions are entertained no one should shrink from getting up to avow and proclaim them, and in that case I have a right to demand two conditions. The one is that there shall be a specific charge and accusation; and the other is that such specific charge shall be referred to a competent tribunal. I may remind the House that there is no lack of precedent upon the matter. Any hon. Gentleman who has sat for a considerable time in this House must recollect case after case of that painful kind in which charges against individuals have been brought forward, and I believe I am right in saying that the way in which the House has uniformly dealt with the matter, has been to appoint the Committee to investigate the particular subject, and not to enter into a fishing examination on the question to see if they could not find out any charges to be brought against the Government. The uniform practice of the House I believe has been this, to refer the charge to a Committee specially appointed with particular regard to its fitness for its duty, and as far as my experience goes, and I think no one will contradict me, there have been always three conditions observed in the selection of such a Committee. The first of these conditions has been, that instead of being an unusually large Committee, such Committee has been unusually small, with the very obvious and proper motive of increasing and concentrating its responsibility. The second condition has been, that there shall be at least some Members of the learned profession on the Committee who should be capable of guiding the inquiries before such Committee in a proper manner, and taking care that no injustice was done to the parties whose conduct had to be inquired into. The third condition was, that the remaining members of the Committee should be constituted, so far as it was possible, of men who were perfectly free from any party prejudice or party interest. I trust, therefore, that in the remainder of the investigation—if there are any more grounds for suspicion with regard to the conduct of the late Government—I hope that what I say will not be forgotten. I hope we shall have a specific accusation brought before the House, and that a Committee will be appointed competent to try these matters. I trust that in making these observations I have adhered to the intention I began with of neither expressing nor exciting angry feelings. I have made these observations without questioning the motives of the Committee, and I hope without saying anything that any member of the Committee might take exception to; but I strongly hold, whatever may have led them into this course, that in so taking it they did not act consistently with the order of reference, and practically, although I am sure not with such an intention, consistently with the ends of justice. I do trust that if we are to have any painful investigation of this kind we shall take care not to infuse into it the elements of party feeling; but that after the investigation has taken place we shall all look back upon what we have done with a full conviction that we have done it with a proper regard to the interests of justice, and with a due consideration for the character and reputation of this House.

Sir FRANCIS BARING: — I am sorry the Chairman of the Committee is unfortunately absent, so that it falls to me to make some observations in answer to the right hon. Baronet. Any public man in the discharge of public duties is a legitimate object of criticism, and no member of the Committee has any reason to complain that the right hon. Baronet has thought fit to bring their conduct before the House. I am glad, however, that the right hon. Baronet has, by limiting his remarks to the question whether the Committee were justified in the course they took and fit to conduct the inquiries upon which they entered, relieved me of anything like pain in replying to him. I rejoice that the question has been brought forward now, because it relates not only to the past but to the future; and as a Committee is about to be appointed to investigate some other cases with regard to contracts, and as the conduct of Government officials in certain transactions has been questioned, it is right the Committee should know what course they are to pursue for the future in their inquiries, and whether they are or are not at liberty to extend their inquiries into matters which relate to personal misconduct. As far as I understand the tenor of the right hon. Baronet's observations, he maintains, first, that the Committee of last year was unfit to conduct a judicial inquiry, and next, that the order of reference gave them no authority for carrying their examination the length they did. Now, I am not prepared to stand up here and say that any Committee I ever saw appointed by this House was well fitted to conduct a judicial inquiry. You cannot, in this assembly, find judges on any question who shall come up to the standard of strict judicial impartiality, and are consequently obliged to select so many from one side and so many from the other, and allow the truth to be evolved by the discussions between them. But on the whole I do not think, as far as my experience goes, that upon a personal question you find that the verdict is dictated by party motives, not the honest feeling of honourable men, or that a political man seeks merely to gratify political animosity, and run down the personal character of his opponents. I may allude in proof of this to the very Committee we are speaking of. It so happens that we condemned both parties. I am afraid we must not look for thanks to the Treasury Bench, because we found fault with the conduct of the very men whose political supporters we are, and condemned an arrangement made by one of my most intimate personal friends upon this side of the House. It is not my business, however, to defend the composition of the Committee, that was the work of the House itself, and if faulty, or not properly cast, should have been objected to at the time it was nominated. When the right hon. Baronet spoke of a judicial inquiry, I would remind him that the verdict of a Committee, selected after the most approved fashion, is seldom more satisfactory to the parties whom it condemns than that of one appointed in the ordinary way. There was a great inquiry upon the administration of the Admiralty during the Government of which the right hon. Baronet was a member; it was conducted by five Gentlemen appointed by the Committee of Selection, in the most judicial manner, and who came to a unanimous decision. Surely the verdict of such a Committee, one would suppose, must have commanded the respect and confidence of the House. Not at all; it led to a long debate, and the right hon. Baronet himself so far from being satisfied with a decision arrived at in the most judicial manner, was among the first to denounce it as characterized by party prejudice and party bias. As I have said, it is not for me to defend the selection of the Committee, but I do not know that it would have been more likely to gain the confidence of the right hon. Baronet if it had been selected judicially. The next point is whether the House gave authority to the Committee to inquire into what we did inquire or not. I confess that the difficulty never struck me, and it is very remarkable that I do not think it ever struck any one member of the Committee. We had not the slightest notion that the construction which the right hon. Baronet seeks to put upon that order of reference was the construction which we were bound to observe. He has said that we were wanting in lawyers, but I am afraid that even some lawyers were on the Committee. At all events, we had Gentlemen who came from the opposite side, and I should have thought they would have stated any objection which they felt to our exceeding our power. But, if we look at the minutes of our proceedings, not the slightest objection will be found to have been taken by those Members to the course which we followed, or that they themselves abstained from going into those questions which it is now said we should have avoided. The right hon. Baronet says that in the course of the debate he understood distinctly that it was never intended the Committee should go into personal charges, and he quotes the discussion on Sir W. Russell's petition. I look back to that discussion, and I confess that I am surprised the right hon. Baronet after reading it should have given as the result that which, to my mind, is just the reverse. First we have the hon. Baronet (Sir S. Northcote), who claimed that the inquiry into transactions with regard to Dovor should not be skin deep. I think he was quite right. I am stating only what in his notion the inquiry ought to be, and, having mentioned his name, I may add that, although he took views in which a majority of the Committee did not concur, he gave every facility to make the inquiry efficient. Then we have the late Attorney General for Ireland (Mr. Whiteside), who submitted that the late Government had a right to demand that the charges made against them should, without delay, be inquired into by that Committee, in whose honour every hon. Member ought to be prepared to repose the most implicit confidence. He said the late Government had a right to inquiry by that Committee, and now we are told that it was extremely improper that the Committee should have inquired at all. I am surprised that the right hon. Baronet, if he were in the House, did not rise to contradict his hon. and learned Friend, and to say that it was not in the least intended the inquiry should extend to anything connected with personal questions. The right hon. Member for Oxfordshire (Mr. Henley) followed, and, although he may not be a lawyer, he is a chairman of quarter sessions. That right hon. Member said, on that occasion, that everybody concurred in opinion that there ought to be an investigation into the charges which had been made. We did investigate. I do not suppose that every hon. Gentleman will agree in the opinion to which we came. Upon that there will naturally be a difference of opinion, but I do say the inquiry was as fairly conducted as it could well be. I think I have shown that, as far as regards the expectation of the House itself, the inquiry into personal charges was expected, and most of all by hon. Gentlemen on the opposite side of the House. It was claimed and pressed by them, and I can hardly believe that Gentlemen will now change their tone and blame the Committee for doing that which they suffered those who sat by their side to demand when the Committee was first appointed. Is there anything in the words of the reference to prevent inquiry? The Committee are to inquire "into the mode in which contracts have been made." Supposing there had been a practice of regularly paying certain officers for passing contracts, what would be the use of the Committee if they were not to inquire into that? What is the use of telling certain gentlemen to inquire, and, at the same time, that the moment there is anything personal or not commonplace, their inquiry is to close? If the House think as I do, I hope they will say so. I only wish I had never been put on the Committee. It was by far the most disagreeable of any Committee upon which I ever sat in my life, and I shall be very glad to be relieved from it. But it is of importance that Committees in future should know whether, when the strict words of the reference are in their favour, they are to be stopped from going fully into the question of improper transactions. I hope that in some shape we shall ascertain what Committees are to do—whether they are to be free or tied down as the right hon. Baronet suggests. I have carefully avoided going into the details of the evidence, or anything which relates to personal questions. I have no wish at all—very far from it—to repeat opinions which I held in the Committee, and there is no Gentleman here but must feel that having to balance contradictory statements is an extremely painful and very unpleasant task. It was with great regret that I went into all those disagreeable matters, and I can assure the right hon. Baronet that, as far as I am concerned, I have no intention of saying a word unnecessarily in censure of any of the parties who were brought before the Committee.

LORD JOHN MANNERS: I entirely agree with the observations of the right hon. Baronet who has just sat down on the great importance, with regard to the future conduct of this Committee, or of any similar Committee, that some expression of opinion on the part of the House should be given relative to the specific subjects of inquiry to be brought under their investigation. The impression that I derive from sitting day after day on that Committee was not the impression that was derived from it by the right hon. Baronet, and which he has just given to the House. The right hon. Baronet said there was no difference of opinion amongst the members of the Committee as to the validity of the course the Committee pursued, and I understood my right hon. Friend the Chancellor of the Exchequer, in the few observations that he made, to intimate a similar opinion; but as a member of the Committee, I may say, that repeatedly were objections made in the Committee-room to the course of investigation that the Committee appeared to be determined to enter on; and if there was no actual division of opinion taken, it may easily be explained when one recollects that no fewer than four members of that Committee were members of the late Government, whose conduct was supposed to be impugned before that very Committee. Repeatedly did I say—"This is an investigation which, in justice to the parties implicated, ought not to be persevered in." I felt, however, as my colleagues in the late Government felt, that if we pressed and persevered in our opposition, it would at once be said by those who were actuated by party pique and party rancour that we were endeavouring to shield ourselves from an investigation that we fully courted. The right hon. Baronet (Sir Francis Baring) said, there was an inconsistency, because my right hon. Friend near me (Sir John Pakington) says the Committee was improperly constituted for the investigation of personal charges, whereas no such objection was raised at the time the Committee was appointed. But I agree with my right hon. Friend that when the Committee was appointed it was not anticipated that personal questions would be brought before us. The Committee was confined to the subject of contracts, and the reference on which we acted was couched in the most clear and explicit terms. Now, I draw the distinction, and I make this concession to the right hon. Gentleman, the Member for Portsmouth, that if the conduct of any members of the late Government should seem to have been implicated in the course of the investigation, for the conduct of which we were appointed, there would then be no objection to the course which the Committee actually took. But the complaint of my right hon. Friend and myself is that, travelling far beyond the legitimate limits of the questions which were referred to them, the Committee went wholly out of the beaten course, and implicated the conduct and character of individuals who were not before them, and who were not members of the late Government at all, in a way that was quite unprecedented, and that, as I felt then, and still feel, was eminently unfair. The right hon. Gentleman knows, that in the course of these proceedings repeated objections were taken by myself and by other members to this course of proceeding; I said then, and when the further occasion which we are promised arises I shall repeat, that this course was unfair. While entertaining the deepest respect for the members of that Committee, I am still anxious that the House shall say how far this great Committee, consisting of nineteen members, shall proceed in this special course of inquiry, because, as a member of the late Government, I feel, after what has already occurred, that I shall be out of my place on the Committee, and that if the same kind of questions as were brought up last year are to continue to be investigated, then the members of the late Government ought not to be upon it to decide on what, to some, may appear to be their own case; and, further, I feel that our presence is unfair to the claims of other persons not members of the late Government, whose claims might be defended with greater freedom than we can possibly do, on account of the offices we formerly held, and the charges that have been brought against us. I must solemnly protest if this investigation is to go on, against its being referred to a tribunal of the kind. Entertaining this opinion, if it is the pleasure of this House to re-appoint this Committee, and, if it is, further, the pleasure of the House to refer to it questions of this delicate and painful nature—a course against which I protest—I hope the House will relieve me from the unpleasant duty of being a member of a Committee where my services can be of no use, but must rather be a hindrance to a full investigation of the subject, and to that full and free defence which other persons not members of the Government are entitled to expect at our hands.

Sir FRANCIS BARING explained, that he certainly remembered a division of opinion in the Committee as to whether certain questions ought or ought not to be put, but with all deference to the noble Lord he did not remember any difference of opinion as to the course of the inquiry.

Mr. BERNAL OSBORNE: There is something peculiar in the speech of the noble Lord. He has now taken an opportunity to protest against the decision of a Committee of which he was a member, he, during the whole time, having sat patiently by, voted upon every question, and yet made no protest. I confess I have great temptation to go fully into this case, for I entertain a strong opinion both on the composition of the Committee and the judgment to which it came, but I shall resist that temptation; and I think it would have been wiser and more discreet on the part of the right hon. Gentleman the Member for Droitwich (Sir J. Pakington) if, instead of now raising a debate on this question, he had left the matter in the hands of a Member of the Committee who has given notice of a Motion in reference to it for next week, since it is inconvenient to have two discussions upon the same subject. The right hon. Gentleman the Member for Droitwich says that this was not a competent tribunal. I agree with him that it was not a competent tribunal, but I agree with him for different reasons. I think the present Government, or rather the Chancellor of the Exchequer, was greatly to blame for the formation of the Committee; but I don't find that the right hon. Gentleman took any exception to its constitution at the proper time. What were the circumstances attending its constitution? Instead of having the usual number of fifteen Members, nineteen were appointed; and what was the reason alleged for that course by the right hon. Gentleman the Chancellor of the Exchequer? Why, that he was obliged to put four extra members on the Committee, they being members of the late Government. The right hon. Gentleman the Member for Droitwich has been vapouring a little to-night. "Show me (says he) any specific charge." I took the liberty to bring forward a specific charge last Session, and to say that I suspected and had strong grounds for suspecting that the right hon. Gentleman the late First Lord of the Admiralty had tampered with the exercise of the elective franchise at Dovor by bringing the Admiralty influence to bear upon it. That was notorious, and was one reason for the appointment of the Committee. Sir William Russell made the same allegation in his Petition. So that if the right hon. Gentleman wanted a direct charge, there it stood, pointing directly at the late First Lord of the Admiralty and his private Secretary. When the Committee was appointed the Chancellor of the Exchequer entered into a private arrangement, as it appears to me, with the hon. Baronet the Member for Stamford (Sir S. Northcote), and with right hon. Gentlemen on the other side. It was, in fact, an agreement to hush up the inquiry altogether; and was nicely arranged on the old Scotch system of "Scratch me and I'll scratch you." The hon. Member for Birmingham (Mr. Bright) suspected as much, and protested at the time against the constitution of the Committee, adding that if the House really wished to have an impartial and trustworthy inquiry the Committee ought to be nominated by the Committee of Selection. The right hon. Gentleman the Member for Droitwich talks about there being no legal members on the Committee. At least one-fifth of the Committee, however, were judges in their own case, and so much was this felt to be so that the hon. Baronet the Member for Stamford, though he took part in the proceedings and put questions to bring out the case for his friends with more ability than most lawyers would have shown, could not sit in the Committee when it came to a vote, but left the room. The noble Lord (Lord J. Manners), however, voted manfully upon every division, and yet now, forsooth! he will not serve any longer. The truth is that this is an attempt to whitewash the private secretary of the right hon. Gentleman the Member for Droitwich. He was a member of the Conservative Committee for managing the Elections — a circumstance to which the right hon. Gentleman must have been privy. There never was such a Committee in the world as that which sat to inquire into the Dovor contract. One fifth of them being accused of tampering with the elective franchise at Dovor were actually judges in their own case. Surely the House will see through the veil attempted to be thrown over this transaction. In spite of all the management exhibited, a verdict of guilty has been returned, and then the right hon. Gentleman the Member for Droitwich, discontented with that, turns round and says the Committee did not quite act according to the order of reference. I have been looking back to that matter, and that being so I was a little surprised to hear the right hon. Gentleman make such an assertion, remembering that for twenty-five years he was a chairman of quarter sessions, and that his public services have recently been commemorated by the presentation of a magnificent silver-gilt shield. I don't see in any of the compartments of that splendid shield, illustrating those branches of the public service to which the right hon. Baronet is supposed to have devoted himself—namely, the navy, the colonies, education, and justice—any view of Dovor, or any medallion of his private secretary; and I would recommend him, in the event of his having any supplementary shield presented to him, to devote a whole compartment of it to a pictorial illustration of that interesting seaport. What, I ask, were the words of the Chancellor of the Exchequer in moving for this Committee on the 7th of July? He said,

> "If the Committee were appointed it would be the study of the Government—and he hoped they

would receive the assistance of others who were qualified to aid them—to select the names of those hon. Members who were to constitute it, with the view of securing, as far as possible, an impartial and thorough-going inquiry."

Mr. Gladstone is not always so plain, and nobody could have been mistaken as to what the right hon. Gentleman meant by "an impartial and thorough-going inquiry." He added, "with regard to the scope of the inquiry, he was desirous that it should be as wide as possible." There was no mistake about that, but yet no objection was made on that occasion by the right hon. Gentleman the Member for Droitwich. Acting in accordance with the advice given by Lord Brougham to the late Mr. Zachary Macaulay in reference to his illustrious son, he generally speaks on every question. But on that occasion he never said a single word. But on the 12th of July, when the Committee was nominated, the hon. Member for Stamford, the late Secretary to the Treasury, was unusually animated. Laying aside his ordinarily calm, business-like manner, he became indignant:—

> "This inquiry (said he) ought not to be skin-deep, but fully and properly gone into, and he believed the more the subject was inquired into, the more it would redound to the credit, and not discredit, of the late Government. The subject was one which could not properly be discussed in that House, but should be referred to a Select Committee; and if it were discussed without the assistance of the hon. Gentleman the Member for Montrose (Mr. Baxter), it might be said that the Committee had not been appointed fairly, nor the subject properly gone into. This Committee would have to go into the whole question as to what were the principles upon which the packet contracts were founded, and they would have to state whether the Galway, Dover, and other contracts were right or wrong." [3 *Hansard*, cliv. p. 1086.]

Did the hon. Baronet make any protest in the Committee as to the line of examination which was being pursued? No; but he put as able questions as any lawyer could have done; and, what was more, he refused—and properly refused—to vote on a matter in which he conceived himself to be a judge in his own case. I say it is a very unfortunate thing that the right hon. Baronet did not take this exception before. He is a chairman of quarter sessions, and ought to know that it is unlawyer-like to challenge the constitution of a jury to which he had assented. I say that the Committee from first to last had a most suspicious character. It was acknowledged by the Chancellor of the Exchequer that in its formation he found a great difficulty because of these four Gentlemen being put upon it. However, he got over it, and I will say no more about it; but I do hope that, on the appointment of this new Committee which the House is called upon to appoint, it will be appointed upon different grounds, and composed of different men from the last; and, in my judgment, the House would act wisely if it referred the nomination of the Committee to the Committee of Selection. Do not let us have any arrangements made by the Chancellor of the Exchequer with his late private secretary the hon. Member for Stamford—no endeavours to hush up this question; and when the verdict has been delivered, do not let us have any of the members of the Committee coming here and declaring that he objects to the formation of the Committee and its conclusions. I thought at the time that the House made a false move, when a Petition was presented from Sir W. Russell, who had charged the late Government with having interfered with his election, that it should have gone into the Dover case at all. How stands the case now? You are going next week to debate upon the evidence in this blue-book, and a Committee will probably be struck next week to try the Dover election petition. I maintain, if the House wishes to retain public respect, and to avoid such scenes as this, it should refer the nomination of the Committee to the Committee of Selection upstairs. By the way, I may observe, that although the right hon. Baronet (Sir John Pakington) claims the verdict of the Committee as one of acquittal, in fact it was no such thing—it only amounted to a verdict of *not proven;* but I tell the right hon. Baronet fairly that I cannot believe that he, with his legal experience and his acquaintance with business, could ever have allowed his private secretary to take the part he did without his knowledge; and until he explicitly denies it I shall continue to disbelieve. The right hon. Gentleman volunteered to be examined before the Committee, but his memory was singularly defective in this case, and he quite forgot that he had given orders to Captain Carnegie to go down and contest Dover, until Captain Carnegie produced a letter from his private secretary, and then the right hon. Gentleman found he had made a mistake. As far as Dover is concerned, I bear the right hon. Gentleman no ill-will. I am disposed to say let bygones be bygones, for I feel rather grateful to him for getting me away from there. But there is another consideration. What is the effect upon the people of this country as to their views of Parliamentary Committees of this House? The right hon. Baronet the Member for Portsmouth (Sir F. Baring) says that no Committee is to be trusted, and that is the decision to which the country is coming. You are urging on a measure of reform though the country is said to be so apathetic, and do you not see the end? If anybody will support me, I will oppose altogether the nomination of this Committee by the Chancellor of the Exchequer, for I feel convinced, that if you are to have any fairness in the nomination you must refer it to the Committee upstairs. Let it not be a matter of arrangement between the two front benches. All Governments, no doubt, wish these things to be hushed up. They are disagreeable matters to raise; but if you wish the decision of the Committee to go to the public with authority and weight, let the Members of this House insist that the nomination be left to the Committee of Selection.

SIR STAFFORD NORTHCOTE said, he had not intended to take any part in this discussion; but after the astonishing statement of the hon. Gentleman, who had just sat down, he felt bound to assure the House—and he was sure the Chancellor of the Exchequer would bear him out in it—that there had been no kind of agreement or private arrangement or compact whatever between him and the Chancellor of the Exchequer with respect to the appointment of this Committee, and he was quite at a loss to know on what grounds the hon. Gentleman made such a charge. He believed, indeed, the list of the Committee was shown him before the nomination; it was usual to show the list to those who took an interest in the question and to those who were asked to serve, and in both those capacities the list of the Committee, after it was drawn up, was shown to him. But as to any private arrangement or compact as to its composition he could assure the hon. Gentleman there was no foundation for it whatever. He differed from his right hon. Friend the Member for Droitwich to some extent as to the course taken by the Committee, for bearing in mind that this very Committee had arisen to some extent out of charges made against the late Government, he thought it probable that the Committee would inquire into those charges in respect to certain contracts that were challenged. And when Sir William Russell presented a petition, praying that the Committee would not enter into the case of the Dovor contract till his petition were considered in Committee, he (Sir S. Northcote), speaking on the part of himself and his colleagues, had felt it his duty to say they were anxious the matter should be inquired into. For himself, he never objected to the course the Committee took; but he could bear out the statement of the noble Lord the Member for Leicestershire (Lord J. Manners), that once or twice in the course of the inquiry Members of the Committee expressed their opinion that they were travelling out of the record. He had never supported that view; the majority of the Committee was always against it; but he was bound to say that it had been urged. When he urged an inquiry, he did not expect the kind of evidence that would be brought before them. The charge against them was that they had renewed a particular contract without sufficient public grounds and from a suspected corrupt political motive. Now, as he knew that he was the person who in the last resort had sanctioned that contract, and that he had done so purely on public grounds, he was anxious that the matter should be thoroughly investigated. The hon. Gentleman opposite (Mr. B. Osborne), had condemned the Committee because four members of the Government were appointed on it. But unless that were the cause the persons who were accused would have no opportunity of making their defence. Either they must appoint Gentlemen who understood the case, and then they ran a risk of partiality; or they must secure impartiality by appointing Gentlemen who knew nothing of the subject; and then the danger of a partial report was just as great, because there would be no one to elicit those facts which ought to be brought in justice to those interested in the case. He confessed he did not see his way to a solution of this problem, but he could assure the hon. Gentleman opposite that there was no foundation for his charge of a compact between the late and the present Government or to the appointment of a Committee.

MR. HOPE said, that as a member of the Committee he felt bound to bear testimony to the fairness of its proceedings. He so far agreed with the right hon. Baronet the Member for Portsmouth, that he did not recollect any substantial question being raised of the Committee going beyond its legitimate bounds—at least there was no formal discussion on the point, and certainly no division was taken. He had objected at first to serve on the Committee because he foresaw that it would lead to strong personal conflicts, and he should be very happy to be relieved from future attendance. It was not for him to defend the composition of the Committee, but if the hon. Member for Liskeard (Mr. B. Osborne) would look to the proceedings of the Committee he would find that in every division the Members of the late Government were in a minority, and therefore that no one of the recommendations made by the Committee were adopted in consequence of their opinion. In the main, however, he was happy to say the Committee were unanimous, and he would leave it to the House to say whether a Committee that was unanimous in its main decisions was not worthy of confidence.

Mr. H. HERBERT said, he hoped that if the members of the Committee were to be reappointed there would be some distinct understanding as to how far it was to go, and how far the words of the reference were to cover its inquiry. Having taken a great interest in the debate which had so often been alluded to, he had certainly derived from it the impression that the inquiry was to be of a judicial character, and that it was appointed more or less to try, so to speak, the character and conduct of the late Government. In that impression he was fortified by the words of the right hon. Member for Bucks (Mr. Disraeli), who said on that occasion that as there seemed no chance of the Dover Election Petition coming on for trial that Session, it would be unfair to the members of the late Administration to deprive them of the opportunity of promoting an investigation into all the circumstances of this case. Why should the right hon. Gentleman have said that, if the Committee were to be debarred from going into that case? So entirely was he impressed with the view he had stated, that although he was a member of the Committee, yet, having been prevented from serving by having to attend an Election Committee, when he was requested to be present at the drawing up of the report, he said that he did not think it was right that a member of a Committee who had not heard the evidence should assist in drawing up the report. Therefore he had certainly never been more astonished in his life than when he heard the right hon. Member for Droitwich get up and object to the course taken by the Committee. He might add that whatever might have been the impressions on the minds of hon. Members, they were caused mainly by the speeches of the right hon. Baronet's own friends.

Lord LOVAINE said, he thought it might fairly be concluded from that discussion that it was not safe to entrust to a Committee of that House an inquiry of a judicial character, in which the reputation of private individuals was more or less involved. As a member of the late Government, he should state that he would be again prepared to pursue the course he had adopted in that matter; but that was a question into which he would not then enter. He had risen solely for the purpose of pointing out the extreme inconvenience which must arise from allowing the conduct of private individuals who had no opportunity of defending themselves to become the subject of inquiry before a Committee, which according to the confession of the right hon. Baronet the Member for Portsmouth himself, partook more or less of a political character.

Captain LEICESTER VERNON said, he should not then intrude on the time of the House were it not that he was anxious to notice an obervation which had fallen from the right hon. Gentleman the Chancellor of the Exchequer, and which had been repeated by the right hon. Member for Portsmouth. The right hon. Gentleman stated that he believed the Committee were unanimous with respect to the extent of the inquiry in which they were to engage. He (Captain Vernon) was himself an independent member of the Committee, and he felt bound to say that he was no party whatever to that unanimity. It was his opinion that the Committee, in entering rather into personal than public matters, had departed from its duties, and that when the House appointed the Committee there was no idea that it was to subserve political ends. When the Committee devoted nearly the whole of its time to inquiring into the question whether Captain Carnegie was right in coming to the rather astonishing opinion that Mr. Churchward, in offering him his political support, was attempting to seduce him from the paths of Admiralty virtue, he believed it was turning aside from its duty for peddling objects and postponing the interests of the public to those of individuals. The Chancellor of the Exchequer might object that the proper place to make this remark was in the Committee, and the time when it showed an inclination to depart from its instructions; but he had taken both that time and place to make the objection, though he was put down by the argument that the public out of doors were anxious upon the "Carnegie and Churchward" question, and that they must be satisfied. He ventured to say, too, that the Committee had not so much to do with the public out of doors as with their own business; but still he was put down with the Shibboleth "the public out of doors." Now no one entertained a greater respect than he did for the public out of doors, but there was a time and a place for everything, and it certainly appeared to him that there was no reason why the Committee should have entered into many of the details they had investigated. Independent Members then found themselves, without the slightest reason, drawn into a perfect whirlpool of party conflict. They saw gentlemen on the jury whose proper place was in the witness box, and plaintiffs and defendants adjudicating on their own case. It was easy to foretell from the first that some over-nice and over-scrupulous persons would refrain from voting on matters which personally concerned themselves, and that others, not so scrupulous, would not be restrained by any such fanciful feelings, and it needed therefore no ghost from the grave to say what would be the inevitable verdict. To that verdict he intended to call attention on the 7th of February, but in the meantime he hoped that if the Committee were re-appointed, its duties would be strictly defined, and that it would have the hardihood to restrain itself within them. He had no intention, therefore, of drawing on two debates on the question, as the hon. Member for Liskeard (Mr. B. Osborne) had accused some Members of wishing to do, neither had he any intention of whitewashing the private secretary of the late First Lord of the Admiralty. He had not the slightest doubt that when light was let into the affair that gentleman's character would need no whitewashing. The hon. Member for Liskeard, who evidently felt very sore at what he called the attempt of the late First Lord of the Admiralty to tamper with the constituency of Dovor, [MR. B. OSBORNE: Hear, hear!] laid some stress on the fact that that right hon. Gentleman had volunteered to be examined, and insinuated that he had gained nothing by his motion. But the right hon. Gentleman was not the only person who had volunteered, and those other persons who had volunteered, as far as he recollected, had not taken much by their motion either.

THE CHANCELLOR OF THE EXCHEQUER: I was sorry to hear my hon. Friend the Member for Liskeard lay down the doctrine that it was the desire of all Governments to hush up these matters—for my hon. Friend has himself been a member of various Governments, and one is led, therefore, to suppose that when he makes so sweeping an assertion he is giving reminiscences of his own sentiments in such cases. For my own part, I beg leave to disclaim such a disposition. I am desirous that this matter should be fully inquired into. My hon. Friend gave loose to his imagination to an extraordinary extent in what he said about some secret understanding between me and my hon. Friend opposite, with whom I had once the honour of being intimately connected in a public capacity. There never was any such understanding between us. I do not believe I ever exchanged a single word with my hon. Friend on the subject except across this table. A fertile imagination is certainly sometimes a most inconvenient thing. This question appears to me a very simple one. It would seem that if the Committee were not unanimous in the view they took with regard to the scope of their inquiry, at all events no Gentleman who differed from the rest of the Committee thought proper to place his dissent on record; it is also quite clear that a great majority of the Members entertained no doubt whatever as to the nature of their duties, and I am bound to say, as a question affecting the practice of the House of Commons, that it is very inconvenient that members of a Committee who entertain opinions with regard to the proper limits of their inquiry which differ from those of the majority, and which differ from the course which the Committee is actually pursuing, should remain silent in the Committee, being restrained by the fear of imputations from putting their views upon record, and then, not having stated their views to the Committee in an intelligible form, should afterwards make appeals to the House, and make complaints of the conduct of that Committee. Such a course appears to me to be hardly fair on the part of Gentlemen towards the other members of the Committee to which they belong. With regard to the merits of this particular case—the terms of the order of reference and the line of inquiry which was pursued—I confess that the right hon. Baronet the Member for Droitwich, who introduced this question, I must say, in the most temperate manner, appears—if I may be permitted to say so —to be in error in the view which he has taken. The opinion of the House of Commons is generally in favour of the course which the Committee has pursued. I do not speak now of the judgment which they came to, for that is a perfectly proper matter for review and question by this House; but it is perfectly impossible for a Committee appointed under an order of reference such as was passed in this instance, altogether to avoid what may be called personal matter. Undoubtedly the inquiry was one directed in the main to the policy of certain measures, and therefore I think it would be an inconvenient course to refer the subject to the Committee of Selection; but although such was its character, it was not simply an inquiry into an abstract matter of policy, but into the conduct of Executive Governments; and collaterally and in a secondary manner it was, of course, a question involving praise or blame of the conduct of those Governments for the manner in which they had acted. How is it possible for a Committee required by this House to inquire into the manner in which contracts were framed or modified by Her Majesty's Government, to make their inquiry thorough and searching if they are restrained from pronouncing a sentence of either praise or blame on the men by whom those contracts have been so framed or modified. The right hon. Baronet very fairly and justly says that the inquiry was one into the wisdom and prudence of the conduct of the Government, and that if the Committee found that their conduct had been deficient in wisdom and prudence, no doubt they ought to express their sentiments with regard to it. But although he admitted that they might declare their conduct not to have been prudent, they were not from that circumstance to infer any blame. The right hon. Baronet also finds fault with the Committee for having alluded to "corrupt motives." It appears to me that the Committee, instead of being censured, deserve rather to be commended for the mention which they have made of this branch of the subject, because the Committee having, by a very large majority, arrived at the conclusion that the Dover contract was made without sufficient inquiry into the grounds of the claim for its extension, and having gone on to express their views with respect to it, they afterwards, in a spirit of equity and of consideration for those whose conduct they had been condemning, inserted a paragraph declaring the opinion of the Committee that, notwithstanding an error had been committed, no ground existed for the imputation of corrupt motives. The Resolution was thus worded:—

> "It further appears to the Committee that neither at the Admiralty nor at the Treasury were the officers with whom the decision rested, influenced in granting the renewal of the contract by any corrupt or political motive."

That passage appears to me clearly to show that the Committee not only acted with equity and fairness, but that they adopted it with a view of precluding any supposition of invidious interference that might otherwise be entertained. I believe, moreover, that the constitution of the Committee was well adapted for the purposes of the general inquiry for which it was appointed. I grant you that the mixture of what may be called personal matter is productive of much inconvenience, and is to be regretted when it comes incidentally under inquiry and cannot be made the subject of investigation by itself, without entailing other and very serious inconveniences; but this cannot be charged upon us by way of constraint — it is a matter of constant recurrence in inquiries by this House. The Committee on Contracts, for example, which sat in the years 1856, '57, and '58, was appointed not as a Committee for criminatory charge, notwithstanding which, in the investigation of a great number of proceedings of this nature, they found it necessary to express opinions in the nature both of praise and blame with reference to the conduct of those concerned in the making of those contracts. A great and natural desire has been expressed by members of the Committee that the sense of the House should be expressed as to whether they have exceeded their jurisdiction. Now, Sir, having listened attentively, and I hope calmly and impartially to this debate, I must say that I collect the sense of the House to be that the Committee did not exceed the jurisdiction given to them, and that they could not but pronounce a sentence of blame or praise upon the framing of the contracts which they were appointed to examine, when such an expression of opinion appeared to them to be called for. But it is of course my duty to remind the right hon. Baronet that if in his opinion the Committee have exceeded the bounds assigned to them, and that for the future they will require to be limited in their proceedings otherwise than by the discretion of the members, it rests with him to move an Amendment in words, or in some other manner to obtain an expression of the positive opinion of the House; and I have no doubt that any opinion which may be expressed by the House will receive attention at the hands of the Committee.

SIR HENRY WILLOUGHBY said, that as one who had the remarkable pleasure of serving on the Committee, he must give it as his opinion that the grand question for which the Committee had been appointed had been almost lost sight of, when the inquiry passed from a consideration of the general policy which ought to regulate postal contracts, into details of a personal character. As far as the evidence had gone he was inclined to think that the points which had been complained of were occasioned by the absence of definite responsibility in any of the official departments. The Dovor case, which had assumed the dimensions rather of an election petition, might be taken as disposed of; but he wished to remind the right hon. Gentleman (the Chancellor of the Exchequer) that the Galway case remained still to be diposed of. Was it intended that nineteen Members of the House should be doomed for another Session to the wretched task of wading through a similar mass of evidence, altogether apart from the great object of the inquiry? Would it not be possible in some way to treat the charge of corruption as a separate inquiry, and to carry it on distinct from the main object of investigation? His experience of last year led him to believe that it was utterly impossible that practical benefit could result from a renewal of the course of proceeding which was then adopted. He thought it right, however, to state that as regarded the spirit by which the Committee had been animated, it was his firm conviction that they had carried out the very difficult undertaking in which they were engaged as fairly as was possible. With respect, however, to their proceedings as published, he found that some 300 questions and answers, composing the whole of the evidence taken in one day, had been omitted. This was the more to be regretted as it included the valuable testimony given by Mr. Wilson and Mr. Rose—one of whom was now in India and the other in Canada. The evidence, he knew, had been printed, but was not included in the Report which had been laid on the table.

MR. HOPE explained, that when the evidence of the last two days on which the Committee sat had been printed, it was thought advisable that it should not be reported, as a fresh subject was therein opened up, the understanding being that they were to conclude with that portion of the testimony which related to Dovor.

Motion *agreed to.*

Select Committee *appointed.*

Power to report from time to time.

OXFORD UNIVERSITY BILL.

LEAVE—FIRST READING.

SIR GEORGE LEWIS said, that in moving for leave to bring in a Bill to provide for the consideration of an Ordinance which has been laid before Parliament in a Report of the Oxford University Commissioners, he wished to explain that the Ordinance to which the measure referred was one which regulated the constitution of St. John's College, Oxford; and the Bill proposed to provide a tribunal for the adjudication of a difference which had arisen between the College and the Commissioners.

LORD ROBERT CECIL said, he was sorry the right hon. Gentleman had treated the Bill in so light and indifferent a manner, because, in point of fact, it was nothing less than a breach of the contract which was entered into between Parliament on the one hand, and Oxford University on the other in the year 1854. At that time the state of the case was this:—A very complicated University Reform Bill had been brought forward by the Government of the Earl of Aberdeen, the earlier portions of which passed through Committee with great difficulty. The Government were beaten on several divisions and nearly beaten on several others; and at last, at Whitsuntide, despairing of carrying the measure that Session, the Chancellor of the Exchequer remodelled it altogether, reconstructing it on the principle of giving large discretionary powers to the Commissioners named in the Bill, and also allowing each college in the University, by a majority of two-thirds of its members, to negative any Ordinance that it considered objectionable. Upon the understanding that this negative was to be a practical one, the Opposition ceased to object to the Bill;

subsequently it went up to the House of Lords, the University withdrew their opposition, and the measure became law. What did the University do? Did it make use of this power in a factious manner? By no means. Except in the case of St. John's College no permanent opposition had been offered to the Commissioners. On many occasions the Commissioners had proposed changes to which strong objections were taken, but the Colleges were anxious to accommodate them, and it was only in this one instance, where the interests of a very important school in the City of London were most injuriously affected by an Ordinance, that the College resolved on exerting the power which was given it by the Act of Parliament. To meet this one case, then, the right hon. Gentleman proposed to invoke the authority of Parliament, and to destroy the veto which Parliament had solemnly conferred in 1854. If the Bill were allowed to pass it would throw the greatest reflection upon the Ministry of that day; because it was impossible to believe that the Ministry, when it proposed the veto, intended it to be a deceit and a sham. They, no doubt, intended it to be an honest protection to the University, and not that the absolute exercise of the power should terminate at the end of five years.

Leave given.

Bill *ordered* to be brought in by Sir George Lewis and Mr. Clive.

Bill *presented* and read 1°.

House adjourned at a quarter before Ten o'clock.

HOUSE OF LORDS,

Tuesday, January 31, 1860.

Minutes.] *Took the Oath.*—The Lord Clandeboye.
Public Bills.—1ª Transfer of Real Estate.

DILAPIDATIONS OF GLEBE HOUSES.

QUESTION.

Viscount DUNGANNON put the Question of which he had given notice, namely, Whether any Bill is proposed to be introduced this Session under the Sanction of the Episcopal Bench to alter and amend the Law relative to Dilapidations on Glebe Houses. The noble Viscount expressed the belief that he should receive an answer to the question that would be gratifying to a large portion of the community, more especially the parochial clergy; for beyond all doubt, if ever there were a matter which more than any other loudly called for some alteration and amendment, it was the law upon the subject of dilapidations on glebe houses. He had intended to introduce a measure himself in a former Session; but upon learning that the matter was to be taken into consideration by the right rev. Bench and the two Houses of Convocation, he refrained from doing so. He believed that Convocation and the right rev. Prelates did take the question into consideration last year, but that in consequence of the dissolution it had necessarily, with many other important questions, been postponed. But he had reason to believe that the subject had been duly weighed and considered by them since, and that a measure would be introduced this Session that would be calculated to give real satisfaction to the clergy.

The Archbishop of CANTERBURY stated, in reply, that during last Session a Bill was in preparation, but owing to the circumstances of that Session an opportunity could not be got of introducing it into Parliament. He had, however, been in communication with his right rev. Brethren on the subject, and could now state with the complete concurrence of three of them, that a measure was actually under consideration, and he hoped in a short time it would be completed and submitted to their Lordships' House.

The Earl of CARNARVON expressed his satisfaction that a Bill was about to be brought forward on this subject. There were some alteration which had occurred to him which he hoped had not escaped the attention of the right rev. Prelates.

The LORD CHANCELLOR said, he was gratified to hear from the most rev. Prelate that a measure was about to be introduced which had the concurrence of the Episcopal Bench. He thought there would be found difficulties if any attempt were made to codify the whole law affecting the subject. It seemed to be especially desirable that there should be something more stringent than the present law to require the incumbent to keep his house in repair.

The Bishop of OXFORD said, the difficulty of altering the law on this subject had always been felt to be the interference which it involved with the old English axiom, that "an Englishman's house was his castle." The matter had been many years under the consideration of the Episcopal Bench; and it was a happy circumstance at the present moment that the great body of the parochial clergy, by their representatives in the Lower House of Convocation, had agreed fully in the principles that were necessary to remedy the defects of the present law. There was a great objection to anything like inspection; but it was generally admitted that there should be a public officer to examine from time to time, and see what repairs were necessary, and order them to be done, and to receive a yearly sum from the hands of the incumbent. He might, however, state, in order to correct the noble Lord who had just spoken, that the Bill, being in the nature of a taxing Bill, could not be introduced into their Lordships' House, but must originate in the other House of Parliament.

TRANSFER OF LAND.

PETITION.

TRANSFER OF REAL ESTATE BILL.

FIRST READING.

LORD BROUGHAM said, he had to lay before their Lordships a very important petition from nearly all the magistrates and landowners of the county of Cumberland, praying for an Improvement in the present Law respecting the Transfer of Land. They did not state, as they might have done, that the present Master of the Rolls, when examined before a Select Committee, gave it as his opinion that if that law had been designedly intended to make land an unmarketable commodity it could not have been more complete in its provisions. The petitioners prayed their Lordships to extend to all land of all tenure, freehold and leasehold, but particularly freehold, the custom of copyhold conveyancing which was known in their part of the country, and practised with perfect success. He had also a petition from a very learned Friend of his, a conveyancer of forty years' standing, Mr. Fawcett, who had been for thirty-five of those years steward of one of the greatest manors of the north. He stated his experience of that manor, in which there were about 500 tenements of various descriptions, and some of very considerable value and extent, and he said that during the whole thirty-five years, in which hardly one had not passed at least once, but many several times, by transfers will, or mortgage, there had never been a single instance of a dispute raised on any question connected with those transfers of property. The expense of each conveyance was not more than 7*s*, and the length never exceeded 200 words. It was natural that these petitioners should hope and pray that this mode of conveyancing might be extended to all real property held under whatever tenure. He (Lord Brougham) availing himself of Mr. Fawcett's experience, prepared and introduced a Bill on this subject last year and the year before; but it did not go further than its first stage last year. This was very much owing to his learned Friend Sir Hugh Cairns, then the Solicitor General, having introduced a Bill of great value, carefully and elaborately framed, with the same view, and in several respects in nearly to the same effect. There were certain objections urged against that Bill to which his was not liable, but instead of opposing it he thought it well to co-operate with his learned Friend in his effort to amend the law. He (Lord Brougham) had now prepared, in compliance with the prayer of these petitioners the same measure which he before proposed, with certain material alterations, the object of which was to provide the remedies to which Sir H. Cairns' Bill was directed, and some other improvements. Sir Hugh Cairns' Bill established a Land Transfer Court on the footing of the Irish Incumbered Estates Court, but his (Lord Brougham's) measure gave the same powers, under control and with the right of appeal, to local officers in every district throughout the country.

Petition read and ordered to lie on the Table.

The noble and learned Lord then *presented* a Bill touching the Transfer of Real Estate, and for the Registration of the Titles thereof.

LORD CRANWORTH asked, Whether the Bill which the Government intended to bring forward on the same subject would be introduced in this or the other House of Parliament?

THE LORD CHANCELLOR said, the Attorney General had already announced that he would ask leave to bring in this measure. Many fiscal considerations would arise respecting it, and it was thought more expedient to introduce the Bill in the other House.

Bill read 1^a.

House adjourned at a quarter before
Six o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, January 31, 1860.

MINUTES.] PUBLIC BILLS.—1° Corrupt Practices Prevention Act (1854) Amendment; Election Petitions Act (1848) Amendment; Public Improvements; Warehousing Places (Manchester), &c.; Adulteration of Food or Drink; Attorneys and Solicitors; Tramways (Ireland).

EDUCATION (IRELAND).

QUESTION.

MR. HENNESSY said, he would beg to ask the Chief Secretary for Ireland, Whether the Government intend to introduce any measure this Session respecting Irish Education?

MR. CARDWELL: Sir, no change will be made in the system of education in Ireland without giving the House an opportunity of expressing an opinion upon it. The hon. Member is of course aware that the system of National Education in Ireland is not regulated by statute, and that there is no probability of the necessity for any legislation on the subject.

LAND TAX (INDIA.)

QUESTION.

MR. KINNAIRD said, he would beg to ask the Secretary of State for India what has been done by the Government in India to give effect to the orders contained in Lord Stanley's Despatches as to the redemption of the Land Tax, and the repeal of the regulation XIX. of 1810?

SIR CHARLES WOOD said, he had not heard from the Government of India whether any steps had been taken to carry those measures into effect, but before long he hoped he would receive information on the subject. With regard to the redemption of the Land Tax, he could state that at Madras measures were taken to allow builders of houses in towns to redeem the tax on land on which the houses were built.

FOREIGN TARIFFS.

QUESTION.

MR. NEWDEGATE said, he wished to put a Question to the right hon. President of the Board of Trade, of which he had not given him notice; and, therefore, if the right hon. Gentleman wished him to postpone the question he would be happy to do so. He understood that an account of the changes in all Foreign Tariffs was in the habit of being prepared, but no such information had been laid before the House for the last eighteen months. It is very important that the House should have information on this subject, and he would be glad to know when the Papers will be in the hands of Members. He would add to this question, whether the changes in the Tariffs of our foreign dependencies was in possession of the House.

MR. MILNER GIBSON said, he did not quite collect the bearing of the first part of the hon. Gentleman's observations; but with regard to the Papers he asked for he would give him information to-morrow.

AFFAIRS OF SARDINIA.

QUESTION.

MR. STANSFIELD said, he rose to ask the Secretary of State for Foreign Affairs, Whether it is true or not that, towards the end of the month of December last, a public Association, to be entitled "La Nazione Armata," having for its object the voluntary arming and organization of large numbers of the population of the kingdom of Sardinia, was proposed by two Members of the Chambers, Signori Brofferio and Sineo, and the Presidency, with the consent of the King, accepted by Garibaldi; and whether, about the same time, a Royal decree appointing General Garibaldi Inspector-in-Chief of the National Guard of the Kingdom had been determined upon, and was on the point of being signed by the King; and, further, whether, under these circumstances, Sir James Hudson, Her Majesty's Ambassador at Turin, under instructions from the Government at home, and in conjunction with the French Ambassador, or otherwise, on the 2nd day of January, or on any other occasion, protested to the King against such measures, which His Majesty was supposed, of his own free will, to be about to adopt, stating, in the name of Her Majesty's Government, that the good offices of Great Britain, in the present crisis of Italian affairs, would be withdrawn if such proposed measures were persisted in?

LORD JOHN RUSSELL: Sir, I confess I am unable to answer the former part of the question of my hon. Friend as to what was done in Piedmont with regard to the association called "La Nazione Armata." I was however informed by Sir James Hudson in a private letter that there was a plan for having an armed association in Sardinia, of which General Garibaldi was to be the head, and that Signor Brofferio, one of the Chamber of Deputies, and two or three other deputies, were favourable to the plan, and went to General Garibaldi to invite him to accept the presidency. Sir James Hudson informed me that he had considered the matter, and had come to the conclusion that to have an armed association, not under the control of the Sovereign, was quite inconsistent with his notions of a monarchy. Sir James Hudson received no instructions from Her Majesty's Government on the subject, nor has the question come for discussion before Her Majesty's Government, but I believe that Sir James Hudson's opinion reached the ears of the King. General Garibaldi was then asked to resign the Presidency of this Association, which he did in the most prompt and generous manner. General Garibaldi afterwards wrote to Sir James Hudson to know whether he had given any opinion to the King of Sardinia that this Association ought to be dissolved. Sir James Hudson answered promptly and frankly that, in his opinion, in a monarchy all the armed forces ought to be under the command of the King. All the forces of the Kingdom had previously been under the command of the Sovereign as Commander-in-Chief. It was an entirely private proceeding on the part of Sir James Hudson with regard to these questions, and one upon which he received no instructions from Her Majesty's Government, nor do I think that the French Minister had anything to do with the matter. As to Sir James Hudson having stated that the good offices of Great Britain would be withdrawn if the proposed measures were persisted in, I believe Sir James Hudson never made any such statement. Although it was not necessary to take any public notice of the matter, I wrote a private letter to Sir James Hudson approving what he had done.

MR. DARBY GRIFFITH said, he wished to know whether he was to understand that this was an entirely unauthorized proceeding on the part of Sir James Hudson.

LORD JOHN RUSSELL:—Her Majesty's Government had never heard of the matter until they were informed of it by Sir James Hudson.

THE OATH TAKEN BY RECRUITS.

QUESTION.

LORD WILLIAM GRAHAM said, he wished to ask the Secretary of State for War, Whether he has taken into consideration the Oath taken by recruits on attestation, with a view to an alteration of the same? He (Lord W. Graham) thought that a declaration might be substituted for the oath that the recruit would obey the commands of all the officers that were set over him.

MR. SIDNEY HERBERT said, the Oath of Allegiance did not cover the answers which the recruit had to make to the questions of the magistrates. The oath was, however, under consideration.

MARTIN ESCALANTE.—THE BIBLE IN SPAIN.—QUESTION.

SIR ANDREW AGNEW said, he wished to ask the Secretary of State for Foreign Affairs if it is true that the British Consul at Cadiz allowed Martin Escalante, a British subject, to remain upwards of seven months in prison untried, and also delayed or declined to take him under his protection, although (at the instigation of the Spanish Judge) an application was made to the Consul to do so? He believed that Martin Escalante had been sentenced to nine years' penal servitude for circulating Roman Catholic Bibles in the Spanish language. He should also be glad to know whether any remission of the punishment has been asked for and is likely to be obtained?

LORD JOHN RUSSELL: Sir, the British Minister at Madrid was informed that Martin Escalante had been arrested on the ground that he had circulated Bibles in the Spanish language, that being an offence by the Spanish law. Mr. Buchanan, the British Minister at Madrid, wrote to our Consul at Cadiz, to know what he had done, and was informed that he had inquired into the case, that he found that Martin Escalante was in prison according to the law of the country, but that he had legal advice, and that he would be defended by his legal adviser. We have no information to induce us to think that the British Consul at Cadiz could have released Martin Escalante from prison or obtained his trial in a shorter time. He repeatedly applied to the Spanish Minister at Madrid, who always replied that Martin Escalante was suffering in the due course of justice. He certainly, however, was not tried until after he had been in prison for seven months, and at the end of that time was sentenced to nine years' penal servitude. The British Minister has applied to the Spanish Government for the liberation of Martin Escalante, and there is every reason to think that he will very soon be released entirely from the term of his servitude.

LICENSING BILL (INDIA).—QUESTION.

MR. DANBY SEYMOUR said, he wished to inquire what course the Government intend to take with regard to the Licensing Bill in India, and whether that Bill has been passed through all its stages by the Legislative Council at Calcutta?

SIR CHARLES WOOD said, that the Licensing Bill had been introduced and had passed through certain stages. Its further progress, however, was postponed until after the Legislative Council should again meet. The Legislative Council had not yet met, and he was not in a condition to state what course the Government of India would pursue upon the Bill.

THE MILITIA.—QUESTION.

COLONEL DICKSON said, he would beg to ask the Secretary of State for War, Whether it is intended to embody fresh regiments of Militia in the place of those about to be disembodied, and whether it is intended to introduce any measure to place the Militia force on a more permanent and efficient footing?

MR. SIDNEY HERBERT said, when he brought forward the Army Estimates he would then state the course the Government intended to pursue with respect to the Militia force. He might state now, however, that it was not intended to embody any fresh regiments of Militia in place of those that had been disembodied.

COMMERCIAL TREATY WITH FRANCE.

QUESTION.

MR. T. DUNCOMBE said, he wished to ask the Chancellor of the Exchequer a question relative to the Treaty with France. It had been stated that the Treaty was to be laid on the table very shortly, but he wished to ask whether it is necessary for the House to receive it as a whole, or whether it will be competent for the House to consider and alter any of the details? They were informed that the Treaty, so far as England was concerned, would come into immediate operation, but that with regard to France it was not to take effect for eighteen months. If this were so, it would be a great hardship to those who held large stocks of wines and spirits. The question that he wished to ask the right hon. Gentleman was whether the precedent of 1825, laid down by Mr. Canning when he took off the duty on foreign spirits and wines, will be followed—namely, that the duty should not be taken off till January, 1861, thus giving traders time to get rid of the stock they happened to have on hand.

MR. MILNER GIBSON said, the Treaty would of course be subject to the approval of the English Parliament, but as regarded its details, he must beg the hon. Gentleman to wait till Monday, when his right hon. Friend the Chancellor of the Exchequer would lay the whole of his financial measures before the House.

MERCHANT SHIPPING.

COMMITTEE MOVED FOR.

MR. LINDSAY*: I rise, Sir, to move the following Resolution:—

> "That a Select Committee be appointed to inquire into the operation of the burdens and restrictions especially affecting Merchant Shipping, and of the following Statutes; 9 and 10 *Vict.*, c. 93, an Act for compensating the families of Persons killed by accidents; the Merchant Shipping Act (1854); the Merchant Shipping Amendment Act (1855); the Passenger Act (1855); and the Chinese Passenger Act (1855)."

Sir, in March last, I brought under the consideration of the House, in the late Parliament, a Motion similar in all respects to that which I now submit to the consideration of the House. Parliament was then pleased unanimously to grant this Committee of Inquiry; but unfortunately the late Parliament was soon after dissolved, and, consequently, no results followed the appointment of that Committee. I have now, therefore, again to ask that a Committee be appointed to inquire into the special burdens and restrictions affecting Merchant Shipping. I see on the paper that my hon. Friend the Member for the City of London has a Motion similar in substance to that which I have just submitted to the consideration of the House; and, apparently, the object which my hon. Friend has in view is the same as that which has caused me to move in the matter. I may say, for the satisfaction of my hon. Friend, and for the information of the House, that if the House shall be pleased to grant me this Committee of Inquiry, it will be necessary, in the first place, to make some inquiry into the actual position of the British Shipping Interest, which, I am sorry to say, has for some time past been suffering great depression. It will be necessary also to glance generally at the causes of that depression. I for one feel that the causes of that depression are so apparent that a very limited inquiry on that head will suffice. I believe the Committee will find that the causes of that great depression to which the British Shipping Interest has been subjected, arise in great measure indeed from the same causes which bring periods of great depression on other branches of commerce. I will call the attention of the House to the facts of the case.

In 1853-54-55, it is well known that the British Shipping Interest was in a state of great prosperity. The Crimean war, while it created an enormous extra demand for ships, curtailed in a very small degree the usual channels of commerce, and the consequence was that a larger number of ships was called into requisition than was necessary for the usual trade of the country. I am free to own that the shipowners at that time brought forward more ships than the trade of the country required. What was the consequence? The consequence has been that the supply, during the last three or four years, has greatly exceeded the demand. But I would not venture to ask the House for the appointment of a Committee of Inquiry if I thought that the sole cause of the depression was the over-supply of ships, because I fear I should thus be setting a precedent that would justify other interests, when they were in a depressed state, to come before this House with a demand for inquiry.

But there are other causes which to a considerable extent have been the causes of this depression. In the first place, there are those peculiar restrictions which, when the shipping interest was deprived of protection, ought also to have been removed—restrictions which were the creatures of protection, and which, when protection was abolished, ought, in justice to the shipping interest, to have been also swept away. There is another point on which the Committee will feel it necessary to make some inquiry. The House is aware that the repeal of the Navigation Acts, ten years ago, admitted the ships of all other nations into our ports on the same terms as our own ships are admitted. In thus throwing open our ports I admit we have shown a wise and prudent regard to our own interests, but we have also displayed great liberality to other nations, and at the least we might have expected that other nations would make us some return. But other nations have not reciprocated our liberality; for I find that France—and I take the case of France, because I understand that we are about to enter into a commercial treaty with that country—and though I will not say anything that would lead to the discussion of a treaty of the details of which I am ignorant, I may take up this point—how we stand, with regard to the shipping interest in our relations with France. In 1850—ten years ago—we admitted the ships of France into our ports on the same terms and on the same conditions as our own ships. Ten years have gone, but France has not met us in the same spirit of liberal policy. France maintains high differential duties. The article of sugar, when imported into France in French ships, pays a duty of £3 8*s.* per 100 kilogrammes; if in British ships it pays a duty of £4 4*s.* I find that coffee pays a duty, if in French ships, of £2 8*s.* per 100 kilogrammes; if in British ships, £4 4*s.* Tobacco in French ships pays 4*s.* per kilogramme; in British ships the duty is double the amount. Cotton wool in British ships pays £1 8*s.* per 100 kilogrammes; if in French ships, it pays only half that amount of duty. Tea, if in British ships, pays 4*s.* 9*d.* per 100 kilogrammes; in French ships, only 1*s.* 2*d.* There are very few staple articles admitted into the ports of France in British vessels upon the same terms on which they are admitted in French vessels. In fact, in many cases, there are not merely very high differential duties against our ships, but the duties are almost prohibitory. It is perfectly true that France does not gain by that illiberal policy, for we find that, for every French ship that enters our ports, three British ships enter the ports of France. But that is no answer to the complaint of what I may the injustice on the part of France, which, deriving as she has done during the last ten years the full benefit of a share in our vast carrying trade, excludes our ships from her comparatively limited trade. It is not, however, solely of the differential duties on goods imported in the ships of the respective nations that I have to complain, I find that there are also very high tonnage duties levied, to the disadvantage of British shipping entering the ports of France. I find that British vessels from any but British ports in Europe pay a tonnage rate in France of 2½ francs per ton, while French ships pay a tonnage duty of only eighteen centimes, or one-fourteenth of the charge imposed upon our vessels. I find that French vessels from other ports than those belonging to Great Britain and her Colonies pay 75 cents per ton; while British vessels from all parts pay 2½ francs per ton; and the ships of the Americans—our great rivals in the carrying trade—are also only subject to the French charge of 75 cents per ton. As I have already said, we not only admit the ships of France to our ports, but we also admit the ships of the rest of the world; and, however high those differential duties of France may be against us, they are as nothing compared to the differential duties maintained by the Spanish Government against our shipping entering their ports. I find that coffee imported into Spain from Havana in British ships pays a duty of 20 cents per 9 lbs., while coffee imported in Spanish ships pays a duty of only 12 cents per 9 lbs. I find that sugar—the staple product of that island—imported in British ships pays 37 cents. per box, while sugar imported in Spanish ships pays a duty of only 25 cents per box. I find that the same high differential duties are imposed against our shipping upon other articles, and that on tobacco, for instance, the charges fall in the proportions of 150 and 75. I find that at Cardenas, dues of one dollar and a half per ton are levied on British ships, while dues of only half a dollar per ton are levied on Spanish ships. I need hardly add that we are excluded not only from the coasting trade of Spain, which is inconsiderable, but also from the coasting trade of France, which is considerable, and in which it might be important to us to be allowed to share. There are altogether seventeen nations which maintain against us differential duties, or prohibit our ships from engaging in their coasting trade. What is the course which we ought under these circumstances to adopt, it is not for me to say; but I do think that these are facts which the Committee, if it be granted, will be bound to inquire into, and to report upon to the House. I believe it will also be the duty of the Committee to ascertain what the various Governments which have sat upon these benches since the year 1850 have done to obtain from foreign nations that reciprocity which we have a right to expect. I think, or rather I fear, it will be found that these Governments have not used the exertions which they ought to have used with foreign nations for the purpose of inducing them to allow our ships to enter their ports upon the same terms on which their ships are allowed to enter our ports. With regard to the United States of America, it is true that for many years treaties of reciprocity have existed between them and this country; and, consequently, when we repealed our navigation laws in the year 1850, America had in reality nothing to give us for the vast benefits which we had conferred upon her shipping, except her coasting trade. We had previously admitted her ships into our ports upon the same terms on which she had admitted our ships into her ports. But, by the repeal of the navigation laws in the year 1850, we threw open to the ships of the United States our ports in our distant possessions in India, in Australia, and elsewhere. Now, as I have just observed, America had nothing to give us in exchange for that advantage except her coasting trade; and when we threw open to her our trade, we expected that that enlightened nation would open to us her vast coasting trade. But she did nothing of the kind. Again, when in the year 1854 we threw open our coasting trade, I remember that the right hon. Gentleman, the Member for Oxford (Mr. Cardwell), who was then President of the Board of Trade, was not only sanguine, but seemed to entertain no doubt, that when the Act of 1854 should come into operation, America would throw open to us her coasting trade. Six years have since elapsed, and the American Government still exclude our ships from that valuable trade. I remember that when this subject was under discussion some years ago in this House, Mr. Labouchere (now Lord Taunton) represented the conduct of the American Government in this respect as "shabby." I do not know that I can find a more appropriate word than that; and I will repeat the language of Lord Taunton, and say that the conduct of the American Government towards us after what we had done was indeed "shabby." Even if the trade from which America excluded us were a coasting trade in the strict sense of the words, the course which she pursued would be nothing less than "shabby," but it is very questionable whether it is a coasting trade at all. The distance from New York to California is quite as great, and the voyage from New York to California is more hazardous, than that from London to Calcutta. In making that voyage, American ships are obliged to pass the shores of various foreign nations. Now, can it be said that, even in the technical sense of the words, that is a coasting trade? And above all, can it be said that it is a coasting trade in the sense of that equity which ought to guide great nations in all their dealings? But America has been stretching that point to our prejudice. She has not only maintained that the voyage I have just named is a coasting trade, but she has held that a ship loading at New York with a portion of her cargo for Rio Janeiro, another portion for Bahia, another for Valparaiso, another for Lima, and the remainder for California, is engaged in that coasting trade from which our ships are excluded. I believe that such an assumption is opposed to the provisions of our reciprocity treaty with America, and that, whatever may be said in support of the doctrine that the direct voyage from New York to California is a coasting trade, a ship which lands goods at an intermediate port in a foreign country does not come within the terms of that doctrine. That is another subject into which it will be the duty of the proposed Committee to inquire. In a question so comprehensive as this, hon. Members will not expect that I should do more than touch upon its leading features.

I would now, with the permission of the House, direct its attention, for a very short time, to those burdens on the shipping interest which, I think, ought to have been removed when the navigation laws were repealed. And, first of all, I would refer to the light dues. This is a question which has been discussed over and over again in this House. It was made the subject of a very full inquiry by a Committee of the year 1845, over which the late Mr. Joseph Hume presided, and of which the noble Lord at present at the head of the Government was a member; and I think I cannot now do better than read to the House a Resolution at which that Committee arrived after the fullest investigation. It was as follows:—

> "That all expenses for the erection and maintenance of Lighthouses, Floating Lights, and Beacons, be henceforth defrayed out of the public revenue, and that as the Trinity House has incurred a debt under the authority of the 6 & 7 *Will.* IV. c. 79, in purchasing the lights of private individuals, for their leases and possessions of Lighthouses, the Government ought to take upon it that debt."

If I remember rightly it was the noble Lord at present at the head of the Government who proposed that Resolution in the Committee, and at all events he was one of the majority who voted in its favour. Here, therefore, we have a Committee which, after the most careful inquiry, was clearly of opinion that not only the cost of lighting our shores ought to be paid by the nation, but that the whole of the debt contracted in the purchase of private lighthouses ought to be defrayed out of the Consolidated Fund. At that time the shipping interest was a protected interest. I am one of those who doubt very much whether it ever received any benefit from that protection, but it was supposed at least to derive from it certain advantages; and if it were right to recommend then that those burdens should be removed, there exists surely a stronger reason why it should be relieved from them now that it has to enter into competition with the whole world. May I ask the attention of the House for one moment to the extreme hardship of this case. At the time when the Committee recommended that the lights should be maintained out of the Consolidated Fund, and that the money necessary for the purchase of private lights should be taken from the same quarter, a sum of not less than £1,250,000 was required for that purchase; and let it be remembered that the interests which had to receive that indemnity had been created to a great extent by the improvident grants of ministers and kings in times long gone by. But that Resolution of the Committee of 1845 was never carried into effect, and the shipping interest was obliged to pay, and has paid, the whole of that sum of £1,250,000 for the purpose of buying up those grants of private lighthouses. But, independently of the merits of this particular case, I contend, on the grounds of policy and of justice, that it is the duty of all great nations to light their shores. If we invite other people, as we have been doing, more especially during the last ten years, to trade with us, surely we ought to warn those who accept the invitation of the dangers which surround our shores, without taxing them for that knowledge. If we have been before other nations in adopting the doctrine of free trade, they have been before us in the point to which I am now directing the attention of the House. It is to the credit of the Government of the United States of America that they have never charged either their own shipping or ours one sixpence for the maintenance of the lights along their coasts, and other great nations have followed the same course. Now, strongly as I feel with respect to the manner in which America has acted towards us in the case of her coasting trade, I really do not see how we can go to her and ask her to throw open that trade until we shall have placed her ships upon the same footing in regard to lights in which she has placed our ships. The Americans, as a keen people, have felt this grievance, and have remonstrated with our Government upon the subject. On looking into the blue-book which has been laid before the House, I find that in the ten years between 1840 and 1850 they have paid towards the maintenance of our lights a sum of not less than £234,000. Now, when we go to the United States and ask them for that reciprocity which I think we have a right to expect—nay, more, which I think we have almost a right to demand—led us go with clean hands; let us admit that we have taxed their shipping too long for the maintenance of our lights; and let us announce that we will at length square accounts with them, and admit their ships into our ports in all respects upon the same terms on which they admit ours into their ports. If we do this, I think we shall have a better chance of obtaining a system of reciprocity from the United States.

There will be another subject for the consideration of the Committee; and that is, our local dues and passing tolls. That question also has been often discussed in this House. Hon. Members may remember that about two or three years ago a Bill was introduced to deal with that subject. I was one of those who thought at the time that if two separate measures had been brought forward, one dealing with the passing tolls and the other dealing with the local dues, the passing tolls would then have been abolished. But as many persons thought that the local dues formed a vested interest, and that they ought not to be swept away without compensation to the owners, the Bill which dealt with the two questions did not pass through this House. The result was that the local dues and passing tolls were still maintained, and our shipping was still obliged to pay a sum, which amounted to nearly £200,000 per annum, for what was called local dues, levied under the names of craning, meting, wharfage, and various other designations. But the sum so raised was not employed in any work the names under which it was levied would imply. That money was appropriated for the benefit, not of the parties who were called upon to pay the tax, but for the benefit of the local bodies by whom it was received. In the year 1852, no less a sum than £105,000 was paid by the shipping interest to the Corporation of Liverpool, and was actually transferred by them to their borough fund for the purpose of cleansing their streets, building St. George's Hall and completing other works, which are very well in their way, but with which the shipping interest has nothing whatever to do. It is not Liverpool, alone, however, which levies those dues. There is the port of Newcastle, which also raises a very large sum under the same pretext, without affording any benefit whatever to the parties from whom it is received. The port which I have the honour to represent in this House—namely, the port of Sunderland, the largest shipbuilding port, I may say, in the world, which has three times the amount of tonnage of Newcastle—is still considered a creek of Newcastle, and pays to that borough a sum of £1,400 per annum, for which it gets no return whatever. These are subjects with which, I hope, this House will deal. There is also another matter to which I desire for a moment to direct your attention. As I have already said, there are various bodies besides the Corporations of Liverpool and Newcastle which levy these dues. I think there are seven of them altogether; and in former times, before we entered into reciprocity treaties with other nations, these corporate bodies had the right of charging double rates on all foreign ships frequenting our ports. But since the years 1824 and '5, when Mr. Huskisson, on the part of this country, had entered into reciprocity treaties with foreign States—one condition of those treaties being that the ships of those States should be admitted into our ports upon the same terms with regard to dues as our own ships—these corporations were obliged to reduce their charges on foreign ships to the same amount as that which was imposed upon British shipping. They then, however, stood upon their vested rights; they appealed to this House, and this House granted them compensation for the loss they had thus sustained. This House has paid up to the end of 1858 no less a sum than £1,125,000 in order to compensate those corporate bodies who levied taxes upon shipping for purposes which I have endeavoured to explain.

Now, Sir, this brings me to the question of passing tolls. In regard to passing tolls, I had the honour of being a member of the Royal Commission which was appointed to investigate that subject, and after a full inquiry the members of that Commission arrived at the unanimous decision that those charges ought to be defrayed at the expense of the country at large, one of them being to afford light to ships frequenting our shores in the ordinary course of commerce, while the other portion of the expenditure was for the purpose of creating harbours of refuge, which would be able to receive at all states of the tide, and during stormy weather, ships of almost any size. Surely these are two great national objects; and if the decision at which the Commission arrived is a correct decision—namely, that it is the duty of the nation, in the interest of commerce, to light our coasts, and to maintain harbours of refuge from which ships can derive benefit—it is high time that the shipping interest should be relieved from the payment of taxes from which they can derive no benefit whatever. We have paid for a very long time, and still continue to pay, no less a sum than £1,200 passing tolls for Dovor. Most hon. Members are acquainted with Dovor, and, therefore, they must know that Dovor in certain states of the tide is a dry harbour, and that not one out of ten ships which pays for its maintenance can enter the harbour of Dovor. Can it then be said that any such vessels derive any benefit from it? Then, again, £1,400 a year is charged for Ramsgate, which we also know is a dry harbour. And Whitby is also a harbour dry at low water; yet towards the maintenance of Whitby harbour we have paid no less than £5,000 per annum for many years. Last of all, there is Bridlington. Now, Bridlington is one of the places which we visited in the course of the inquiry, because it was said to be the very best site on that part of the coast on which to form a harbour of refuge. It is only just to the people of Bridlington to state that, when the idea was first mooted, they did not say that they thought Bridlington the best place for the formation of a great national harbour of refuge. However, we inspected it for that purpose, and the House will hardly realize what this harbour of Bridlington is without visiting it. We were in a steamer which the Admiralty had placed at our disposal, drawing about eight feet of water. The House might at least suppose that such a vessel should enter a harbour of refuge. But no; we were obliged to moor her full half a mile outside of the harbour. The steamer could not enter, and we were obliged to land in a small boat. Well, Sir, we proceeded to the entrance of the harbour, and positively found that we in our small boat could not enter; and we, Her Majesty's Royal Commissioners, were actually obliged to be carried on shore from the entrance of this harbour of refuge on the backs of the Coastguard. Yet the amount charged for passing tolls annually for Bridlington is actually £2,800, and there is a debt upon the security of the tolls to the extent of £28,000. These are surely matters which ought to have been changed long ago. I wish to remind my right hon. Friend, and those with whom he acts, that various Ministries, ever since 1850, have pledged themselves to the House and country that these restrictions and burdens should be removed from the shipping interest. I will just remind the right hon. Gentleman who now fills the office of President of the Board of Trade of the remarks made by Mr. Labouchere when he held that office in 1856. That right hon. Gentleman then said:—

> "The Government did not undertake to deal with this question until it had been fully examined. I will ask, likewise, is the subject a new one to this House? Why, the very grievances we are now considering, have year after year been forced on the attention of the House and Government, and when it fell to my lot, several years ago, to propose the repeal of the Navigation Laws, I was repeatedly taunted for not coupling that great change with a subsidiary measure like the present, doing justice to the shipping interest, and it is, in fact, in redemption—a tardy redemption, I admit—of the pledges then given by me and other Ministers on that subject, that the Government introduced the Bill before the House."

I ask my right hon. Friend to redeem the pledges given so long ago to the House, and to remove from the shipping interest those burdens and restrictions with which it is still fettered. Sir, I see that the right hon. Gentleman the Member for Buckinghamshire is in his place, and no doubt I shall have his support, as well as the support of hon. Members on that side of the House generally, in any attempt which I may make to remove the passing tolls; for so long ago as 1852, in his financial statement, the right hon. Gentleman told the House that passing tolls were a vexation, a grievance, and a burden to which the shipping of this country, under present circumstances, ought not to be subjected. No doubt, if the right hon. Gentleman had remained in office, those passing tolls would by this time have been removed.

But, Sir, there are other burdens upon shipping, such as the Stade Dues, to which our attention may well be called. Inasmuch, however, as my hon. Friend (Mr. Ricardo)—whom I do not now see in his place—has given notice of his intention to ask a question in regard to them this week, I will pass them over; but if something is not done before the labours of this Committee close, should the House think proper to appoint a Committee—I shall feel it my duty to make those dues the subject of investigation; for not only do they operate as a hardship upon shipping, but they tend very much to prevent our having any large transactions with the interior of Germany. There is, however, a series of dues, at the existence of which the public in general will feel greatly surprised. There is in this country a Russia Company, which levies dues on shipping to no less an extent than £12,000 a year. What the benefit may be which the shipping interest derives from the money levied by that company, I am at a loss to understand. All I find is that the following are the items:—

> "Lastage, address money, church money, passes, &c., &c., £1,791; then there is a sum for the chapel of the British Factory at St. Petersburg, and £623 to the Russian Company's chapels in Russia; organ at Moscow £25, plate to Governor, £85; entertainment to Russian Embassy, £193; ditto to Grand Duke Alexander, £595; £360 for engraving, and £200 for framing and embellishing the portrait of the Emperor Nicholas; and £100 to churchwardens at Moscow."

I cannot for the life of me understand what necessity there is for taxing the shipping interest for the purpose of giving dinners to the Embassy and the Grand Duke Alexander; but certainly the last item but one is the most amusing of all. Why on earth are we to be taxed for engraving and framing a portrait of the Emperor Nicholas? Surely these are matters which ought to be brought under the notice of the House of Commons.

There is, however, another question which may be worth while to consider. I do not see how hon. Gentlemen sitting on the Ministerial Benches can, consistently with their political opinions, support the tax on timber. Upon what principle can they admit a manufactured ship which enters our ports to compete with our ships, but which may bring a cargo or not—on what principle can they admit such a ship free, and yet place a tax upon the raw material which builds that ship, and the manufacture of which gives employment to a large number of men? How is it that they can bring themselves to continue the imposition of 7*s.* 6*d.* a load upon square timber and 10*s.* on deals? I know very well the sort of answer that the Chancellor of the Exchequer will make next Monday to this; I know very well that he will say—"This impost brings in a revenue of £600,000 a year. I am very sorry to say that I am a long way off a satisfactory settlement of the accounts. I am very short of money, and I have nothing to spare for the remission of the Timber Duties, or, for that matter, for anything else." However true that may be, still I do think that there has been a very great deal of money unwisely and unnecessarily spent which might have been spared; and I do say that, if the Gentlemen sitting on these Benches, acting in accordance with their free-trade principles, admit manufactured ships into this country free, they ought also to admit the raw material free. It is no answer to me to say that they have no money. This is a question of justice, and justice is not to be bought. If it is just that these duties should be removed, the people of this country will find the ways and means; but if it is impossible to remit the whole duty of £600,000, I think the least they should do would be to remit the tax upon oak and pitch pine.

I now proceed to touch upon what may be called the legislative enactments, or fiscal burdens. My Motion in the last Session, as brought before the House, was simply the first clause of the present Motion, and my hon. Friend the Member for London (Mr. Crawford) added to it the reference to the 9th and 10th Victoria, which contains the legislative enactments or liabilities of the merchant shipowners. The House will be aware that, by the Merchant Shipping Act, the responsibilities of shipowners are said to be limited to the value of the ship and freight. By an Act previously passed, and which is known as Lord Campbell's Act, certain regulations were made, and certain responsibilities created, which applied to carriers by land, but which the law has since held, applies to carriers by water, and it would appear that shipowners by that Act are placed on the same footing as carriers by land. But the House will perceive that there is a vast difference between carriage by sea and carriage by land. In the latter case the things carried are in most cases under the immediate control of the carrier or his servants. It is true you may say an accident may occur as easily on shore as upon the sea ; but the House will agree with me that accidents on land to a great extent are attributable to some amount of negligence on the part of the persons engaged in the carriage, but on the sea accidents may arise from the natural dangers of the sea, from the tumult of the winds and waves, and from many other causes irrespective either of the owner, who is most frequently on the land, or of his servants, for whom he is to be made responsible. There is, therefore, a marked difference between a carrier by sea and a carrier by land — so marked, in deed, that the right hon. Gentleman the Member for Oxford, when President of the Board of Trade, found it necessary to insert a clause in the Merchant Shipping Act which stipulated that the responsibility of shipowners should be limited to the extent of the ship and freight, but not less than £15 a ton on the registered tonnage ; and the object in so limiting it was to prevent inferior ships from entering into the passenger trade. Attention had been drawn to the fact that before the passing of that Act a great number of inferior ships were employed to carry passengers from this country to North America, and it was deemed expedient to prevent inferior ships being employed in that trade. But the object in view was not accomplished. In 1857 I find, while there were shipped at Liverpool in British bottoms for North America 13,000 passengers, as many as 76,000 embarked for the same place in foreign ships. The consequence was that there were greatly enhanced rates of freight —namely, from £3 10*s.* to £5 per ton— while by that over-legislation which sought to carry out our object, we raised the passenger charge to the poor emigrant to a very serious extent, and he does not appear to thank us for the measure we passed, seeing that he prefers going in a foreign ship to going in a British one. But another influence has been at work in regard to responsibility. Lord Campbell's Act was so onerous that our leading shipowners declined to carry passengers at any cost. They said it was far too serious a responsibility. No amount of money would pay them to keep their ships employed in the Passenger trade under such stringent laws, and the result was that all the passenger trade was thrown into the hands of a few persons, at enhanced rates, and the poor emigrants who were about to settle in North America, were treated worse than ever. Is it not, I ask, too much that a shipowner shall be mulcted in penalties, it may be of £100,000 —for there are many merchant ships afloat of greater value than that — long after his ship is beyond his control ? And yet we have not effected the object we had in view. The effect was strikingly manifested in respect to the trade carried on in the conveyance of coolies from Calcutta and other parts of our Eastern Empire and China, inasmuch as it rendered necessary that clause which was introduced into the Chinese Passengers' Act of 1855, and which was so stringent that prudent shipowners declined altogether to allow their captains to convey passengers of that description, whatever might be the rate of passage money; so that not only did we increase the value of labour in these countries, but the carrying trade of coolies and Chinese fell to a great extent into the hands of the Americans. There is another feature of this case to which I must draw the attention of the House—I mean the practice of inflicting very heavy penalties upon shipowners who enter into contracts for the conveyance of Government stores or mails on the one hand, and the infliction of equally heavy penalties on the other by the Board of Trade, in case any serious accident happens. On the one hand, the Admiralty comes down upon the unfortunate shipowner for not going fast enough ; and on the other, the Board of Trade comes down upon him for going too fast. The shipowners are placed in a dilemma. If they do not go fast enough they are mulcted by one; and if they go as fast as they are required, they are mulcted by the other, under the responsibility of the Merchant Shipping Act. Considering that every ship carrying passengers must be certified by the surveyors from the Emigration Office ; considering that there are no less than forty-nine imperative obligations, for the breach of which he is subjected to penalties varying from forty shillings to £500, and, in some cases, amounting to the forfeiture of the ship; considering that, before he can send a ship to sea, the master must receive a certificate of competency from the Board of Trade, and that the first and second officers must also receive similar certificates ;—all these things being taken into consideration, I think that the shipowner has the strongest claims to be relieved of the virtual responsibility he is now subjected to under the ordinary Carriers' Act and Lord Campbell's Act. I have no desire to see the shipowner relieved from that responsibility which might be justly thrown upon him, but I think it might fairly be limited to the sum of £10 per ton, so as to protect the merchant ship entering into the passenger trade; that the limit should be £18 for a ship employed by Government, and £25 per ton for a steamship. I, for one, think that would be a very good proposal. There are questions of pilotage, stamps, and other matters, not in themselves, perhaps, of very great consequence, but all fit subjects to be inquired into before a Select Committee, and discussed in this House; and therefore I do trust that the House will, as it did last year, appoint a Committee of Inquiry.

I have no desire to make any proposition that will have a tendency to reverse the established policy of the country, for I believe that that very policy of free trade is not merely for the benefit of the country, but for the benefit of shipowners themselves. Still, I say that shipowners themselves cannot be said to have free trade while they are fettered with all these burdens and restrictions, while our ports are free and open to every ship in the world, and while the ports of almost every nation in the world are closed to our ships. These are matters which are worthy of a calm and impartial inquiry by a Committee of this House; and I hope that the Government will take some steps to obtain from other nations a reciprocation of that liberal policy which we offer. Then I think I may say that, if the shipping interest is relieved from all peculiar burdens and restrictions, it will have no reason to fear competition from any nation in the world; but that our ships will be found, as they always have been, on every sea, the true harbingers of peace and progress. All I ask for the shipping interest is a full, fair, and impartial inquiry. To use their own forcible expression, all they want is a fair field and no favour. The hon. Gentleman concluded by moving for the appointment of the Committee.

Mr. HORSFALL said, his hon. Friend would not expect him to agree in all that he had said; in fact, he should have been more satisfied if the hon. Member for the City of London (Mr. Crawford) had brought forward the Motion of which he had given notice, but as that hon. Gentleman and the hon. Member for Sunderland (Mr. Lindsay) had come to an understanding upon the subject, he (Mr. Horsfall) could have no hesitation in seconding the Motion. He agreed with much that had been said by the hon. Member for Sunderland; he thought that there ought to be an entire removal of all unnecessary restrictions upon British shipping. He agreed also in the propriety of the abolition of the Timber Duties. He did not, however, concur with the hon. Gentleman in the observations which had fallen from him in reference to local dues, more particularly the local dues of the town which he (Mr. Horsfall) had the honour to represent. The hon. Member must have forgotten that, in accordance with provisions of a special Act of Parliament, these dues were now appropriated to the benefit of shipping, and not expended for the advantage of the town itself. He also agreed that the efforts made by Her Majesty's Government, if such efforts had been made with a view to the introduction of reciprocity with other nations, it did not seem to have been attended with very beneficial results. He would not follow, however, the hon. Member for Sunderland into the various matters he had brought before the House, though he would add that he entirely concurred with the hon. Member as to the operation of Lord Campbell's Act. There was also another important subject to which he might advert—he meant the operation of our international maritime law—in dealing with which he (Mr. Horsfall) was desirous of impressing the House with the conviction that it was a question most deeply affecting the shipping interest of this country. He was, of course, quite aware that there were political reasons why there was an objection to any interference with that law; but the mode in which it acted ought nevertheless, he thought, to be fully investigated by the proposed Committee, so that such information upon the point might be obtained as would be of use to Parliament in case legislation in regard to it should hereafter be determined upon. It had been too much the custom to consider the shipping question as one solely connected with shipping and manufacturing interests; but it was more than this, it was a question which affected the whole consuming population of the country,—nay, more, it was of the utmost importance when considered in connection with the subject of the national defences; for, if the mercantile marine, which was the nursery of that reserve of 30,000 seamen by which our shores were to be defended, were to continue to suffer under the existing system, the efficiency of the force to which he alluded must be proportionately diminished. He should not on that occasion enter further into a subject which had been so often and so fully discussed, but should content himself with expressing a hope that the Committee, if nominated, would do its duty faithfully by inquiring into the various subjects connected with the welfare of British shipping, and be enabled to supply the House with such a report as would enable it to legislate effectively upon a question of such great national importance.

Motion made, and Question proposed,—

"That a Select Committee be appointed to inquire into the operation of the burdens and restrictions especially affecting Merchant Shipping, and of the following Statutes: 9 & 10 *Vict.* c. 93, an Act for compensating the families of Persons killed by Accidents; the Merchant Shipping Act (1854); the Merchant Shipping Amendment Act (1855); the Passenger Act (1855); and the Chinese Passenger Act (1855)."

MR. DIGBY SEYMOUR said, he rose in no spirit of hostility to the hon. Gentleman who had introduced this Motion to the House. His aim was, that the Committee, if granted, should be armed with such authority as would place it in a position to set at rest that question which was the cause of deep anxiety from one part of the country to the other. He maintained, however, that the Motion of the hon. Member for Sunderland would not set at rest all the disturbing elements in this question. The shipping interest of this country was in a very depressed condition, and they need not go further back than the debate in June last, when hon. Members on both sides of the House, the representatives of great as well as small maritime constituencies, were unanimous in their opinion that a cloud heavier than that which the experience of any former year revealed then hung over British shipping. In support of the justice of that view he might quote the authority of the hon. Member for Sunderland himself, who, in a work which he had recently published, made mention of the adversity under which the shipping interest had laboured ever since the date of the Crimean war, and declared the prediction that that adversity was only a mere passing cloud to have been completely falsified. He might add that in letters which had emanated from the Shipowners' Society of Sunderland a short time ago, in answer to an application which had been addressed to them, it was stated that the depression in the case of the shipping of that port had decidedly increased since December last; while from North Shields, Montrose, and Glasgow similar replies were returned. He should next call the attention of the House to certain figures which had been furnished by the Board of Trade, in compliance with a Motion which had been made in the month of February last year. Those returns bore out the same view of the case, and if the House acted in a spirit of justice they would institute a searching inquiry into the whole subject. This return showed that the average increase of British entries during the five years from 1844 to 1848 was greater by 72 per cent than the increase during a corresponding number of years from 1834 to 1838, and that the increase of foreign tonnage during that period was greater by 86 per cent than during the like period immediately preceding. The average increase of British shipping in tonnage from 1854 to 1858 was greater by 39 per cent than the average increase from 1844 to 1848; while the average increase of foreign shipping during the same period was 126 per cent. He perceived, moreover, that for the five years previous to the repeal of the navigation laws the average annual increase of British tonnage was 73 per cent, that of foreign being 88 per cent; while, taking a similar period since the repeal of the navigation laws, the increase of British shipping had been at the rate of 40 per cent, while that of foreign shipping had been at the rate of 133 per cent. He did not make this statement with a view merely of raising an argument in support of the old navigation laws; for he had voted in favour of their repeal, and he believed that free trade was an absolute and unmixed blessing. He did not mean to prejudge the opinion of the Committee by pronouncing whether the views of the shipping interest were right or wrong; he merely said that while they murmured and complained, something more would be found necessary than the remedy pointed out by the hon. Member for Sunderland in order to silence those murmurs and apply the healing balm to those complaints. The competition with American and other foreign shipping, even in our colonial ports, was very severe. In the April of last year there were 235 sailing ships of 190,000 tons in the Chinese ports: 100 out of these were British ships; out of the whole number only 69 vessels were loading, and of them only 21 were British vessels; at Hong Kong there were 24 British vessels and 35 American, besides several French, Dutch and Spanish; 26 of them were taking in cargo, of which only six were British and the larger proportion were Americans. So that British vessels were unable to hold their own in the Chinese ports, and American, Spanish, and other foreign ships were running away with freights; and what was true of Hong-Kong was true of other colonial ports. The shipowners did not say, "Enforce reciprocity, go back and avail yourselves of your orders in Council, but look at France—look at America—look at the system of differential duties to which our ships were subject in foreign ports, all but excluding us from their trade, and say whether something cannot be done to put us in a more fair position." He was happy to see, so far as France was concerned, that the prospect was improving; the Emperor was disposed to hold out the hand of a reformer, guided by a judicious and intelligent mind. He hailed this as an indication that the time was not far distant when France would be encouraged to follow the example shown in this country urged by the remonstrances which the debate of that evening would enable the Foreign Office to address to her, when our shipping would participate in the benefits of prosperous commerce, and when the golden threads of friendly interchange would be woven into a band of amity. At present we had to compete with foreign ships, having differential duties in their favour. America excluded us from her coasting trade covering a voyage of 5,000 miles to San Francisco. That could not be called, in any equitable sense of the term, a coasting voyage; if so, what became of the voyage from New York to Aspinwall—was that to be held a coasting trade? The shipowners said, in the spirit of free trade, "Let America meet us on fair and equal terms—we will throw open our Canadian coasting trade; throw open yours." They did not clamour for something evanescent and paltry when they sought admission to this vast field of profitable employment in the American coasting trade. That trade comprised the conveyance of 15,000,000 tons of coals, 4,000,000 barrels of flour, 20,000,000 bushels of wheat, 5,000,000 barrels of provisions, 1,000,000 hhds. of sugar, 21,000,000 bales of cotton, and 1,000,000 hhds. of tobacco. By their exclusion from this coasting trade, British ships were practically excluded from much of the American foreign trade, although the American foreign trade might be nominally open. Having put before the House this view of the question, he considered that he did not ask too much when he asked that the British shipowners might go before a Select Committee to tell their wrongs, and hear from that tribunal whether their grievances were such as Providence only could help but no legislative remedy could heal. Here was the great mercantile interest of this country, with all the relations, direct and indirect, clinging around it, supplicating that House to hear their complaints, and were they to turn a deaf ear to their supplications, or meet them with a prejudiced opinion that they should not be listened to because they were protectionists at heart. He trusted that so respectable a body of gentlemen would at least have the satisfaction of knowing that a British House of Commons would not refuse to listen to their complaints. They did not want a Committee to determine the question of lights. The incidence of lights on the shipping interest had been condemned in principle by the opinion of their most eminent Statesmen, by votes of the House, and by the most enlightened Foreign Ministers. Was it fair that these lights should fall on the merchant and not affect the Royal Navy? Railways were allowed to convey every species of traffic in goods, as well as passengers, without the incidence of any corresponding dues, and he would ask why the shipping interest should be clogged with a burden that bore upon it so heavily? They had the Reports of 1843 and 1845. The opinions of the wisest and most experienced men who could be placed on those Committees were unanimous in declaring that the expense of the lights along the coast of this country ought to be borne by the public revenues of the country. If they wanted an example as to the expediency of that plan he would refer them to Russia, Prussia, France, and America, in all which countries the expense of lighting the coast was borne by the State. In 1851, Mr. Lawrence, in his correspondence with the noble Premier, published an important fact—namely, that two United States steamers, called the *Herman* and the *Washintgon,* paid an annual charge of £800 for the mere privilege of touching at Southampton on their way to Bremen. The whole sum paid by two Liverpool steamers for light dues in the course of the year was £4,748. There were £200,000 paid as port dues in the American trade alone. Surely, then, if the House approached this subject in the spirit of doing but common justice to their own trade, they would be in a better position to ask the Americans to throw open their ports. If they exercised greater economy in their system they might be enabled to reduce their charges from £350,000 to £170,000 a year. The shipping interest had obtained the pledge of their Premier in favour of an alteration. Former Committees had declared themselves unanimously in its favour. What, then, could they hope for from a Select Committee? If the hon. Member for Sunderland were in earnest in the matter, he should not have included this subject at all events amongst the inquiries of a Committee. He would remind that hon. Gentleman of what he said before his former constituents of Tynemouth. His hon. Friend then told them that they had had evidence enough upon the subject, and that they did not require the light of a Select Committee to make the matter clearer. He (Mr. Digby Seymour) thought that they ought to invest the Marine Department of the Board of Trade with full authority over their various lighthouses and their funds. If they did so, they might be enabled, by the exercise of a judicious economy, to reduce the expenses of the lights from £300,000 to £150,000 a year. And when they had done that they might expect a more indulgent hearing from the Chancellor of the Exchequer than they could now hope for. In respect to the question of the passing tolls, he considered it impossible that any Select Committee could throw additional light upon it. The cases of Ramsgate, Whitby, Dover, and other ports presented an admitted injustice, which successive Governments admitted, and had pledged themselves to assist in remedying. Some time ago a right hon. Member (Mr. Lowe) brought in a Bill upon the subject, in which he proposed to exempt all ships from paying passing tolls, except those which actually entered the harbours for the benefit of which they were levied. Now, that he looked upon as a simple solution of the Gordian knot, in respect to those passing tolls. Let the hon. Member for Sunderland, therefore, if he were in earnest in this matter, bring in a Bill at once on the subject; there could be no difficulty in the House dealing with it at once, and settling the question of passing tolls without the delay of sending it before a Select Committee. The hon. Member for Sunderland spoke of referring the harbour and town dues to his Committee. If this course were taken, would his hon. Friend leave out of that Committee the hon. Members for Newcastle, which had its Trinity House—the hon. Member for Hull, with its Trinity House, and the hon. Member for Liverpool, with its corporation? His hon. Friend could not leave out those hon. Members with any degree of consistency if such a Committee were appointed. But supposing that they were on that Committee, the result would be only to raise up many obstacles to the carrying out the main object in view. The best way of getting rid of the monstrous grievances of the Trinity Houses of Newcastle and Hull, and the dues of Liverpool, would be to appoint an arbitrator competent to effect a safe and equitable adjustment of the claims of those places, and the mortgages and other charges upon them. The same observation applied to the Stade dues and the dues claimed by the Russian Government. With regard to the timber dues, that was not a question with which a Committee of that House could deal. That was a question entirely for a liberal-minded Chancellor of the Exchequer, acting upon the advice of Mr. M'Culloch, who said that there ought to be at least a drawback of the duty upon all ships built in this country. A substantial reduction of the duties upon oak and pine used in the building of ships would confer a great benefit upon the shipping interest. He concurred in thinking with the hon. Member that the Merchant Shipping and Passenger Acts might, however, very fairly form the subject of inquiry, with a view to remove the grievances of the shipping interest. He wished also to see the High Court of Admiralty in this country adapted to the purposes for which its constitution and customary practice qualified it. He wanted to see the mechanical power of that court rendered more suitable to the increasing maritime commerce of this country. He contended that the Court of Admiralty, in respect to questions of general or particular average, charter parties, bills of lading and the like, ought to have concurrent jurisdiction with the Courts of common law. The attention of the public was lately called to the case of the *Paramatta*, in which her commander, Captain Baynton, was charged with misconduct, by which the vessel was lost. Now, he maintained that the Marine Department of the Board of Trade, which had directed that inquiry, had acted in a manner opposed to the elementary principles of common justice, inasmuch as it monopolized to itself at once the executive, elective, and administrative functions without any control whatever. It became in the first instance the prosecutor, it then elected the judges, and ultimately it carried into execution the sentence that had been passed. Under the Merchant Shipping Act, if a person was charged with the loss of a ship he was taken before a magistrate. The Board of Trade then appointed a nautical assessor, and the whole case was again investigated, and, if guilty, the man was punished under the circumstances to which he referred. It would be therefore a fit matter for inquiry by the Committee, if appointed, whether the general marine interests of this country were not in favour of granting an appeal from those courts to the High Court of Admiralty, aided by the Elder Brethren of the Trinity House. Those were the reasons which induced him to give notice of his Amendment, and he now asked the House to grant to those interests that measure of right and justice to which they were entitled from the British House of Commons.

The hon. Gentleman concluded by moving the Amendment of which he had given notice.

Mr. SOMES, in seconding the Amendment, expressed his conviction that the Motion of the hon. Member for Sunderland would not be satisfactory to the great body of shipowners.

Amendment proposed,—

"After the words 'inquire into,' to insert the words 'the causes of the present depressed condition of British Merchant Shipping, and how far the same are capable of Legislative remedy, and—'"

Question proposed, "That those words be there inserted."

Mr. R. W. CRAWFORD said, he did not intend to trouble the House with many observations, as the hon. Member for Sunderland had anticipated him in many of the statements he had wished to make. He, however, thought it due to the House to make some remarks upon the question generally, inasmuch as he had placed upon the paper a Motion relating to the same subject. He had given notice of an intention to move the appointment of a Select Committee "to inquire into the condition of the Commercial Marine, and the operations of any legal enactments and peculiar burdens affecting the same." He had taken that step at the request of a large body of shipowners, who met together in London in the month of November last. Now it seemed to him that the Motion of the hon. Member for Sunderland comprised much of what was necessary to be stated to the House for the purpose of obtaining a Committee of Inquiry, and he must therefore express his satisfaction that the result of the ballot, by placing the Motion of his hon. Friend the Member for Sunderland first upon the paper, had relieved him from the task which he had been himself asked to undertake, and had placed the direction of the Committee, if it should be appointed, in the hands of that hon. Gentleman. He certainly could not concur with the hon. Member for Southampton (Mr. Digby Seymour) in the Amendment he proposed, more particularly as in his speech he had asked the House to exclude from the consideration of the Committee several matters of great importance to the shipping interest, which had been alluded to in the speech of the hon. Member for Sunderland. At the same time he (Mr. Crawford) thought that the terms of the inquiry, as comprised in his own notice, was a much more satisfactory mode of treating the subject than those proposed by the hon. Gentleman who introduced this question to the House. Although more briefly worded, it appeared to comprise all that was required to enable the Committee to inquire satisfactorily into all the points of importance. With respect to the operation of Lord Campbell's Act, he would suggest that the words "the condition of the merchant marine" ought to be added to the terms of the Motion of the hon. Member, in order to make the order of reference perfectly clear and intelligible, and while excluding the consideration of that Act in its effect upon railway companies which might otherwise seem to be included in the duties of the Committee, expressly to direct the attention of the Committee to the former part of the subject. Were this provision omitted, the Committee remembering the lecture of the right hon. Baronet opposite (Sir J. Pakington) on the previous evening, might claim the right to enter upon such an inquiry. He, to a certain extent, concurred with the argument of his hon. Friend the Member for Sunderland, as to what was due from America to this country. In urging the House to authorize the Committee to go into the consideration of the reciprocity question, he was actuated by no desire to undo what was done in 1849. When the Act of that year was under discussion, it would be recollected that an hon. Member wished to limit the extension of the reciprocity clause to those nations who expressed their readiness to reciprocate with us. That proposition was, however, overruled, and the House adopted the course of leaving it open to the

Queen in Council to retaliate upon any State that did not open its ports to us. He (Mr. Crawford) thought that was most unwise, and that it would have been better to have opened our ports to the whole world, and have left other nations to act as they pleased. The hon. Gentleman alluded to the circumstances under which America excluded us from the coasting trade, and the hon. and learned Gentleman who moved the Amendment adverted to the vast field of profitable enterprise that would be open to us if we could obtain the freedom of the coasting trade of America. The hon. Gentleman was, however, not warranted by the facts in making such a statement. The real state of the case was, that the depression of other trades had driven American ships into that one, and it had now become as unremunerative as any other, being one proof among many that protection was never beneficial to any interest. Notwithstanding the earnest endeavour of the hon. and learned Member for Southampton to dissuade the House from inquiring into the questions of lights, local dues, passing tolls, timber duties, and the stamps upon policies, it was, in his opinion, most important that the Committee should undertake that investigation, in order that the country might see clearly how those imposts operated upon the interest of shipping. The House would recollect that in the course of last Session he described how the various Acts relating to shipping bore upon the interests of that branch of industry. The Merchant Shipping Act passed in 1854 repealed every previous Act which in any way affected shipping, and was, in fact, a codification of the law, as it stood, at that time. But it introduced various alterations and modifications. It consisted of no less than 548 clauses, all of which were passed through Committee in the course of one sitting. The House would at once understand that such a treatment of the measure in Committee excluded anything like fair consideration. Indeed, it seemed to be taken for granted at the time by the framers of the Bill that it would require revision and alteration. It was to a certain extent tentative. Six years had passed since that Bill passed into an Act, and therefore the great shipowners were perfectly justified in coming down to the House and saying, "Let an inquiry be made as to the way in which this voluminous Act has worked." There were many matters of great interest to shipowners, which if a Committee were granted they could bring under its notice, and the Committee would have an opportunity of considering what improvements might be made. Thus, for instance, there was the Passenger Act. That Act was introduced, not by the Board of Trade, but by the Under Secretary for the Colonies. Under it various penalties, ranging from 40*s.* to very considerable sums, even the absolute forfeiture of the property, were enforceable for breaches of the regulations which it prescribed. The effect of that Act had been to drive the passenger trade out of the hands of the British shipowners. Of 90,000 passengers who had embarked at Liverpool for the United States 75,000 went in American ships, and only 15,000 in British vessels. At the same time, while our shipowners had lost the traffic, the American shipowners had gained an additional sum per head for every passenger conveyed by them. Nor was that all. A vessel taken up for the conveyance of emigrants was subjected under the Passenger Act to the inspection of an emigration officer. If the emigration officers acted upon any fixed rule the shipowners would have nothing to complain of, but unfortunately they were most capricious in their proceedings, and a vessel was often hewed and hacked in pieces to suit their peculiar views. Again, take the case of an English ship conveying passengers to Australia. She might, for some reason or other, be obliged to put into a port on the Brazilian coast, and might there be found to be in an unseaworthy condition and unfit to continue her voyage. The means of repair might not be at hand, the ship might be condemned, still in that case the captain would be obliged to pass on his passengers to their destination. He did not complain of that; but if the ship were an American ship the captain might snap his fingers at the authorities and leave his passengers in the port where his ship lay condemned to do the best they could for themselves. The Passenger Act, therefore, did not place English and American vessels upon the same footing. English shipowners might also complain of the liability to which they were exposed by that Act. The House would recollect that, in the investigation which took place into the circumstances attending the loss of the Royal Charter an attempt was made to fix upon the unhappy master the charge of intoxication. No proof whatever was adduced that Captain Taylor had been a man of intemperate habits, and the charge completely broke down. But what was the object of that charge? It was to fix upon the owners the responsibility of having entrusted the command of the ship to a man given to intemperance, and so to expose them to heavy claims under the provisions of Lord Campbell's Act. He should not more fully enter into the question, believing that his hon. Friend (Mr. Lindsay) had made out a case for inquiry, and therefore he should support his Motion.

Mr. DIGBY SEYMOUR wished, in explanation, to say that he had not proposed to exclude from the attention of the Committee the restrictions and burdens on shipping referred to by the hon. Member for London (Mr. Crawford). He had merely treated them as subordinate matters.

Mr. BENTINCK said, it appeared to him to be impossible to overrate the importance of the question brought before the House that evening by the hon. Member for Sunderland. As had been well observed by the hon. Member for Liverpool it was not merely the case of the mercantile shipping that was before them; but they had further to consider how the navy was to be manned. Although from the state of the benches — more particularly that of the Treasury and front Opposition benches—one might not suppose that the House was discussing any matter of importance. He had listened with great attention to the speech of the hon. Member for Sunderland. At first the hon. Member appeared to him to ask the House to grant a Committee, not in consequence of any impression of dissatisfaction at the effect of Free Trade legislation in respect of shipping. However, in a very few minutes he entirely changed his ground, and admitted that there were very strong causes for such an impression; in a very few minutes more he (Mr. Bentinck) found his hon. Friend in full swing of abuse against the present state of British legislation on the subject, and against those nations who had not met the Free Trade measures of this country in the spirit of reciprocity. His hon. Friend mentioned various countries which had not reciprocated to our measures of Free Trade; and America in the first place. He said, "Enlightened America does not reciprocate," and he then proceeded to apply the term "shabby" to America. Now, he (Mr. Bentinck) was not one of those in the House who were accustomed to express admiration of America and her institutions; but he must say that on the present occasion his hon. Friend had applied epithets towards that country which she did not deserve. The case appeared to him to be this. Suppose a man wanted to make a bargain with his neighbour, and commenced by giving his neighbour all he had to give away. It would not, in a worldly and commercial point of view, be unnatural to expect that the neighbour, if more long-sighted, would say—"I will take what you have given me, and also keep all I have got myself." In his (Mr. Bentinck's) opinion the Government which was to blame was that which gave what it had to give to another without stipulating what that other was to give in return. The hon. and learned Member for Southampton had gone into the question of lights and tolls; but he (Mr. Bentinck) believed that the state in which those lights and tolls now stood was an incidental grievance; it was not a primary cause of the position in which merchant shipping was now placed, and therefore he should not enter upon the matter. His hon. Friend called on the Government to demand from other countries that reciprocity which we had a right to expect. In tendering the advice his hon. Friend was bound to state what course he thought the Government ought to take in case other countries refused to comply with the demand. In his (Mr. Bentinck's) opinion, but one course would be open to the Government in such an event, and it was one which he should recommend them, even under less pressing circumstances to adopt —namely, to say to those countries, "You have refused to meet us in the spirit in which we think, according to fair play and justice, you should meet us, and therefore we shall retract our policy if you continue in your present course." As to what had been said about the timber duties, he admitted it was monstrous to talk of Free Trade, especially in shipping, so long as those duties were retained. But if his hon. Friend came to the Chancellor of the Exchequer—who it appeared did not think this question of sufficient importance to honour the House with his presence—and said the timber duties ought to be removed, the right hon. Gentleman's answer would be, "We cannot afford it." The fact was, they never could have Free Trade, as it was called, or miscalled, so long as they attempted to raise revenue. The hon. and learned Member for Southampton had described Free Trade as "an absolute and unmixed blessing." If the effect of an absolute and unmixed blessing was to produce on the mind of the recipient the effect which it had produced on the shipowners, then he hoped he might never have an absolute and unmixed blessing inflicted upon him, for he had never seen any persons more dissatisfied with anything than the shipowners were with it. There was a curious fact connected with the Act of 1849—that was the power given to Her Majesty—which of course meant her Ministers for the time being—to revoke the Act. From that fact it was evident that the framers of the Act of 1849 foresaw exactly what would occur — namely, that the system of reciprocity would not be adopted by other countries. It would appear that that anticipation had been fully realized, yet they had not heard of any active steps on the part of the Government to meet the difficulty. In the reply of the Government to the memorial of the shipowners, figures were given, showing an increase of British as well as of foreign tonnage; but those figures did not show that the British tonnage was not working at a loss. The whole case was really in a nutshell. He believed the obstacle in the way of a remedy for that which the British shipowners complained of was to be found in the disinclination on the part of that House to take a step which might be considered one of retrogression from the principles of Free Trade. Within the four seas of Great Britain there were numbers of gentlemen who were free-traders, not from conviction, but from political compulsion. He firmly believed that to be the case, and the reason he believed it was that the language which he heard on the subject of Free Trade in private conversation outside the House was very different from that which he heard within it. He came then to the question, was Free Trade practical, or was it not? He should like to hear his right hon. Friend the President of the Board of Trade (Mr. M. Gibson) tell the House whether Free Trade could ever exist in this country without entailing national bankruptcy. Did it ever exist in any country except where men lived in the woods and fed upon roots? Was there ever such a thing known as Free Trade in a civilized country? [*laughter.*] Hon. Gentlemen might laugh; but would any of them be kind enough to answer the question in the affirmative, and make good his assertion? He contended that Free Trade was impossible in this country unless they were prepared to couple with it a national bankruptcy. If Free Trade was not a possible state of things, ought its attempted maintenance be a reason for refusing relief to one of the greatest interests in the country? The experiment of Free Trade lurked under all the objections to that relief. It was that which prevented this country from insisting on reciprocity from other countries. If they did this they would be condemning their system of Free Trade. Hence they hesitated. He blamed no Government in particular, for he held in his hand a document which showed that the previous Government had been beating about the bush and were unable to furnish a reason why the petition of the shipowners could not be complied with except the opinion of the Government, that what was asked for would be of no use. He hoped that this question would at once be dealt with, without allowing any more time to elapse in further examination. It was not a reason because some twenty years ago an association was formed avowedly for the purpose of procuring cheap food for the people; but in reality for the purpose of procuring cheap labour for its promoters; it was not a reason because, as a sequal to this league, a certain number of public men abandoned their principles, and betrayed their party; it was not a reason because at a more recent period the House of Commons of that day voted by an immense majority those financial measures to be wise, just, and beneficial which the greater number of that majority had previously voted to be unwise, unjust, and prejudicial to the best interests of the country; it was not a reason because these untoward and discreditable facts were indelibly recorded in the pages of history; these were not reasons why we should now stoop to the lowest act of folly and degradation of which any country could be guilty —namely, a determination not to own and not to apply a remedy to a gross and glaring error. He believed that a gross and glaring error had been committed. He believed that the effect of that error had been to cause a vast amount of depression and distress amongst one of the most important interests in the country. He believed that there was but one remedy for that state of depression. He could not doubt that the House would grant what the Committee now asked for; and judging from the evidence which must be laid before it, he could not doubt as to what would be the general tenor of the Report of that Committee; and when that Report was laid on the table he trusted that the House would not hesitate to give the most prompt and efficient relief to the distress of an interest upon the maintenance of the prosperity of which not only the general extension of our commerce but the very existence of the country must mainly depend.

Mr. CLAY said, he was ready to admit that the greater part of the tonnage of the country had been working at a loss, but he thought the cause of the depression lay rather in over-supply of ships than in the result of competition. He agreed, however, with the hon. Member for Sunderland in the object he had in view, but he was afraid he had not sufficiently considered what would satisfy the interest, the affairs of which he proposed to inquire into. He would recommend, therefore, that the hon. Member should allow the introduction into his Motion of some such words as had been suggested by the hon. Member for the City of London, (Mr. Crawford).

Mr. INGHAM said, he also thought the words proposed by the hon. Member for London would meet the objections made by the mover of the Amendment, for they would let in all classes of people who, connected with the shipping interest, had either a ground for complaint or a remedy to propose. He desired to see no controversial feeling imported into the discussion of this question, but a fair and impartial inquiry, and then, he had no doubt, the Committee would satisfy all parties with their report. He hoped the Amendment would not be persisted in.

Lord LOVAINE said, he wished to observe, in reference to the observations which had been made relative to the conduct of the late Government in not putting in force the reciprocity clause of the Act, that the Board of Trade had reported so fully upon that question, and in such a manner, that the late Government would be perfectly justified on the face of that Report. It ought to be recollected that the number of foreign ships that enjoyed the advantage of the free-trade principle, and consequently traded on the coasts of Great Britain, was exceedingly small. He thought the present Government would not entertain a different view from that held by the late Government, on the reciprocity clauses. The late Government had done all they could to relieve shipping from the burthens that oppressed it, and they had also prepared measures which would have done away with several of the objections now urged by the hon. Member for Southampton. He believed the present Government would afford the shipping interest the fullest means of stating their objections; and he could only say with regard to himself, that if appointed a member of the Committee he would do all in his power to improve the legislation on the subject.

Mr. DANBY SEYMOUR said, that in his opinion when the shipping interest found their property depreciated 30 per cent in value, they should have an opportunity of stating what their grievances were; but he did not understand why, while this was going on, the Government might not bring in a Bill upon a subject which had already been inquired into—namely, the passing tolls and light dues. The local dues on shipping had already been inquired into, but he would empower the Committee to inquire into the objects aimed at by the shipping interest, including the operation of the passenger Act, and afterwards, as a separate subject, into the jurisdiction of the Board of Trade. The duties on foreign timber for shipping had already been condemned, and as a large sum would fall into the revenue this year, the Chancellor of the Exchequer would perhaps take the case of the suffering shipping interest into consideration. He agreed with the hon. Member for Sunderland that the depression was not owing to Free Trade, but, at the same time, he thought the shipping interests had a right to have the whole of what they considered their grievances overhauled by a Committee of that House.

Mr. H. TAYLOR said, that when the House knew that 40,000 of our best seamen were in foreign service, and that a vast diminution had taken place in the number of apprentices in the merchant service, the matters to be inquired into by the Committee would be seen to be of the most serious nature even in a national point of view. In his opinion measures ought to be taken for establishing a more effective system of supplying the navy with well-trained sailors. Either the system of taking sea-going apprentices should be reverted to, or else that the Government should establish school ships in our rivers to educate lads for the sea. If one of these two things were not done they might one day find themselves in an emergency which it was not agreeable to contemplate.

Mr. AUGUSTUS SMITH said, looking to the propositions before the House, he preferred the one made by the hon. Member for London (Mr. Crawford), but he thought that if the hon. Member for Sunderland (Mr. Lindsay) would agree to the introduction of the words proposed by that hon. Member, the House would accept his Resolution. It was because he (Mr. A. Smith) was a believer in Free Trade that the reciprocity clauses ought, in his opinion, to be insisted upon. In respect to our trade with the United States there was this difficulty, that we were sometimes dealing with individual States and sometimes with the whole Confederation. He held, however, that the British Government had a right to insist that the trade between one State and another should not be regarded as a mere coasting trade, but should be held to be identical with the traffic carried on between Great Britain and her Colonies. He agreed with Mr. Labouchere, who, when a Minister of the Crown and a Member of that House, said that the notion that a voyage between Malta and England stood upon a different footing from a voyage between New York and California was preposterous and inconsistent. With regard to the restrictions that had lately been placed upon the shipping interest, he thought they were most absurd, and that there was great room for amendment. One of the greatest grievances of which that interest had to complain was the subjection in which they were placed to the Board of Trade. Only those who were practically connected with the shipping interest knew the absurdities and difficulties to which they were thus exposed, from the whole of which foreign nations were exempt. Owners of vessels had great cause to complain that an examination of masters and mates was obligatory in order to enable them to command a vessel. The certificate, unfortunately, was no test of seamanship. The men who were crammed to a certain extent got the certificate, while those who were far better seamen were unable to obtain it. As an instance he might refer to a case with which he was acquainted of a well-qualified seaman, as far as the most important elements of his profession were concerned, who had been for twenty-four years in the service of his country as a master in the Royal Navy, but having left the navy and desiring to enter the mercantile marine, he was unwilling to undergo the examination in question, notwithstanding the practical evidence of his ability—the twenty-four years' service in all descriptions of the most important kind of navigation—he was held to be unfit for the appointment he sought. He trusted that the Committee now sought to be appointed would be so constituted as to enable them to deal with a petition lately presented by the mercantile marine, praying for something like an organization in the shape of an incorporation, and he thought that the Trinity House formed a very good foundation for such a scheme, and that it might be so modified in its constitution as to meet the wishes of the petitioners, to whom he had alluded. No doubt there were defects in the characters of those connected with the mercantile marine, but nothing would so much tend to improve that service as to treat them with more confidence, allow them more latitude in the regulation of their own affairs, and place them in that position of society to which they were entitled.

MR. LIDDELL observed that the great point of difference under discussion appeared to be between the terms of the several Motions before the House, but the great object, as it suggested itself to his mind, appeared to be not to narrow the scope of this most important inquiry. No one, however, who had listened to this debate, could, he thought, accuse the House of a desire to narrow the question before it, and he thought there were some reasons not yet alleged why the proposed inquiry should take place. It was very natural that the House, which, of its own free will, some years ago made various important changes in its commercial legislation, should be anxious to inquire what the result of those changes and of that legislation had been, especially as they affected one of the most important, if not the most important, of our national interests. Her Majesty's Government also appeared to him to be in a position not enjoyed by the last Government, of approaching this great question without creating the shadow of a suspicion in any man's mind. Had the late Government gone into the various questions raised that night (with rather more warmth than he thought still existed in that House on the subject of protection), they would have been met on all sides with the hue-and-cry that they wanted to reverse our commercial policy and return to the old system of protection. But Her Majesty's Government were not in that position. From whence had this Motion emanated? Why, from a man whom he believed to be as sound and sincere a free-trader as any in the country. The proposition had been supported by representatives of the great commercial communities of the country, and from what he designated the free-trading side of the House. This showed him, and every one who clearly looked at the question would see, the truth and sincerity of the grievances that, according to the statement of the shipowners of this country, now existed. He was not present when Her Majesty's gracious Speech was discussed, but in common with other Englishmen he felt great pleasure and pride in observing that the country was congratulated on the state of national prosperity that existed at the present moment, but no allusion was made in that Speech to one thing, and he confessed he thought it an omission—namely, to the depression, which was now assuming a chronic character, of the great shipping interest of this country. This depression was not temporary, as it had now extended over more than two years. He was not aware that it had been in any way alleviated. It might be to some slight extent, but it would have been but considerate to the shipping interest if room had been found for one paragraph in the Royal Speech referring to its present depression. But Her Majesty's Government could amend that omission by cordially accepting the Motion now brought before them, and granting a full and impartial inquiry into all questions connected with these complaints. Allusion had been made—and he was glad it came from the quarter it did, because it illustrated the honest intentions of the Gentleman who called the attention of the House to the subject—allusion had been made to the reciprocity clauses of the Merchant Shipping Act; and they were also told that one of the chief labours of the Committee would be to overhaul the Acts of Parliament passed for the protection—he did not use it in the old sense of the word—and promotion of the shipping interest. While they were engaged in the work he trusted that these reciprocity clauses would not be left out of sight, and he would ask any member of the House who had been instrumental in passing the great repeal of the navigation laws in 1849 a simple question—Why were these clauses put into the Act of 1849? They had been subsequently incorporated in the Mercantile Shipping Act, and formed part of the law of the land. They gave Her Majesty the power of placing the ships of foreign nations that did not reciprocate the advantages which that Act extended to them on the same footing that they placed ours. That was the substance of these clauses. Now, he would ask, were these clauses put in to gain the support of persons to the measure who would not otherwise have voted for it, or were they introduced with the intention of acting on them in the event arising, and which had arisen, of a refusal on the part of foreign nations to reciprocate these advantages? He would follow that question up by a further one. Was Her Majesty's Government prepared, on carefully examining the state of the case, to exercise this power, or to expunge these clauses from the statute book? For what had been their effect? Persons were induced to invest their capital, and to purchase ships on the strength of the power vested in the Crown without the interference of Parliament at all. They were deluded and misled by these clauses at this moment. He did not suppose that that House was likely to grant permission to any Minister to carry these clauses into effect; but they were a delusion and a snare as they at present stood in the statute book, and he would ask Her Majesty's Government whether they were prepared to consider these clauses, and the powers they possessed under them, and expunge or use them as they thought fit? His hon. Friend who spoke on that side of the House (Mr. Bentinck) took up the cudgels on behalf of the American Government in connection with the question of the coasting trade. He would not argue the matter with him, but he would set him right on one or two points, because he had clearly misapprehended the case as put by the Mover of the Motion, with regard to the effect of the restrictions of the American Government on their coasting trade. The hon. Member for Sunderland said the coasting trade of America was closed against us, but the American foreign trade was professed to be open to all nations; nevertheless, under the existing arrangements, we were virtually excluded from a great portion of the carrying trade, which was professed to be an open trade, and he gave illustrations to show how other ships obtained a preference in the matter over British ships, showing that the question of the American coasting trade was very materially and closely allied with that of the foreign carrying trade, which the Americans professed to be open to all countries. The hon. Member for Poole (Mr. Danby Seymour), told the Government that they were in a position to deal with the question without further inquiry. On many material points he (Mr. Liddell), granted that they were, and he would follow up the request that had been made, which, as it came from a supporter of the Government, he hoped would have weight. If they dealt with the passing tolls, or any other question of that kind, he implored the Government not to mix up with it that which was the cause of the former Bill being lost, not by accident, as the hon. Member for Poole had observed, but because the Government—and he thought it unwise at the time—and the noble Lord retained the place he held when the Bill was brought in, and the Government was somewhat similarly constituted—had mixed up with the consideration of the matter difficult and embarrassing questions involving vested rights and corporate rights, and the rights of property, which that House had always held sacred. If they dealt with the question as a simple question, no doubt it would be carried. The reason why the Passing Tolls Bill was not passed was an obstacle to which he had alluded, and these were matters so difficult of solution that they defied the labours of the Committee upstairs to arrive at a satisfactory conclusion. It was decided that many of these disputed points were for localities to settle among themselves, that they ought to be left out of the question, and that they should deal with the Passing Tolls simply with a view to their abolition. The consideration of that question would, no doubt, be a difficult one to deal with, because it involved vested interests and liabilities with which the House was not acquainted; and it would be expedient not to mix up other and more difficult questions, as had been the case on the former occasion. Another hon. Member had touched upon that which really, in the eyes of the House, ought to be more important that all the details into which they would be necessarily led, but which he would not enter on then—namely, the national part of the question. He hoped that the inquiry which the House was evidently generously disposed to grant would be a full inquiry, more particularly as we had now a great and most vital subject before the country relating to the best mode of manning the navy. When the legislature repealed the navigation laws, as an act of justice to the shipowner, it was obliged to make certain concessions to him, with regard to the proportion of British seamen employed in the composition of his crew, and he was now enabled to take a much larger number of foreigners into his service than formerly. But besides that, they abolished the system of compulsory apprenticeship on board of merchant ships, and he believed they would be compelled eventually with regard to the public marine to revert to some system of apprenticeship for the education of seamen. The Committee should also inquire whether the tendency of the existing state of the law had not been to engender in the mind of the merchant sailor something like a feeling of antipathy to serve the country that had placed him in his present position with regard to foreign seamen. He mentioned this point from practical conversations that he had had with men who were well acquainted with the subject. The British seaman saw the foreign sailors throng our quays, but without spending one farthing on our shores, or bringing custom to them, and they purchased nothing in our seaport towns, inasmuch as they bring all their stores with them, which they consume on board, free of duty. This, therefore, ceased to be a marine question, but became important as a social one to the commerce of the country. On the contrary, our own sailors on going to a foreign port—if they were lucky enough to get in at all—in Spain, France, and other places, were met by prohibitive duties. Besides, the foreign sailor was much more cheaply fed, could live on food that the English sailor could not, and this tended to displace a large number of our English sailors. Was it to be supposed that this was not calculated to weigh in the mind of the British seamen? The Government had now a great measure before the country, and he would give them the fullest credit if they carried it—he meant the provision for a reserve of seamen for the defence of our shores in times of emergency. He was told it was not working in the way that was expected, and that the retaining fee was not accepted by sailors as had been expected. How did they know but that this feeling of soreness and dislike to serve the Government, arising from the inferior position of the British seaman to that of the sailors of foreign Governments, might not have something to do with it? With regard to apprenticeship, he thought the country required a national system of apprenticeship to be provided for our seamen. He hoped that her Majesty's Government would be in a position to do this without creating suspicion. He trusted they would accept the Motion in its widest sense, and investigate every portion of the subject. There was plenty of work cut out, more than one Committee could do in a year; but let the House and the country know what had been the working of the great Act of 1849, ascertain whether, it had been on the whole conducive to the commercial prosperity of the country. Let them ask whether if it had failed in any of its details, what these details really were; let them approach the inquiry impartially, and unhampered and uncontrolled by any previous prejudices that might have existed on one side or the other; let them consider that the shipping interest was second to none, he was almost saying it was the first interest in this kingdom—an interest that had placed this country in the proud position that it occupied—that had obtained and established her maritime superiority and prosperity, remembering too that if we lost that maritime supremacy and prosperity we should lose our position as a nation.

MR. CAVE said, he rose to express a hope that the suggestions both of the hon. Member for Sunderland and the hon. Member for the City of London would be adopted and incorporated in the Motion before the order of reference went to the Committee. In this way the investigation would be considerably widened. Besides, after the discussion of the previous night on the reappointment of the Packet Service Committee, it was desirable that the objects and scope of the inquiry should be well defined in the order of reference. If the shipping interest suffered no depression, or only temporary distress, there would be no necessity for investigation. But if the Committee were appointed the subject they would have to investigate would be two fold, and the whole inquiry would hinge upon the disabilities to which British shipping was subjected either by British or Foreign enactments. They had heard that English enactments pressed—and he was willing to admit the truth of the allegation—in many instances with undue force on the British shipowner, and the reconsideration of these Acts would be of the greatest possible advantage, value, and importance to the British shipowner. Great benefit would arise from their revision and reconstruction, and he hoped that the British shipowner would accept this as an instalment, not shutting them out from future demands. It should not, however, be forgotten, that the relaxation of burdens which pressed equally upon the foreign and upon the British shipowners, would not affect their relative position. As an illustration of the extreme absurdity of the way in which the timber duties, for instance, pressed upon the British shipowner, he might mention that the other day a ship on entering one of the northern ports, by accident went on shore, and, in addition to this misfortune, the unfortunate owner was immediately pounced upon by the Custom House officer, and made to pay duty for the timber into which his vessel was converted by the winds and waves. As regarded the other principal point involved in this question—the point which depended upon Foreign enactments—which had been dealt with by hon. Members on the other side (he would except the hon. Member for Truro) with some reserve, as if they were afraid of their own conclusions, the point in fact of reciprocity. He could state cases where the existing want of reciprocity most materially affected the British shipowner. For instance, a French ship at Calcutta commanded a higher rate of freight for the homeward voyage than an English one, simply because she had a choice of two destinations. Again, an English ship went from China to New York and discharged her cargo. She was obliged, if she wished to return to China, to go back to England, probably in ballast. But an American ship going from China to New York, after discharging her cargo, could take a fresh one and go a coasting voyage to San Francisco, or even our own colony of Australia, which would take her more than half way back to China. It was said we could not enforce the reciprocity clauses. If that were so, it was a humiliating consideration that we should have provisions on our statute book which were inoperative, and therefore a delusion and a snare; but the fact was we might enforce them easily by denying corresponding advantages to those States which refused them. In the days of Huskisson disabilities were imposed upon the merchant ships of Prussia. What was the consequence? Prussia threatened to retaliate, and the English Minister was compelled to give way. Now, the trade of Prussia was not nearly so important to England, as the trade of England is to America and France. If, therefore, Her Majesty's Government in the present day were to adopt a firm attitude, not in a spirit of hostility, but in a reasonable and just manner, towards those other countries that now refused the same advantages we gave to them, they would find them more pliable than we thought they were, and then our shipping interest, restored to equal rights with that of other nations, would, in spite of bad food and scanty wages of the foreigner, fear competition with the mercantile marine of no country in the world.

SIR CHARLES NAPIER said, the hon. Member for Sunderland had adverted to a falling off of apprentices in the merchant service in two recent years of from 37,000 to 20,000. He believed the hon. Member had correctly stated the declension; but he (Sir Charles Napier) had it on the best authority that boys were now coming into the service in great numbers. This would be satisfactory to the House. It had been also stated that the numerical strength of our seamen was diminishing, but that was wrong, for between 1852 and 1857 the increase had been no less than 45,000 in the merchant service. The number of foreign seamen in the coasting trade was very small indeed. Perhaps the hon. Gentleman might be stating correctly enough the numbers in the ports with which he was connected, but over the country he knew that the number of foreign seamen employed was very small, much smaller indeed than was expected. His hon. Friend had alluded to the manning of the navy, and no doubt that was a very serious subject, for he was sorry to say that he believed the Government plan of a reserve had quite fallen through. But he would not go into that question now, for they must have a discussion upon the subject. The Parliament must look into the matter, and then he would be prepared to state what were the real causes of the falling off, and to the best of his judgment he would state the remedy. But he could not allow it to go abroad that the number of our seamen was diminishing, or that the apprentices were not kept up.

MR. MILNER GIBSON said, it was really impossible for him to touch upon the various subjects which had been introduced into this debate, and it would be very inconvenient to do so, as many of the Acts of Parliament and measures adopted by foreign countries which had been mentioned, and concerning which opinions had been freely expressed, were precisely the subjects proposed for inquiry by this Committee. He was well aware that some of the Acts of Parliament were of recent origin; and he did not think that any one was of opinion that they were so perfect as not to prove, on inquiry, susceptible of changes which would be beneficial to the shipping interest. The question before the House was somewhat peculiar, for it mainly turned upon what should be the particular order of reference to guide the Committee in its investigation. The late Government promised a Committee of Inquiry, and the hon. Member for Sunderland (Mr. Lindsay) moved in the late Parliament for a Committee to inquire into the operation of all burdens and restrictions especially affecting merchant shipping. The hon. Member for London (Mr. Crawford), not thinking those words sufficiently wide, proposed an addition, and subsequently the House agreed to the Motion as amended. In its amended form the Motion was precisely what was now before the House. It was the same Motion which the late Parliament agreed to, and which was considered by the shipowners generally as sufficiently wide for all the purposes of inquiry they had in view. He therefore thought they might consider the present Committee as a continuation of what had already taken place. He could assure the House that there was no desire on the part of the Government to limit the inquiry in the smallest degree. The object of the Government was that the inquiry should be sufficiently wide to go into all grievances, so as to provide a remedy. If the House should be of opinion that the words "into the state of British shipping" should be introduced he saw no objection, though he did not think it would be any improvement upon the order of reference to which the House had already agreed, and under which the Committee sat, and the inquiry commenced. His hon. Friend the Member for Sunderland had, in the course of his speech, commented upon the treaty of reciprocity now existing between England and France as regarded dues on merchant vessels in the direct trade, and had complained that British ships entering French ports were not treated on an equal footing with French ships entering English ports. It was very remarkable that there had been for years past complaints of a similar kind on the part of France—namely, that having entered into a treaty of reciprocity with England, the English did not treat French ships entering English ports on so fair a footing as the French treated English ships entering French ports. He must remind his hon. Friend, also, that the treaty embraced only the direct trade, not the general trade, so that we might put differential duties on French ships entering British ports, if they did not come from France. The complaint of the French Government was an old affair, and had been the subject of correspondence for years past. They said that although we entered into a reciprocity treaty in 1826 to put French vessels engaged in the direct trade on the same footing as British vessels, yet we maintained a system of exemptions in favour of freemen and residents in certain towns, which, as Frenchmen could not become such privileged persons, prevented their really being on as good a footing as all owners of British vessels. He did not say whether such a course of argument was correct or not, but he pointed it out as a remarkable circumstance, that while the hon. Member was charging other nations with not keeping reciprocity treaties, they urged that we were not entirely carrying out the engagements which we had entered into with them. The hon. Member for Truro (Mr. A. Smith) had condemned the Board of Trade and the strictness of their examinations, but it should be recollected that they only acted under the Merchant Shipping Act. The Parliament of England had passed certain laws, and all that the Board of Trade did, was conscientiously and faithfully to carry them out. With regard to the master in the Navy who did know sufficient of navigation to pass the examination, he very much doubted, if that were so, his capability to be the captain of a merchant ship; but he thought his hon. Friend was misinformed upon the subject, because he imagined a master in the navy would, as a matter of course, have a certificate given him as competent to command a merchant vessel. With regard to the Amendment of the hon. Member for Southampton, he thought the House would consider it hardly admissible. He did not wish to dispute for an instant the assertion that the shipping interest was in a depressed condition, but he asked the House whether they had sufficient proof by figures of such a state of things that they were prepared to pass a deliberate Resolution that there existed at the present moment such depression as to demand inquiry. It would be prejudging the question. They had not facts before them to justify their passing such a Resolution. It might be so, but Parliamentary documents did not show it. They had the assertion, he admitted, of most respectable men, and statements to that effect from associations, but they had no figures which showed a greatly depressed condition of the shipping interest. On the contrary, the figures which were laid before Parliament would rather lead to a contrary conclusion. They would find that, although in 1855 there was an enormous increase in the number of sailing and steam ships built and registered, owing to the Russian war, there had been an annual augmentation in subsequent years far beyond what used to take place in former times. In 1856, 244,000 fresh tons were built and registered; in 1857, 250,000 fresh tons were built and registered, and in 1858, 208,000 tons. But a far better test than this was the number of tons actually employed. In 1855, 3,599,000 tons of British shipping were employed in the home and foreign trade; in 1856, 4,000,000 tons; in 1857, 4,211,000, and in 1858, 4,325,242 tons. Such an increase as this irresistibly led to the conclusion that if there were a serious depression in British shipping, it could but be temporary, and that we might look forward to a speedy improvement, even if it had not already begun. The old comparison, so often made between the number of British ships entering and clearing from the different ports of the United Kingdom, and the number of foreign ships so entering and clearing out was somewhat fallacious, because in the return of British ships no account was taken of those employed in other parts of the world, between Australia, for instance, and foreign ports. But had the alleged depression been peculiar to England? From a return contained in the report of the Secretary of the Treasury in the United States which had been recently put into his hands, it appeared that while there had been an increase in the British shipping employed in the last three years in the home and foreign trade, there had been a positive decrease in the shipping of the United States employed in their home and foreign trade. And if similar returns could be obtained for France and Holland, he had every reason to believe that they would show the same result. These were the figures. From 1855, up to the present time, 335,072 tons had been added to the tonnage of British ships employed in our home and foreign trade — about 10 per cent—while there had been a decrease of 66,964 tons in the tonnage of American ships, or a decrease of rather less than 1 per cent. The conclusion at which those persons, who, he believed to be fully competent to form an opinion, had arrived, and which he himself had also formed, was that this alleged depression was a fluctuation common to all trades and employments. It would be quite impossible by any legislation to secure to the shipowners year by year an undeviating course of prosperity

—to provide that freights should be settled at one fixed sum, or that the shipping interest should derive from the employment of their vessels the same uniform rate of profit. The only fair way was to take an average of years, and the progressive increase for the last few years in the British tonnage employed ought to give us confidence that the depression would be but temporary, and he hoped soon to see the period return, if indeed it had not already commenced, when there would be a considerable improvement in the condition of the British mercantile marine. There was no objection on the part of the Government to an inquiry, but he would be no party to inserting words in the order of reference leading to the idea that it was possible to find a remedy for the alleged depression by reversing the commercial policy of this country. As far as he could gather, there appeared to be no such desire on either side of the House. Hon. Gentlemen who had spoken on that side rivalled each other in their professions of adherence to Free Trade, while on the other not even the hon. Member for West Norfolk (Mr. Bentinck) seemed desirous of returning to Protection. With regard to Lord Campbell's Act, it was undonbtedly true, as had been pointed out by the hon. Member for London, that there was something more in that Act than the question of how far it bore upon the shipping interest, since it was passed to provide a remedy for injuries sustained, either by the fault or negligence of railway companies, or any other carriers by land or sea. By the old common law a remedy could not be obtained in cases where death ensued, and Lord Campbell's Act simply extended the principle formerly applicable to cases of injury short of death, to cases where death ensued either on board steamers, or sailing vessels, on railways, or any other conveyance, an extension to which he thought no one could entertain a reasonable objection. Merchant shipping was placed in a rather more favourable position by a clause in the Merchant Shipping Act, which only rendered owners of vessels liable to a certain amount. If Lord Campbell's Act were inquired into by the Committee, it would be better that the inquiry should be limited to the effect of that Act on merchant shipping, and he would ask leave to insert words in the order of reference to that effect. He would therefore conclude by suggesting that the Resolution should be amended so as to read, "A Select Committee to inquire into the state of British Shipping, and into the operation of the burdens and restrictions especially affecting Merchant Shipping."

Amendment and Motion, by leave, *withdrawn.*

Select Committee *appointed :—*

"To inquire into the state of Merchant Shipping, the operation of the burdens and restrictions especially affecting Merchant Shipping, and of the following Statutes: 9 & 10 *Vict.*, c. 93, an Act for compensating the families of Persons killed by Accidents; the Merchant Shipping Act (1854); the Merchant Shipping Amendment Act (1855); the Passenger Act (1855); and the Chinese Passenger Act (1855)."

CORRUPT PRACTICES PREVENTION ACT (1854) AMENDMENT BILL.

LEAVE. FIRST READING.

MR. MELLOR said, he rose to move for leave to bring in a Bill to amend the Corrupt Practices Prevention Act (1854), and to make further provision for the detection and punishment of bribery, treating, and undue influence at Parliamentary and Municipal Elections. He felt much encouragement in bringing forward his Motion by the discussion which took place the other night on the notice given by the Secretary of State for the Home Department in reference to withholding the issue of the writs for Gloucester and Wakefield. Such an unanimity of condemnation of the offence of what he might properly call the crime of bribery, was then exhibited by the House that any Member who would point out more stringent provisions than those which the law already provided needed but little apology for bringing forward the subject. A deep feeling prevailed in the country that the House was not in earnest in endeavouring to put down this offence, and it was this feeling which induced him at the close of last Session to divide against the Motion for the appointment of a Commission to inquire into corrupt practices at Gloucester, because he could obtain no pledge from the Government that they would take any steps on the Report of the Commission to punish the persons who might be found guilty of bribery. The Report of the Gloucester Commission contained striking evidence of the prevalence of the opinion that the House was not sincere in its attempt to put down bribery. The right hon. Member for Wells, late Secretary of the Treasury (Sir W. Hayter) in his evidence before the Committee, speaking of the Corrupt Practices Prevention

Act 1854, said, "I confess that I ought to be acquainted with that Act, but practically I have always considered it a dead letter." This was an expression of the opinion of a Gentleman who was a party to that Act. He went on to say, "Everybody acquainted with election matters knows it is almost invariably the practice to send to the different agents the money necessary for the election expenses. I have never known a contest of any sort in which that was not done, notwithstanding the Act. I think it useless. No doubt it is wrong not to observe an Act of Parliament. I am not saying it is not; but what I say is, that practically this Act of Parliament is uniformly disobeyed." Mr. Price, the late Member for Gloucester, speaking of the Act before the same Commission, said, "I always looked upon it as that sort of homage which is paid by vice to virtue." Now, if the House was to be looked upon by the country as a set of shams and impostors, well and good; but he hoped he should induce the House to come to a different conclusion, and to take some measures to show that they really were in earnest in doing something that would put a stop to this detestable offence. He was not alone in his opinion, nor were those Gentlemen who had given this evidence of the utter inutility of many of the provisions of that Act of Parliament. It was based, as it appeared to him, on the notion that the publicity given to election accounts would render candidates and agents more careful, and would, in point of fact, tend to curtail the expenses of elections. No doubt, this desirable result had been to some extent realized whenever the Act was honestly carried out, but its deficiencies were occasioned by want of power to compel the performance of its own enactments. It had become a mockery and a delusion, and the Commissioners stated that it was rather a cloak for bribery than a means of detection. A letter had lately appeared in *The Times* addressed to Lord Brougham, and written by his hon. and learned Friend the Member for Suffolk, which afforded a most eloquent, just, and faithful account of the existing state of things, and of the law with reference to bribery and corruption at elections. It stated that—

> "The prevalence of this crime in more than half the electoral boroughs of the kingdom; the inadequacy of the laws in being to the repression of the offence; the utter failure of every attempt hitherto made by legislation, by punishment, by exposure, by disfranchisement, even to check this practice; and the discredit thus brought, not only upon the country, its laws, and character, but all free constitutions, and the very name of liberty itself, seem to render it imperative upon the Government and the Legislature to make one more effort, and resort to some yet untried means to remedy this great evil."

The conclusions, however, at which his hon. and learned Friend arrived, and the suggestions which he made for endeavouring to put a stop to the abuse by a system of promissory oaths and declarations, seemed to him altogether idle, and must prove futile in practice. Men who would palter with their consciences by signing the declaration required by the existing law, according to which they bound themselves not to appoint any agent for election expenses without giving notice to the auditor, would attach as little weight to any system of oaths that could be devised. Declarations and oaths would touch the consciences of honest men, but would in no way restrain those unscrupulous aspirants to the honour of a seat in that House by whom bribery was now knowingly practised. The true remedy in the case was an increase in the severity of the punishment to which the bribers or the bribed were exposed. All the witnesses who were examined before the Gloucester Commission, and particularly one or two of great experience—Sir Maurice Berkeley for instance—gave it as their opinion, that if the House were in earnest to put down bribery, it might easily do so by passing a more stringent Act. Sir Maurice Berkeley said, "Bribery cannot be put a stop to unless severer measures of repression against the briber are resorted to." Now, the existing law made bribery, or the exercise of undue influence, a misdemeanour, punishable by a fine or imprisonment. When they talked of a more stringent measure, therefore, they meant something more than fine or imprisonment. It was obvious that the subordinate agents were generally persons of little standing and means, and that the sending them to prison was merely to enable them to live in prison as comfortably as at home; the fine would be paid by the person who employed them, and they would receive their weekly wages during the whole time they were in prison. This was no punishment whatever; to show that bribery was regarded as a degrading crime it was requisite to affix to it a degrading punishment, and he therefore would propose a stringent measure, and that was to give a larger discretion to the Judge, and enable him to impose the penalty of hard labour as well as that of imprisonment. He did not desire, as was contemplated by his learned Friend, in the letter to which he had referred, to subject the guilty parties to two years' penal servitude; neither would he adopt the view of a noble and learned Lord by making the crime felony, with a punishment of two years upon the treadmill. He merely proposed that the Judge should, if he thought fit, have power of ordering that the prisoner be kept to hard labour for a period not exceeding six months during the term of his imprisonment. The crime of bribery, was not unlike that of manslaughter, which might deserve any punishment from transportation for life down to a nominal fine, it was of various degrees, and he therefore made this power not arbitrary but discretionary. It was no wonder that men were found to accept bribes, not only from stress of circumstances, but from the belief that the act was not really looked upon as a crime, when they saw persons of superior education and position coming amongst them and resorting to such practices to obtain personal elevation. This feeling was graphically expressed by one of the witnesses before the recent Election Commission, who said, "how could a poor man be blamed for taking a little money, when twenty-four lawyers were each taking their twenty-five guineas and two guineas a day!" One of the main features of any anti-bribery Bill must be the production of a feeling of insecurity between employer and employed—between the briber and the bribee. This could only be done by giving to that one who gave information or evidence against the other an indemnity such as was given to witnesses who gave evidence before Commissions of Inquiry into these practices. There was a remarkable instance of the importance and necessity of this in the Gloucester Report. On the election in 1857 for the borough of Gloucester, two petitions were presented to that House, one on the part of the Conservatives, the other on the part of the Liberals. They failed from want of proper evidence, and the Committee dismissed both petitions. Attempts were made to prove five cases, but they wholly failed; whereas it had been elicited by the Commissioners who were armed with this power of granting indemnities, that at that very election no fewer than 109 persons had been bribed on the Conservative side. Such a fact alone showed that the existing modes of procedure and rules of evidence were wholly inappropriate to the discovery of a crime which it was to the interest of both parties to conceal. He therefore proposed to give to either the party offering or the party receiving a bribe an idemnity against the pains and penalties which he had thereby incurred, provided that he would come forward and furnish evidence upon which his accomplice might be convicted. Another necessary provision would be to abolish the right which a witness now had of declining to answer any question which he thought fit to say tended to criminate or degrade himself. A very remarkable instance of the way in which the existing privilege of witnesses might be used for the purpose of defeating the ends of justice had lately occurred at Norwich, where a gentleman, a banker and a magistrate, had refused to answer a question on the ground that it tended to criminate him. He trusted that the attention of the Lord Chancellor had been directed to this case. Did this gentleman still remain in the commission of the peace? Was he a criminal and afraid of justice? And if so, was he fit to remain on the bench? At all events, his refusal had rendered abortive one of the most prominent cases that had presented itself of trying the effect of our criminal law upon the practice of bribery. To meet such cases for the future he proposed that any person refusing to answer before a tribunal authorized to inquire into bribery on the plea that the answer would criminate himself should be deemed guilty of contempt of court; but he would not be so unfair as to make an answer thus extorted evidence in any indictment against the witness himself, unless it were one of perjury. If a man gave a false answer upon oath he must of course take the consequences; but he (the hon. Gentleman) would not seek to convict him of bribery by his own confession. Without these two provisions the House might go on legislating for ever against bribery without effect. Another provision of great importance would be comprised in the Bill. Nothing was more notorious than the way the present enactment, which required all payments to be made through the election auditor or election agent, was evaded. Of this, too, the Gloucester Commissioners had detected a remarkable instance. The sums expended, as returned to the election auditor, were, for Sir Robert Carden, £1,021 10*s.* 11*d.*—it was really wonderful to see the particularity to which this account condescended—for Mr. Price, £464 11*s.* 6*d.*, and for Mr. Monk the same. Now the sums ascertained by the Commissioners to have really been expended (and they were probably under the mark) were, for Sir Robert Carden £2,600, and for the other two candidates £2,300. He (Mr. Mellor) had lately seen a letter from a defeated candidate, in which it was stated that his side had spent £3,000, and the other £5,000; but on being curious enough to look at the published accounts he found the two sums modestly set down, the one at £670 and the other at £570. At present there was nothing to enforce the delivery of correct accounts, and to meet that difficulty he (Mr. Mellor) proposed to make it a misdemeanour for any person, whether candidate or not, to pay any money for any expense incurred during an election, except through the agent for the election expenses under the Act, the amount being returned to the auditor as provided by the Corrupt Practices Prevention Act. By these means, although he did not, of course, suppose that the Bill would render bribery impossible, some vitality would at least be introduced into the legislative enactments to prevent bribery, until time and opportunity concurred to effect its complete suppression. There was yet another provision to which he would refer. One of the most insidious forms of corruption was the colourable employment of voters as messengers, runners, and so on. At Gloucester 150 persons had been so employed on the one side, and 112 on the other, whereas the Commissioners said that 30 would have been an amply sufficient number. The Hull Committee had likewise reported a similar practice which had prevailed at the last election for that borough. They stated that it had been proved before them that 487 persons were thus employed on behalf of Mr. Hoare, and 493 on behalf of Messrs. Clay and Lewis; that 300 of those employed for Mr. Hoare were voters and were paid sums varying from 2*s.* 6*d.* to £3 5*s.* each, for which few of them had rendered any adequate services. He (Mr. Mellor) proposed to make it a misdemeanour knowingly to employ any person who was on the register of voters; and he thought it would be advisable to make the penalty also attach to the *employé*, with of course the same provisions as regarded indemnity as he had already described in the case of bribery. The Gloucester Commissioners had pointed out that the municipal elections were a very fertile source of bribery at the parliamentary elections, inasmuch as the effect of a bribe at the former was to retain the voter as it were for parliamentary elections; and he proposed, therefore, that his Bill should be applicable to both; for he believed that there had never been such extensive corruption at municipal elections as had prevailed during the past year. The Gloucester Commissioners pointed out that the constitution of certain friendly societies offered an easy means of extensive bribery. These societies were to be met with on both sides; there were "Reform Clubs" and "Conservative Associations;" so that a candidate had nothing to do but to become a liberal contributor to the funds of one or the other to ensure the support of a large number of mercenaries whenever a vacancy might occur. He (Mr. Mellor) thought that cases of this kind might be dealt with under the provisions which he had suggested. He had likewise added a short—and which he had no doubt would prove a useful—form of indictment; and he had carefully considered the question of costs. Proposals had been made for the appointment of a public officer to conduct prosecutions for corrupt practices; but he thought it a sufficient reason why such a course should not be adopted that public prosecutions invariably entailed an enormous expense upon the country. For instance, the prosecution of the British Bank directors had cost the country very little short of £20,000; a bill for £17,500, followed by another for £1,200 or £2,000, having already been sent in. What he proposed was, that the costs of prosecuting indictments in cases of bribery where the magistrates had committed or held the accused party to bail, and where the Judge thought it a proper case, should be defrayed in the same manner as the expenses of prosecuting other indictments; but, in order to prevent vexatious proceedings, he would compel parties preferring indictments. without first applying to the magistrates to commit the accused, to give security for costs to the amount of £200 under penalty of the proceedings being stayed. Such were the clauses which he proposed. He did not pretend to say that they would constitute a complete cure for bribery; but he was anxious to limit his suggestions to such things as he hoped would not meet with much opposition, so that if any sudden disaster should happen (which he trusted would not be the case) they might not be sent back to their constituents without having provided means in some measure calculated to give vitality to the laws against bribery and corruption. He would call on the House, in conclusion, to adopt these proposals, to show the country that they were in earnest in the strong language with which they had so often characterized the resort to undue practices in the election of Members, denouncing the cases revealed as "horrible disclosures," in terms which the greatest moralists could not complain of, and describing the practice as a cancer eating into the vitals of the political system. The hon. Member concluded by moving for leave to bring in his Bill.

SIR FITZROY KELLY said, he did not rise to oppose the introduction of the Bill, but to express his gratification that an hon. Gentleman on the other side of the House proposed to introduce a measure the effect of which, it was hoped, would be to check, if not utterly to put an end to, bribery throughout the kingdom. At the same time he could not help expressing his regret that no intimation in a distinct and satisfactory form had been given by any member of Her Majesty's Government that the great measure of Reform which was now promised to the House and the country would be accompanied by a measure to put down the practice of bribery; for having a much larger experience in this House than his hon. and learned Friend, he might venture to tell him that no measure that could be brought forward in this House had the least chance of success unless it were seriously and earnestly undertaken, and cordially supported, by the Government. His hon. and learned Friend had alluded in terms from which he (Sir F. Kelly) could not differ, to the effect of the Corrupt Practices Act of 1854. That Act had failed in respect of many of its objects if it had not proved entirely useless, but he attributed that result to the fact that the intention of its framers had been altogether disregarded and lost sight of in the passing of the Bill through the House. It was the intention of its original framers that all money whatever applied to any election purposes should in the first instance be paid into the hands of some public officer, and that any one who paid money as election expenses, except through that officer, should be deemed guilty of a misdemeanour, and be liable to a severe punishment; but the punishment was taken away, and a nominal pecuniary penalty alone inflicted. He agreed with his hon. and learned Friend that a promissory oath could be seldom carried into effect; and he believed that it never occurred to any Member of the Committee who sanctioned the principle of the Corrupt Practices Prevention Act of 1854, that that Act was intended to impose a promissory oath against the commission of any offence whatever. It was intended merely that an oath should be taken that no money for election purposes should be paid by any one whomsoever, whether candidate, or relation, friend or agent, of the candidate, except through the authorized public officer; but the provisions referring to this point were so mutilated in their passage through the House that he hesitated not to admit that the Bill, though it had not proved altogether a dead letter, had in many respects almost entirely failed in the effect anticipated from it. Although he could not venture to criticise a Bill that was not before them, this much he might say with regard to the measure now proposed by his hon. and learned Friend, that he entertained no hope that any mere addition to the severity of the punishment to be inflicted upon acts of bribery would be accompanied by the slightest beneficial results. The punishment of bribery at that time was such, that if gentlemen of condition and respectability entertained the remotest notion that on conviction it would be carried out, bribery would have been done away with long ago. But the severity of a punishment did not always deter from the commission of a crime, and the way in which the offence was now committed, or to speak more plainly, the way in which the money to be spent in bribery was supplied by the candidate and passed through many hands to the electors bribed, was such as to throw a protecting shield over the persons from whom it emanated, but who must know, or at any rate entertain a suspicion, often a belief, that its ultimate employment was to be in bribing voters. With respect to the Bill of the hon. and learned Member, he should rejoice to see it laid on the table. He had no doubt that it would receive due attention from Her Majesty's Government, and every clause would receive from him the most earnest consideration, though he did not suppose that the Bill, if carried, would put an effective stop to bribery. His hon. and learned Friend had stated that he anticipated, as he well might, that he (Sir F. Kelly) would acquiesce in a clause which would make bribery penal, and include it in the class of misdemeanours, making it punishable in any one, by whomsoever the offence was committed, to pay any money for the purpose of any election, except into the hands of an election auditor. A clause to the same effect was printed and laid upon the table as forming part of the Bill of 1854; but unfortunately, from the scruples of Members, who were afraid that the penalty might be abused, and from the severely penal character of the results which might follow an indictment, the clause was rejected, and the merely nominal penalty, to which he had alluded, was imposed upon those who paid money for election purposes except through the hands of an auditor. He was glad to find also that his hon. and learned Friend had reverted to the practice of paying money to voters, and to relatives and friends of voters, under the excuse of employing them as messengers at elections. This was one of the many modes by which the provisions of the Act were evaded. Great credit was due to his hon. and learned Friend for calling attention to the question, but until the House adopted some measure which would provide that every farthing of the money spent in an election, whether legal or illegal expenses, should be placed in the hands of some public responsible officer, whose position in society was such that purity and integrity in the discharge of his duties should be secured, in his (Sir F. Kelly's) opinion bribery would never be effectually prevented. He would not enter, at the present moment, into the provisions of the measure about to be introduced, but he appealed to the two noble Lords opposite to look not only into the clauses of the Bill, but into every suggestion which might be made which was calculated in any way to lead to a measure which would put an end to bribery. When the Bill was before the House he would render the hon. Gentleman the best assistance he could, and he hoped to receive a like assistance from him upon the Bill which he (Sir F. Kelly) was shortly to move. He thought that, with the assistance of the Government, and every Member of the House who was anxious to remedy the present state of things, they would be able to frame a measure which would have the effect of putting an end to an evil which had become a blot and stain upon the representative institutions of the country.

VISCOUNT PALMERSTON: It is not my intention, Sir, to oppose the introduction of the Bill which my hon. and learned Friend behind me has moved for leave to bring in, while I shall, at the same time, refrain from giving any pledge upon the part of the Government as to the opinion we may feel ourselves obliged to pronounce with respect to its details when it comes on for consideration. The object which my hon. and learned Friend has in view is one which I am sure every man within the walls of this House must regard as in the highest degree deserving of attention, and the accomplishment of which is most important in order to secure the proper working of the constitution of the country. The subject is one, however, upon which I am afraid some sort of laxity of opinion prevails in many of our constituencies. It appears to me that in several places the electors—especially those of the lower class—do not look upon the receipt of a bribe as an offence of that moral dye which we consider it to be; and, so far from concurring with those who contend that the House of Commons is more open to censure in the matter than the country at large, I believe, upon the contrary, that a stronger feeling against bribery prevails in this House than among the public generally out of doors. But be that as it may, I hope that some measure may be devised—whether it be that which my hon. and learned Friend now proposes, or that which the hon. and learned Gentleman who spoke last leads us to infer he has in contemplation—which now, after the experience which we have have derived from a general election, may be more effectual in the attainment of its object than the Corrupt Practices at Elections Act has been found. I would remind hon. Members that upon a former occasion we, when in office, and when it was proposed to appoint a Committee with the view of inquiring into the operation of that Act, urged upon the House the expediency of deferring any such investigation until after the experiment had been tried of the mode in which the measure would operate at a general election. The result, I think, has shown that the advice which we then gave was sound, and that we stand in a better position now to revise the Act than would otherwise have been the case. In answer to the hon. and learned Gentleman opposite (Sir F. Kelly), who says that, so far as he is aware, no intimation has been given by any Member of the Government that this important subject has at all occupied their notice, I can only say that he could hardly have been in the House when, a few days ago, my right hon. Friend the Secretary for the Home Department stated that he and his Colleagues had directed their attention to the framing of a measure with respect to it, and that he hoped to be able to submit such measure to Parliament. I can assure the hon. and learned Gentleman that Her Majesty's Government are not indifferent to the importance of such legislation, and that we shall be most happy carefully to consider any proposal, come from what quarter of the House it may, which we think is calculated to secure that which is a common object. I may add, that I trust we shall, before the Session closes, have succeeded in devising some means which may deal more effectually with an offence to which we all desire to put an end, than the Act which I have just mentioned. That Act has, however, I may observe, been the result of a *bonâ fide* intention on the part of the Legislature to abolish bribery; and, if it has failed to do so, its failure is not to be attributed to any want of inclination or determination on the part of the House of Commons, but is owing rather to the inherent difficulties by which the question is beset.

MR. STEUART said, the question was one which ought to be treated in conjunction with a measure for introducing an improved system of trying Election Petitions.

MR. SPEAKER informed the hon. Member that he was out of order in alluding to the question of Election Petitions, leave not as yet having been given to bring in the Bill.

MR. STEUART was of opinion that bribery was to be put an end to not so much by increasing the severity of the punishment attached to it in the case of those who should be found to have been guilty of it, as by making detection, as far as possible, a matter of certainty, and punishment sure. All that he was going to say about petitions was that bribery might be investigated without a petition at all, on the memorial of electors, by an officer of the House, or by a Commission, as at Gloucester and Wakefield. He also thought the suggestion a very valuable one, that where an inquiry was directed into corrupt practices in any borough the expenses of that inquiry should fall upon the borough. He sincerely hoped, as the noble Viscount had acknowledged the difficulty of dealing with the question, if they should be found not speedily to agree upon any practical remedy, a Committee of Inquiry would be appointed, when their united efforts might lead to some good result.

Leave given.

Bill to amend "The Corrupt Practices Prevention Act (1854)," and to make further provision for the detection and punishment of bribery, treating, and undue influence at Parliamentary and Municipal Elections, *ordered* to be brought in by MR. MELLOR, MR. PAGET, and MR. DENMAN.

Bill *presented* and read 1°.

ELECTION PETITIONS ACT (1848) AMENDMENT BILL.

LEAVE.—FIRST READING.

MR. MELLOR said, he then rose, pursuant to notice, to move for leave to bring in a Bill to amend the Election Petitions Act. His object was to amend the practice as to the withdrawal of Election Petitions by repealing the 8th section of the Election Petitions Act of 1848. The House was aware that at present the practice was that any person having presented a petition complaining of an undue return might, by letter to the Speaker, with notice to the parties, and on payment of any costs incurred, withdraw that petition without any inquiry. It must be in the recollection of every hon. Member that many instances had occurred in which petitions had been withdrawn under very peculiar circumstances. A very remarkable compromise, for instance, had taken place at Berwick, after the last election, when a petition which had been lodged had been withdrawn, and the writ had been allowed to issue, although, had the circumstances since disclosed been then known, he, for one, would never have consented that a new writ should issue. His Bill would provide that the House should be informed of the grounds on which a petition was withdrawn, and this would of itself furnish some check on the presentation of frivolous and vexatious petitions. They all knew that at present on the last day of presenting petitions a gentleman usually appeared with a large number of petitions, informing hon. Members that undue practices prevailed at the last election for the places they represented. These petitions were never intended to be proceeded with; they were mere jobbing compromises by electioneering agents. To put a stop to this practice he proposed to repeal that section enabling parties to withdraw a petition, and to provide that they should only do so on leave of the House and on cause alleged in a petition to be presented, stating on what terms it was to be withdrawn, so that the House might take the means of ascertaining the *bonâ fides* of the whole proceeding. He thought this would be an effectual mode of checking the evil, and undoubtedly all sides must be anxious to put an end to it. The only other amendment he proposed was to give Election Committees the same power with reference to the examination of witnesses, provided in the other Bill with regard to trials on indictments. If a witness declined to answer a question on the ground that it tended to criminate or degrade himself, he proposed that no proceeding be taken against him in respect of any answer he might have given in evidence. He hoped there would be no objection to the introduction of the Bill.

Leave given.

Bill to amend "The Election Petitions Act (1848)," *ordered* to be brought in by Mr. MELLOR, Mr. PAGET and Mr. DENMAN.

Bill *presented* and read 1°.

WAREHOUSING PLACES (MANCHESTER, &c.), BILL.

COMMITTEE. LEAVE. FIRST READING.

MR. HADFIELD moved that the House do resolve itself into a Committee to consider Warehousing Places (Manchester).

Motion *agreed to*.

House in Committee.

(In the Committee.)

Mr. HADFIELD moved to *resolve*—

"That the Chairman be directed to move the House, That leave be given to bring in a Bill for enabling the parish of Manchester, and the Boroughs of Birmingham, Leeds, Sheffield, and Bradford, to be appointed Warehousing Places."

He believed it was more than fifty years since the system of bonding warehouses first began. At present there were 110 towns, harbours, and creeks, possessing them. Of these sixty-two did not import; and of the remaining forty-eight, twenty-seven imported to a trifling extent only. One half the entire collections of the Customs were in London. There were nine places where the whole annual collection amounted to £6,664 only, and the cost of collection was £8,884, involving a loss of £2,200. The experiment of establishing in an inland town a bonded warehousing place had been tried at Manchester with success, though as yet the town paid the expenses itself. The revenue during the last year paid at Manchester was £155,000, and the cost of collection only £850, being but 11*s*. 6*d*. per cent. By extending the system to other towns consumption would be much increased. There was no risk of loss to the revenue during the transit from the port of import, because the duty was paid upon the goods just as they left the port. No frauds had been complained of in Manchester. The Bill which he proposed to introduce would extend to four other towns the privilege at present enjoyed by Manchester.

MR. BEECROFT seconded the Motion, observing that his constituents, the people of Leeds, were anxious to obtain the privilege of bonding—a system which would not only benefit trade and increase the revenue, but would tend to check the practice of adulteration.

MR. LAING said, he could not enter into the subject without in some degree anticipating the statement which would be made by the Chancellor of the Exchequer on Monday next. He would therefore simply say that the Government did not object to the introduction of the Bill; but when both the Bill and the Chancellor of the Exchequer's statement were before the House, it would be seen what course it would be best to take with respect to it.

Motion *agreed to*.

House *resumed*.

Resolution *reported*.

Bill *ordered* to be brought in by Mr. MASSEY, Mr. HADFIELD, Colonel WILSON PATTEN, Mr. TURNER, and Mr. ALGERNON EGERTON.

Bill *presented* and read 1°.

House then adjourned at
Eleven o'clock.

HOUSE OF LORDS,

Wednesday, February 1, 1860.

Their Lordships met, and having gone through the Business on the Paper,

House adjourned at Four o'clock,
till To-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Wednesday, February 1, 1860.

MINUTES.] PUBLIC BILLS.—1° Annuity Tax Abolition (Edinburgh); Savings Banks and Friendly Societies Investments; Prisons (Scotland) Acts Continuance.

3° Saint Mary in Rydal Marriages Validity.

APPEAL IN CRIMINAL CASES BILL.

SECOND READING.

Order for Second Reading read.

MR. M'MAHON, in moving the second

reading of this Bill, said, that on the 7th of July, 1858, a Bill for securing the object which he now had in view was brought in, and had passed a second reading, by the very large majority of 145 to 91. The Bill which he now proposed was substantially the same, the only difference being that a great many Members had objected to the Bill which was at that time brought in, because it was supposed to give a right of appeal to the Crown, where the party was acquitted, and he had so worded the present Bill that no one could appeal for a new trial unless the party who was unjustly convicted. Another objection then made was, that the Bill provided facilities for allowing bills of exception, admitting of a great many technical objections. He, therefore, had struck that part out. There was one other provision which he thought the opponents of the Bill laid great stress upon, and which was a provision assimilating the powers of the Courts in this country to those of the United States of America, and allowing the Judges, having criminal jurisdiction, who were not satisfied with the verdict, to direct a new trial. Therefore he trusted, as he had upon the present occasion endeavoured to meet all the objections which had been urged against the former Bill, the House would agree to the second reading of this Bill. The object which he had in view in bringing forward this Bill was to meet an anomaly in the administration of the law in this country, which he humbly submitted was a disgrace. If a person was sued for £20 or £10 in any superior Court of Justice in this country, he might have as many new trials as the justice of the case demanded, and he might have bills of exceptions, or even go to the House of Lords; but if he was charged with an offence by which he forfeited, not alone his property, but, it may be, his life, and character, and all that was most dear to him, he had no redress whatever, against caprice or error in judgment of the First Judge of Assize before whom the case was heard, except by appeal to the Home Office. It was quite clear that that was an anomaly which was wholly indefensible, and it was one which all persons who had paid any attention to the administration of the criminal law in this country for some years past, had agreed ought to be removed. The present Lord Chancellor had expressed the objections to the present system very pithily in a question which he put to Baron Parke, before a Committee of the Lords in 1848. He said,—

> "In a civil case, a party against whom a judgment is pronounced, however trifling the amount, has a right to an appeal in the shape of a writ of error, motion for a new trial, or an absolute right to a bill of exceptions; does it not appear hard, and certainly inconsistent, that in a criminal case, where his liberty, his character, and his life are at issue, he should be deprived of that right; and more particularly is it not so, where the case may be tried before a tribunal composed of persons not educated in a knowledge of the law?"

This was not a direct statement, but it might fairly be taken as an indication of Lord Campbell's opinion on this subject. Lord Denman, before the same Committee, pointedly said,—

> "Supposing the Judge has made a mistake, it is against all principle to leave it in his breast whether it shall be revised or not."

Before the same Committee Sir Fitzroy Kelly said, that he had moved for a return, with a view to his own Bill of 1844, of cases of misdemeanour, removed by *certiorari*, and tried in the Court of Queen's Bench, or at the Assizes, and he added,—

> "I may state, that the general result, so far as my memory serves me, is this—that in about one-third of the cases in which motions were made, the verdicts were set aside; either by verdict of acquittal or arrest of judgment the accused was ultimately delivered. In another third, the verdict was in some way altered, but it did not appear what was the ultimate result. The remaining third were cases in which the verdict was affirmed. To the best of my recollection, confirmed by my own experience, for many years something approaching to one half of those cases in which the verdict was set aside, and ultimately the party accused was delivered, were cases in which the jury had come to what the Court afterwards deemed a wrong conclusion in point of fact. That would be one-sixth part of the whole. Something approaching one-sixth part of the whole where the verdict was set aside as being against evidence."

Now, if that was the case in such instances as these, which had arisen before Courts presided over by the highest Judges of the land, what must have occurred in other courts, such as the courts of assizes and quarter sessions? Was it not probable that least one-sixth of the verdicts returned were against the weight of evidence? He could also quote the authority of a Judge —Chief Baron Pollock—who lately presided at one of the most remarkable trials of the present day. It was material to consider what were his opinions when he was Attorney General, and when he was examined before the Criminal Law Commission. In his evidence, given before that Commission, in 1835, after referring to the fact that Mr. Wilde, one of the sheriffs of London, while in office, for seven months, had been instrumental in saving the lives of seven men under sentence of execution, for crimes of which, it afterwards turned out, they were innocent, upon an investigation of their cases by Sir Robert Peel at the Home Office, he says :—

> "It has always, since this occurred, been impressed upon my mind as a very appalling fact that in one year so many persons were saved from public execution, for which, I believe, most, if not all of them, had been actually ordered ; and I am persuaded, and have been ever since I knew those facts, that, unless the practical difficulties are insuperable—which I do not apprehend would be the case—some legal constitutional mode ought to be adopted by which errors and mistakes, from whatever source arising, should be corrected in criminal as well as they may now be in civil cases. . . I am aware that if a power of a new trial were afforded in criminal cases, more time might occasionally be consumed in such applications than frequently is devoted to the original inquiry; but I think it is impossible to be aware of the notorious fact that in cases of misdemeanour the Court of King's Bench has felt itself compelled to grant a new trial in many cases, which have been followed up by a satisfactory acquittal, without feeling that in cases of felony, some legal provision should be made for a similar failure of justice ; and ever since my attention has been drawn to the cases which occurred while Mr. Wilde was sheriff, I have been very anxious to call the attention of the Government to the necessity of administering some practical remedy to the acknowledged evils of the present system, and undoubtedly had not this Commission been now sitting, which is so well calculated to present the subject to the attention of the Legislature, and to devise deliberately some mode of amending the criminal law on this point, I should have felt it my duty as Attorney General, officially to bring the matter under the notice of the Government, and have endeavoured to procure some legal and satisfactory mode of obtaining a reconsideration of a verdict in a criminal case, without throwing all the labour and responsibility on the Secretary of State, who is called upon to interpose the mercy of the Crown in cases where the appeal ought rather to be to the justice of a legal tribunal.' The Criminal Law Commissioners, after taking the evidence of all the competent men of the day on the subject, and considering it several years, at last, in 1845, reported in the strongest terms in favour of the right of appeal. They say, in their 8th Report 'the question whether a motion for a new trial ought to be entertained is one of high importance to the due administration of criminal justice. It involves two main points—first, whether such a course is material for the purpose of distinguishing between guilt and innocence; and, if so, whether any reason warrants the rejection of such a test. If any doubt should exist on the first question, it is one which would most properly be decided by experience. On this point, however, there is no room for doubt; actual experience, not only in respect of civil, but even of criminal proceedings, where the test is allowed to operate, proves its importance. In truth, so long as human judgment is fallible, it must be necessary to use means for the correction of error and mistake. It may be said that this cannot be done without delay and expense. It cannot, however, be doubted that deliberate justice, although necessarily attended with more or less of delay, is preferable to the injustice incident to improvident haste, and necessarily resulting from the neglect of reasonable means for the exclusion of error. The expenditure of labour and cost in criminal investigations can scarcely be placed in competition with the evils which inevitably flow from want of due caution. The question resolves itself mainly into this, whether the cost of correction can fairly be placed in competition with the evils likely to result from the want of correction. Looking, therefore, to the nature of the inquiry, it is quite as likely that error or mistake should occur in the investigation of a criminal charge as on that of a mere civil claim. As the consequence of error in the one case and the other, it cannot be denied that a failure of justice in a criminal case, where it may concern not only property, liberty, but even life itself, is of much more serious importance than in civil cases, where a mere question of property is concerned. These positions and their consequences are too obvious to be dwelt upon ; yet, admitting them to be true, the conclusions must necessarily be that the precautions necessary to exclude error in the one case are *à fortiori* necessary in the other. If with a view to exclude the possibility of injustice, a man is to be allowed the benefit of a new trial where property to the amount of £20 is at stake, it is hard to deny him protection to the same extent where his life is in jeopardy. If the question whether a pauper is settled in parish A or parish B is not to be determined without a power of appeal to the Court of Queen's Bench, it is harsh to condemn him to be transported for life to a penal settlement without power of appeal.' Of the appeal to the Home Office the Commissioners disapprove, as 'Not unfrequently, however, unjustly the subject of popular jealousy or suspicion.'"

This then was the deliberate judgment of the Criminal Law Commissioners, who had had an opportunity of reviewing the law of England, and in their reports reference would be found to the law of almost every country to whose jurisprudence this country was in the habit of paying respect. That Commission had come to the conclusion that there ought to be some means besides an appeal to the Home Secretary, for correcting the injustice done by a wrong decision. It was quite clear that the weight of the authorities was in favour of some other tribunal besides the Home Office. But, in addition to those authorities which he had already cited, they had the opinion of a gentleman, who was admitted to be the most learned criminal lawyer in England—Mr. Greaves—who had drawn up the Report on Criminal Procedure. So sound a lawyer was he considered, and the Government of the day had so great a respect for his opinions, that he was employed by them to draw up this Report. In this Report which was presented in 1856 or 1857, he said,—

> "The system itself, however, is such as cannot fail to lead to mischievous results, even though it be administered in the best manner, and with the most laudable motives. In the first place, the investigation is a private one, and consequently facts may there obtain credence which, if disclosed, might be contradicted or explained. Secondly, it is very doubtful whether there be any jurisdiction to administer an oath on making an affidavit to be submitted to the Home Office. This, in addition to the secret mode of proceeding, no doubt leads to false statements being made, and that, too, with perfect impunity. Thirdly, no notice of the application, it is believed, is ever given to the prosecutor. The truth is that the law, allowing no direct means of obtaining a new trial, or revision of the sentence, an application is made to the Home Office in every case where any materials can be obtained for that purpose, and if sufficient materials can be produced to throw a reasonable doubt upon the correctness of the verdict, the Home Office is placed in a most unfortunate position, as there is no power to order a new trial or fresh investigation to take place. Three courses alone are open—to let the sentence be executed, to grant a pardon, or to mitigate the sentence. It is to be remembered that the very cases in which the Home Office is most likely to be misled are ever the most important of all, and therefore it is of the last importance that they should be properly determined, and not only so, but in such a manner that the public may be convinced that they have been so determined. Nor is it be forgotten that it is at least a very doubtful question whether it be expedient that the solemn verdict of a jury, given after an open trial, should in any case be treated as a nullity, unless the proceedings are such as to satisfy all reasonable persons that such verdict was erroneous."

Such was the opinion of Mr. Greaves, who when examined himself before the House of Lords in 1848 stated that every wrong ought to be redressed before a proper legal tribunal. Wrongs were done in criminal as in civil cases, and parties should have a right to redress in criminal and civil cases. Mr. Greaves was asked what remedy he proposed? He said, "I propose as a remedy an absolute and unconditional right to every person who is convicted to appeal to one of the common law Courts of justice at Westminster Hall." He (Mr. M'Mahon) did not believe it was necessary that he should trouble the House with more authorities. They had heard him read the opinions expressed in reference to this question by Lord Denman, the Lord Chief Baron, and Mr. Greaves; and, in fact, he was not aware of any authority of eminence in this country who had ever declared in favour of the appeal to the Home Office as against the legally established tribunals of the country. In the Report of the proceedings of the Committee of the House of Lords, which sat in 1848, there was a question put to Mr. Baron Alderson by Lord Campbell, from which it might be presumed that no right of appeal in criminal cases existed in France or America. He should state that such was not the fact. In France a party convicted had, where a defect or mistake had arisen on any matter of law, an absolute right of appeal to the Court of Cassation. In France a party might be convicted by a bare majority, as in Scotland; but if it was expressly provided by the *Code d'Instruction Criminelle*, book 2, title 2, c. 4, article 351, that if the accused was convicted only by a simple majority "the Judges shall deliberate amongst themselves on the same point, and if the opinion of the minority of the jury is adopted by the majority of the Judges, so that in uniting the number of voices, this number shall exceed that of the majority of the jury and the minority of the Judges the opinion favourable to the accused shall prevail,"—and by the 352nd article it was provided. "If, except in the case provided for by the preceding article, the Judges are unanimously convinced that the jury though observing the forms are mistaken in substance—the Court shall declare that it supersedes the judgment and will remit the affair to the following session to be submitted to a new jury, of which none of the first jurors shall form a part." He was aware of an instance within the last two years, in which a Judge in the county of Hereford expressed a decided dissent from the verdict of a jury convicting an accused party of an offence, and stated that he would not pass sentence on the man, but would refer the case to the Home Office. In France the Judge would have an absolute right to postpone the case to another session, and have the party tried before a new jury. In America the uniform rule for many years, at least since 1830, had been to grant a new trial in criminal cases, and thus to extend to those cases the same principles which were established in civil causes. In an American work of very high authority — *Wharton on the Criminal Law*, it was said that in recent times with the exception of a few cases in which Mr. Justice Story and another Judge attempted to disturb it.

> "The uniform and unquestioned practice has

been to extend to criminal cases, so far as the revision of verdicts is concerned, the same principles which have been established in civil actions."

And that though the Judges there hold that by the principles of the common law every Court of oyer and terminer and goal delivery can grant a new trial, yet, to prevent all doubt, in most of the States provision is made by statute for the purpose. The American Judges say that it is more consistent with the spirit of humanity which pervades the common law that a new trial should be granted by the Court than that the prisoner should depend on the mercy of the executive. One of the grounds on which such a practice was not followed in England appeared to be the mistaken belief that courts of assizes and quarter sessions were inferior courts. In America the position of these courts was perfectly understood. Although the criminal courts and quarter session courts were subordinate to the Court of Queen's Bench, yet they were not inferior courts, and were empowered with authority to do justice by setting aside wrong verdicts. About ten years ago it was established by the decision in a case which originated in the Recorder's court at Chester, that this was a mistaken principle, and that courts of assize, of quarter sessions, and the other criminal courts, though they were subordinate to the Court of Queen's Bench, yet were not inferior courts in the proper meaning of that term. In New York, so long ago as 1830, it had been held that a Court of oyer and terminer and gaol delivery was not an inferior court, and was, therefore, invested at common law with full power to grant a new trial on the merits. Chief Justice Marcy in pronouncing this decision had beautifully explained the point which was now in issue. He said:—

"It is a settled rule of law in England never to grant a new trial in cases of treason and felony. If by the error of the jury or the Judge an innocent man is condemned, he is sent to the mercy of the Crown for redress. This mercy is but a miserable relief for the injury he has suffered. It may save his property from forfeiture and himself from the ignominy of the gallows, but the foul blot remains on his reputation. Time does not obliterate it; the grave does not cover it; it is an inheritable curse that must and will be the portion of his posterity. It is mockery to tell a man who has been condemned that his redress is in a pardon. He feels, and ever will feel, that he has received an incurable wound from that sword which he, in common with his fellow-citizens, had put into the hands of the magistracy for their protection. The policy in respect to new trials in criminal cases which the English courts have pursued has never been countenanced by our courts, and would never be tolerated by our people."

He apprehended that the principle adopted in America was the true principle—not only of law, but of justice and of general jurisprudence — consistent with common sense and common right; and he trusted the people of this country would not tolerate any longer the practice which had been pursued here. In Mr. Greaves' evidence before the Committee of 1848, that gentleman showed that in ancient times a man convicted had thirty or forty days, at least, to arrest the judgment, and suggested that the grounds of arrest of judgment were bad law or wrong verdicts. The *Mirror of Justices*, of the date of Edward I., was referred to by him, and the observation of Lord Coke, who cited the *Mirror*, and stated that the practice of granting time for arresting judgment "had gone *in desuetudinem*, and that great expedition was now made in pleas of the Crown concerning the life of man. *Sed de morte hominis nulla est cunctatio longa.*" In modern times we seem to be departing from the humanity of our forefathers in that respect. The present Bill was an attempt not to innovate, not to establish anything new, but to return to the ancient usage of the law, and to depart from the brutal system which had prevailed, at least during the 16th and 17th centuries, when men were hanged for stealing thirteen pence, hanged for stealing 5*s.* worth out of a shop, or for picking a pocket when a party accused could not have a witness sworn on his behalf, and could not, although he were dumb, have a counsel to speak for him. The whole of that system was a disgrace to the country, and was gradually being removed; and he believed the Legislature would be wiping away a last blot from the escutcheon of the administration of justice and criminal law by following in this respect the example of the other countries he had named, and would thereby place the administration of our criminal law on a footing equal to that of any other country in the world. At present the granting of an appeal on points of law was altogether in the discretion of the Judge, and there was no provision whatever with regard to appeals on questions of fact, which he agreed with Mr. Greaves in thinking of even greater importance than those on matters of law. That gentleman, in his examination, stated:—

"If I must make an election between the two, I would certainly prefer an appeal upon facts to an appeal upon law, because I am quite clear, in trials before learned Judges, that mistakes more frequently take place in matters of fact that in matters of law; and it is obvious to any one who considers the subject that mistakes in matters of fact generally go to the entire guilt or innocence of the prisoner, whereas a mistake in matter of law very frequently turns upon some technical point, where the prisoner has been guilty either of an offence of the same degree, or some one very nearly approaching to it; as, for instance, a man may have been convicted of a forgery, and the document set out in the indictment may have been misdescribed as an order, whereas it is a mere warrant for the payment of money. I only put that as an instance to show that a man may be guilty, and escape through a mere technicality in point of law; whereas, I think, when he is convicted wrongfully on a point of fact it goes entirely to the guilt or innocence of the prisoner."

His Bill proposed to make the right of appeal no longer conditional, but to grant the party an absolute right both as to questions of law and fact. Sir Frederick Pollock, the present Chief Baron, whose opinion ought to be entitled to great respect, had given much attention to the consideration of plans by which the raising of mere technical objections, through which it was sought to defeat or delay justice, would be prevented, at the same time that an acquittal would be secured to the innocent. That learned personage having weighed the difficulties, was of opinion that the motion for a new trial was the only effectual remedy. He said:—

"One obvious course would be to adopt, in all criminal cases, the practice which is now open to the convicted party in case of misdemeanour before the superior Courts—namely, a motion for a new trial, founded upon a verdict being either against evidence or against the truth of the case, as made manifest by affidavits to be submitted to the consideration of the Court, subject, of course, to such rules with respect to the reception of affidavits as the experience of the Courts in other cases have established. These remarks equally apply to inferior Courts, who are incapable of granting a new trial in misdemeanours as well as felonies. During the last session I moved for a return of the result of all prosecutions for perjury and conspiracy in the Court of King's Bench since the year 1800, together with the result of the prosecutions as to new trials, and the cases in which parties have been called up for judgment, The session ended before that return was complete, but I allude to it now for two reasons. I have very little doubt it would prove, by the number of instances in which new trials have been granted, and the defendants have been afterwards acquitted, or the prosecutors have declined to go on with the prosecution, that the motion for a new trial is essential to the administration of justice in criminal as well as civil matters. . . . The same mischief obtains in criminal, against which a new trial is the only protection, as in civil cases, and the only remedy is an application for a pardon where sometimes there ought to be an appeal for justice. If no better mode can be adopted, I think there ought to be allowed a motion for a new trial." (Second Report, Appendix, pp. 79, 80.)

He would now come to the various remedies which had been proposed. His attention was first called to the subject in 1844, by a Bill which Sir Fitzroy (then Mr. Fitzroy) Kelly, introduced. The substance of that Bill was, that any person convicted wrongfully might appeal to any of the Courts at Westminster for a new trial, and the Court might, if it thought proper, order a new trial, and send the accused party back to be tried again. If a party had been tried at the quarter sessions, the Court would have no authority except to send him back to be tried again at the quarter sessions. If he had been tried at the assizes he must go back again to be tried at the assizes. The Bill also gave an absolute right to an accused party, if the Judge should misdirect in point of law, to take exceptions as in a civil case, and go to the Court of Exchequer Chamber or the House of Lords. That Bill was read a first time, but not a second time. The next Bill, which was introduced by the hon. Member for Dumfries (Mr. Wm. Ewart), Lord Nugent, and Mr. Aglionby, was, likewise, not carried beyond a first reading. In 1853 a Bill was introduced by Mr. Butt and Mr. Ewart, to secure an appeal in criminal cases; and that Bill, too, was only read a first time. The subject then dropped from 1853 to 1858, when he (Mr. M'Mahon), believing it one of great importance, asked the Member for Youghal (Mr. Butt) whether he might take it up; and accordingly, in 1858, the Bill which he now proposed to the House was carried to a second reading by the majority to which he had already referred. The difference between his plan and other Bills was this:—By the existing state of the law, if a party were indicted either at assizes or sessions, he might remove the indictment by *certiorari*, by giving security for the payment of the prosecutor's costs on being convicted. There was no limit to that now. Formerly it was thought that under that law only an indictment for misdemeanour could be removed; but in 1852 there was a very remarkable case where an indictment for felony was removed by *certiorari*, and tried at the civil side of the assizes. It was now, therefore, well known that there was no difference between misdemeanour and felony in being removed by *certiorari*. If, therefore a party were indicted for felony or misdemeanour, and chose to remove the indictment by *certiorari*, giving security for the costs of the prosecution if convicted, it would be removed into the Queen's Bench, and tried at the civil side, having all the same incidents as a civil cause with reference to a new trial. There might be new trial after new trial until the Court above was satisfied that justice had been done. Now, the difficulty which had to be dealt with was this—If a party moved before the verdict, then he would have a right to a new trial until justice had been attained ; but if he omitted to move before the verdict, then he had no redress whatever, except from the Home Office. It was only for about 200 years that new trials had been granted in civil cases. In 1655 was found the first instance. So lately as 1665 the Court of Queen's Bench refused an application for a new trial, on the ground that the damages were excessive, saying that the defendant had his remedy by attainting the jury. The practice of granting them dated only from Charles II. and James II. In the reign of James II. there was an instance of a new trial being granted in a criminal case —a case tried at the Hull Sessions or Assizes. This case, which was a charge of having used traitorous words — a case not at all likely to be favoured in those days—was removed after verdict, and the Court of Queen's Bench granted a new trial. But in 1811 an application was made to the Queen's Bench, in the time of Lord Ellenborough, for a new trial after conviction, and Lord Ellenborough, declaring it most important that that Court should not, without precedent and authority, intrude upon all the inferior jurisdictions of the kingdom, refused the application, on the ground that if granted there would be no end of such investigations. Lord Ellenborough and Mr. Justice Bayley were the only Judges present, and his Lordship disposed of this grave question by stating that "great inconvenience would arise if, without precedent and distinct authority, that Court was to infringe on all the inferior jurisdictions of the kingdom ; and there was no reason to suppose that, if they were to do so in one instance, they would be restrained from doing so in all." He also expressed doubts "whether the Court had the power of entering into an examination of the verdicts which might be delivered in courts of inferior jurisdiction." In reply to those observations he would only say that Judges of the Court of Queen's Bench were as fond of their own ease and as desirous of irresponsibility as any other persons ; and he believed that, if the Court had been equally anxious to discover whether the power which was referred to was actually inherent in it, the decision would have been influenced by very different considerations. The remedy which he proposed was virtually only an overruling by statute of this division by providing that if on a trial a party were wrongfully convicted and had such just confidence in his own innocence that he believed upon a new trial he must be acquitted on the merits, then such a party might apply for a *certiorari*, give security for costs, and get another trial. This course was supported by the opinions expressed by the Criminal Law Commissioners in their Report, in which they said :—

> "It appears to us that the law of England is at present very defective as regards the means afforded for the correction of errors in criminal proceedings, and especially such as are frequently, and, indeed, are almost necessarily incident to the trial by jury. In this respect, indeed, the law is inconsistent in entertaining the motion for a new trial in some instances, and denying it in others without any adequate reason for the distinction, and is thus faulty either in denying a new trial where it would be consistent with justice to grant one, or in granting a new trial where it ought properly to be withheld. The instances in which a new trial is grantable are confined to those where the prosecution is for a misdemeanour only, and is pending in the Court of Queen's Bench. We cannot but observe that the distinction thus made in the first instance between indictments for felony and those for misdemeanour pending in the Court of Queen's Bench is not warranted by any intelligible principle ; it would indeed seem to be more reasonable that as the penalties for felony are usually more severe than those which attach to a mere misdemeanour, larger means for the correction of error should be afforded in the former case than in the latter. The distinction between cases of misdemeanour pending in the Court of Queen's Bench, and those pending in other criminal courts, seems also to be destitute of any sound principle. It may, perhaps, as to prosecutions removed from inferior courts into the Court of Queen's Bench, be said, that it is to be presumed that they are of more difficult investigation, and therefore that more ample means ought to be allowed for accurate inquiry and for the correction of errors. This may occasionally be so, but the presumption cannot possibly warrant so wide a distinction as that which is made in practice ; the difficulties which give rise to the application for a new trial are frequently of a nature not to be foreseen, and often depend on the conduct of witnesses, or of the jury, or the direction of the Judge, or presiding magistrate, and not at all on the nature of the cause itself. Besides, as a defendant in a cause depending in the higher court has always the benefit of being tried before one of the Judges of the superior courts, the proceedings are less likely to stand in

need of correction than they are when the trial is had before an ordinary magistrate."

His proposal was simply this: that if a party had been wrongfully convicted and felt such a just confidence in his innocence as to believe that upon a new trial he would be acquitted on the merits, he might apply for a *certiorari* and get a new trial in giving security for costs. The Bill which he proposed had been framed in such a way that it would not allow trumpery or technical objections to be taken to regular legal proceedings; and no man would be encouraged to move for a new trial who did not feel that on the substantial merits of his case he would be entitled to an acquittal. If, indeed, such objections were allowed to prevail the Courts of Westminster would have nothing to do but to hear applications for new trials from assizes and quarter sessions courts. An objection which had formerly been urged to the proposal was, that it would establish an appeal for the rich and not for the poor. But the practice which at present prevailed, which had existed for two centuries, and to which no objection was made, was open to the same exception, for it was virtually an appeal for the rich man alone, as the poor man must be supposed incapable of giving security for the costs of removing his case by writ of *certiorari*. What he proposed was in effect but to extend the privilege of the writ of *certiorari* after the trial had taken place. The real answer to the objection was that, if a man were believed by his neighbours to be innocent, he would not be suffered to remain without the means of moving for a new trial. No doubt, in Dr. Smethurst's case ample funds would have been provided by the public who believed in his innocence, had they been required. His Bill did not enter into minute details, but a remedy could be applied in the manner he was about to state. The security for costs was given to the Crown, and if the authorities connected with the Home Office believed that their exaction would operate in any particular case with harshness, nothing could be more easy than to waive the right. There was yet another way of meeting the difficulty. A clause might be introduced to provide that where the Chairman of quarter sessions or the Judge at the assizes reported to the Court of Queen's Bench that in a particular case there ought, in his judgment, to be a new trial, the security should be dispensed with. This would meet the case of the poor man as well as the rich. He believed that no substantial objection existed to the Bill, which would, if carried, have the effect of reviving an ancient and humane principle in the administration of justice, of assimilating in a beneficial manner the laws of this and foreign countries, and of putting a stop to the excitement which was at present raised in the public mind whenever it became necessary to make an application to the Secretary of State for the Home Department. By other Bills it had been proposed to make the appeal generally to any of the superior courts; but, regarding the Queen's Bench as the Court which exercised a supreme control in criminal matters, he believed that as long as that system was upheld, to that court likewise should appeals continue to be directed.

MR. W. EWART, in rising to second the Motion, said he should have some difficulty in doing so if he were understood to pledge himself to the details of the Bill, to which the legal Members of the House would probably discover objections; but adhering as he did to the principle that the power of appeal in criminal cases ought to exist he had great pleasure in seconding the Motion. Many years ago he had introduced a Bill for a similar purpose, which shared the fate of others superior to his own, and he, therefore, hoped the present measure might successfully accomplish this most desirable object. Many years ago, he had brought under the notice of the House cases in which persons who had been convicted and transported had afterwards to be pardoned by the Crown, and were illrequited for the suffering which they had undergone by a sum of money. He had hitherto been unable to procure a return of the number of cases in which the Crown had exercised its prerogative of pardon; but he believed that if, without injury to the public service, it could be granted, it would be more to the purpose than the return of the number of appeals in civil actions which had been moved for by the hon. and learned Member for Suffolk (Sir Fitzroy Kelly). He should strongly recommend his hon. and learned Friend (Mr. M'Mahon), to refer his Bill, if it were now adopted, to a Select Committee, which would examine witnesses and collect opinions as to the expediency of the several proposals on the subject of criminal appeals; and their labours would doubtless result in the production of some measure of a practical and beneficial character. With that understanding he had much pleasure in giving his support to the Bill, and to the humane and just object which it was intended to achieve.

Motion made, and Question proposed,—"That the Bill be now read a second time."

SIR GEORGE LEWIS: Sir, the importance of the question brought under the consideration of the House by the Motion for the second reading of this Bill cannot easily be overrated; for as it seems to me, the adoption of the principle on which this Bill is founded must completely alter the whole character and operation of the criminal law as now administered. Notwithstanding the importance of the subjects which we discuss in Committee of Supply—holding as we do the purse strings of the nation, and disposing of the property of the subject—everybody, I think, must perceive that we have at present before us a matter of still greater moment from the effect which it exercises over these institutions on which the safety of life and property depends. I wish, therefore, to bring the matter clearly before the House, in order to induce it to give to it that attention which it certainly demands.

And before I proceed to consider the merits of the proposal which has just been made, as it might perhaps suggest itself to some Gentleman that the situation which I hold would bias the opinion which I am about to give respecting the propriety of granting an appeal in criminal cases, I would take the liberty of calling the attention of the House to the fact that the hon. and learned Gentleman does not propose to abolish the prerogative of the Crown, though he certainly appears to intimate that he would be able to render its exercise to a considerable extent unnecessary; he does not substitute anything, he merely adds one step to the criminal procedure of the country. My belief is, that if this Bill is passed, as at present framed, it will have very little practical operation, and that the duties of the Home Secretary will remain very nearly what they are at present. On the other hand, I can conceive that arrangements might be made which would lead to the complete relief of the Home Secretary from those painful and embarrassing duties which are cast on him by the revision of criminal sentences. For myself, I can declare—and I dare say that I shall have the assent of right hon. Gentlemen who have filled in former years the office which I now hold—that there is no part of its duties which are more painful to me, about which I feel greater anxiety, or as to which there is less reward to be gained in public estimation than the revision of criminal sentences. Consequently, if I were to be guided merely by personal feelings I should give my vote in favour of any measure which tended to diminish the frequency of the exercise of that class of duties. But on a question of this sort I hope I may be believed in the assertion that I have endeavoured to form a perfectly sincere opinion, without reference to any personal feelings or individual bias, and that the sentiments to which I am about to give expression, except for the greater consideration which I have necessarily been obliged to bestow upon the subject, would be exactly the same were I now sitting on the opposite side of the House.

The hon. and learned Gentleman by whom this measure has been introduced has said that all authority is in favour of criminal appeal. He has not shown one practical grievance, but has relied on authority for the establishment of his case; and then taking a view of the remedies that have been proposed he says that his own is the best, and calls on the House to adopt it. In the study that I have given to the subject I have been led to the conclusion that the weight of authority, so far from being, as in the opinion of the hon. and learned Gentlemen, favourable to the change, is decidedly opposed to it. He referred, I think, to the Committee appointed in 1848 by the House of Lords to consider the Criminal Law Administration Amendment Bill. Baron Parke and Baron Alderson were examined before the Committee on the very question to which this Bill refers, and both gave a very decided opinion against criminal appeals, that is, the power either of the Crown or the prisoner to move for a new trial in criminal cases. That opinion was not only concurred in without any modification, but was even stated in stronger terms by Lord Denman, who was then Lord Chief Justice, Lord Lyndhurst, and Lord Brougham. The evidence of those two eminent Judges was sent round to the other Judges, with a request that they would give their opinion on the question referred to; and the following Judges assented to the opinion of Barons Parke and Alderson,—namely, Mr. Justice Patteson, Mr. Justice Coleridge, Mr. Justice Wightman, Mr. Justice Erle (now Chief Justice of the Common Pleas), Mr. Justice Coltman, Mr. Justice Maule, Mr. Justice Cresswell, Mr. Justice Vaughan Williams, Lord Chief Baron Pollock, Mr. Baron Rolfe (the late Lord Chancellor)—altogether by twelve Judges, besides the

Lord Chief Justice. I think after this statement the House will hardly be of opinion that the weight of authority is on the side of the hon. and learned Member who has introduced this measure. The chief argument put forward by the advocates of criminal appeals is, that there is not sufficient ground for the distinction, as regards new trials, between the procedure in civil and that in criminal cases, and that the criminal should be assimilated to the civil law in that respect, and this is, in a few words, the ground on which the hon. and learned Gentleman has rested his case. I admit there does appear to be a certain *primâ facie* presumption in favour of this assimilation; but it is, nevertheless, a fact that the almost universal practice throughout the civilized world is in the opposite direction. Russia, Austria, Spain, Naples, Saxony, Holland, Sardinia (except in cases relating to the press), Tuscany, Modena, Rome, Sweden, and Denmark have no trial by jury, and in those countries there is no question of a new trial in a criminal case. In the German States, in which trial by jury is established, and in the kingdom of Greece, the law sanctions criminal appeals in three cases — first where two persons have been convicted for the same offence; second, where, after a conviction for murder or manslaughter, the person supposed to have been killed is proved to be alive; and, third, where some of the material witnesses against the prisoner have been subsequently convicted of perjury. This shows that even these countries that have trial by jury do not go very far in the permission they grant for appeals in criminal cases. In France and Belgium, the privilege of appeal in criminal cases is carried a little further. If the Court immediately after a verdict has been given, and before sentence has been pronounced, are unanimously of opinion that the jury was mistaken in declaring the prisoner guilty, they may send the case to another jury; but the Court possesses this power *ex officio*, to be used at their own discretion, no one has a right to make any application to them to exercise it, and the Court itself can only take this step immediately after the verdict, and before the sentence. That is the furthest extent, as far as I have been able to discover, that the law goes, in any continental country, with regard to criminal appeals. The hon. and learned Gentleman has referred to the Court of Cassation in France; but he should remember that that Court has only jurisdiction as to matters of form, and that there is no appeal to it on matters of fact. It has merely jurisdiction *casser*—to quash, as we term it—a proceeding on the ground of its informality—not to grant a new trial on any matter of fact, or to hear any new matter. Excepting in the cases before enumerated, there is no appeal as to matters of fact. The case of the Lemoines is an illustration of this arrangement:—

> "The appeal to the Court of Cassation of Madame Lemoine against the sentence of twenty years' hard labour, pronounced on her by the Court of Assizes of Tours, for burning alive her daughter's illegitimate child, came on yesterday. As is always the case in appeals to the Court of Cassation, it was based entirely on technical grounds; and in this case they were:—1. That the forms prescribed for the deliberations of juries and the prescriptions of Article 343 of the Criminal Code, had been violated by the jury having publicly proceeded to the election of a foreman, on the juryman designated by lot for that post having declined to accept it, whereas the selection of foreman ought to have taken place in private. 2. That certain articles of laws of the 24th of April, 1790, and the 20th of August, 1810, had been violated by the minutes of the trial not setting forth with sufficient clearness that the verdict of the jury had been publicly read. The Court, after hearing pleadings, decided that the reasons assigned were not sufficient to invalidate the condemnation, and it rejected the appeal."

The hon. and learned Member (Mr. M'Mahon), said that by the law of the United States there was no distinction between civil and criminal appeals, but he did not give his authority for that observation.

MR. M'MAHON:—My authority is *Wharton's Criminal Law of the United States.*

SIR GEORGE LEWIS:—Well, I can only say I have referred to *Kent's Commentaries on American Law;* I can find not the smallest trace in that work of any power to move for a new trial in criminal cases; and I have considerable difficulty in believing that any such power exists. I, therefore, venture to affirm that the distinction between civil and criminal cases with regard to new trials is recognized almost universally in all countries whether they have trial by jury or not. I do not wish to press the argument from usage and custom to a greater extent than this—that there could not have been such a general and constant acquiescence in a matter affecting the lives and fortunes of the entire community unless there were some good reason for the distinction. What that reason is I shall not state simply on my own authority, but shall rely on the opinions of several eminent lawyers. Before the Committee of 1848, Lord Denman expressed very succinctly his reason for the distinction, he said:—

> "What I would state in a word, as my objection to the general power, is that there would be no antagonism; there are no adverse parties as in civil cases."

And that principle is explained somewhat more fully in the letter of Mr. Baron Rolfe, now Lord Cranworth, addressed in answer to the circular letter of that Committee:—

> "With respect to the inexpediency of any right of appeal in criminal cases I beg leave to add, in addition to what has been stated by Baron Parke, that a new trial would very rarely indeed be practicable. In civil cases the plaintiff has a direct personal interest in the result of his cause, and when a verdict obtained by him is set aside, and a new trial is ordered, he is obliged, in order to gain the object of his suit, and save himself from the obligation of paying the defendant his costs, to take proper steps for bringing all necessary witnesses to a second trial. But this is not the case in criminal prosecutions; a large proportion of prosecutors come forward only because they are bound to do so; the whole proceeding is rather a burden imposed on the prosecutor than a measure which he voluntarily adopts for the sake of personal redress; and I conceive that in nine cases out of ten when a new trial is ordered there would be so much difficulty in getting the prosecutor and witnesses together that no second trial could efficiently take place."

These, then, are in general terms the grounds of the difference which has hitherto been observed between civil and criminal trials. It may be urged, however, that, while there is some weight and strength in the reasons for the distinction between the two classes of cases, there is still a great practical grievance to be remedied—that there is a large number of improper convictions by juries, and that there ought to be some judicial means for revising them. But will any Gentleman present take upon himself to affirm the frequency of wrong convictions by juries in criminal cases? If not, the whole groundwork of the proposed measure fails. I will quote the views of one or two eminent legal authorities on this point. Baron Parke, now Lord Wensleydale, when examined before the Committee, said:—

> "I think that the complaints of the present mode of administering the criminal law have little foundation, for the cases in which the innocent are improperly convicted are extremely rare. Some, no doubt, there are; and I consider it is impossible in any human system of administering justice to avoid such misfortunes occasionally. There are many cases in which the guilty escape, but very few in which the innocent are punished; and having now had more experience upon the bench in the administration of criminal justice than any other Judge I can say for myself, that I can hardly call to my recollection any case with which I am personally acquainted in which I think that a person really innocent has been convicted by the jury."

Lord Denman, whose authority and experience will be hardly disputed, expressed a similar opinion:—

> "Juries are extremely unwilling to fall into the error of wrongly convicting. I believe there are a great many very wrong acquittals, and even conscientiously sometimes, from good motives and very respectable feelings, but unfortunately contradicting the truth, and bringing the administration of justice into some contempt, and giving impunity to great offenders."

Lord Brougham coincides in that view,—

> "My impression and belief," he said, "most undoubtedly is that there are very rare occasions indeed on which there is a wrong conviction."

And Justice Wightman also said,—

> "As far as my experience goes, I entirely concur with Baron Parke in thinking that the conviction of a really innocent person is so rare that there is practically no sufficient necessity for applying a remedy which would be attended with such obvious impediments to the due course of criminal justice."

The weight of evidence is, therefore, I contend, in favour of the belief that wrong verdicts in criminal cases, at least when they are against the prisoner, are of rare occurrence. But if a wrong verdict is given, and the Judge is dissatisfied with it, what is the almost universal practice? It is that the Judge communicates his dissatisfaction to the Home Secretary; and I find it stated by Baron Parke, and assented to by Lord Lyndhurst and Lord Brougham, that such a Report is universally acted upon. [Sir GEORGE GREY: Hear, hear!] My right hon. Friend (Sir George Grey) who has had much greater experience as Secretary of State for the Home Department than I have, assents to that statement. I maintain, therefore, that no proof of any practical and substantial grievance has been brought before the House, and that none really exists.

Descending from these general grounds, the hon. and learned Member referred to the case of Smethurst as an illustration of the necessity for a measure such as he has introduced; but I must say I entirely differ from him as to that case affording any ground whatever for the adoption of criminal appeals. The case was a difficult one, undoubtedly, and it was my duty to give the closest attention to it, and do my best to master its details; but I cannot discern in the circumstances of that case any argument whatever in favour of a Court of Appeal. I think I may say with the utmost confidence that had application been made to the Court of Queen's Bench under the terms of this Bill, within the first four days of the term after last August, for a new trial on the ground of misdirection by the Judge, it would necessarily have failed. The case, I believe, was left by the learned Chief Baron to the jury—and I speak not only my own opinion, but the opinion of persons much more competent to judge than I am — with perfect legal propriety. And I confidently venture to affirm that no Court would have entertained an application for a new trial upon the ground that the verdict was contrary to the evidence. My advice to Her Majesty to grant a pardon was entirely founded on medical considerations. There was scarcely any dispute as to the facts brought out in evidence, but the question turned on the medical inference to be deduced from them ; and it was upon the opinion of eminent medical practitioners as to the bearing of those facts that I rested my advice. Medical science with regard to poisons is, unfortunately, in a somewhat imperfect and uncertain state ; and the same imperfection and uncertainty are necessarily communicated to the legal questions with which it is connected. You might grant appeal after appeal, and have examinations before all sorts of Courts, and you would never get over the fundamental uncertainty which arises from the present imperfect state of medical science. Then, again, supposing that the propriety of granting a new trial in Smethurst's case had turned on the question whether the Judge was dissatisfied with the verdict of the jury, I am not prepared to say that that would have led to any result remarkably favourable to the prisoner. The Judge who tried the case was at first certainly inclined to think the verdict right, although he subsequently concurred in the course taken by the Crown in not carrying out the sentence of the law. Therefore I most confidently maintain that the case of Dr. Smethurst, properly understood, does not afford the smallest ground for the measure of the hon. and learned Gentleman. I will ask my hon. and learned Friend this question: Supposing there had been a second trial of Dr. Smethurst, and the second jury had confirmed the verdict of the first, is he of opinion that the function of the Crown was suspended and that the prisoner ought to have been hung? Unless he affirms that proposition, he must admit that the Bill derives no support from the case of Dr. Smethurst. I must abstain altogether from allusions to more recent cases now pending decision, but I feel satisfied that if these cases could be submitted fully to the House it would be convinced that they have no more application to the present Bill than the case of Smethurst.

Another objection urged against the present system is that it involves a dark and secret investigation by the Home Office, and the hon. and learned Member has attempted to raise a prejudice against recourse being had to the prerogative of pardon by the mode in which it is exercised. But if any Gentleman votes for the Bill on the ground that the procedure of the Home Office is dark and secret he will do so on a wholly insufficient ground, inasmuch as the Bill does not in the slightest degree interfere with that part of the system, and does not propose to substitute criminal appeals for the prerogative of the Crown.

I wish now to show some of the objections to the remedy proposed, and the probable consequences with which the Bill is pregnant, in the event of its being passed. One of its first manifest consequences, which must strike every one, is the delay and uncertainty which it would import into the administration of criminal law. It is an elementary principle laid down by all writers on criminal jurisprudence that punishment is effectual in proportion as it is speedy and certain ; and the result of the proposed measure would therefore be to deprive the administration of the criminal law of much of its effect. Upon this point Lord Brougham said before the Committee of 1848 :—

> "The criminal law depends for the effect, more or less, which it has in deterring from crime by example of punishment, upon the speediness with which execution of the sentence follows trial. But in this case you would have a prisoner found guilty at York in the first fortnight in July, but no sentence, even in the most flagrant case of murder, ever could be executed till the middle of November following. For certainly in every case of capital conviction, and I believe in every serious case, the moving for a new trial would be a matter of course."

Another important feature in the question is the expense which the multiplication of trials and the necessary addition to the number of Judges would cause. Lord Brougham gave the following opinion as to the probable additions to the bench that would be required in the event of criminal appeals being established:—

> "Another thing is this—for the present number of Judges to do it would be utterly impossible. And then you come to the great difficulty of materially increasing the number of the Judges. Supposing the Bar could furnish the increased number—which is perhaps doubtful—but supposing it could furnish six more Judges to be added to the present fifteen—I beg to know how those Judges could be kept up to the mark for their business."

I do not suppose, of course, that the hon. and learned Gentleman, or any legal Member of this House, would be influenced by the prospect of business at the bar being increased by the adoption of criminal appeals; but no less competent an authority than Lord Denman had pointed to considerations of this kind as reasons for the demand for a Court of Criminal Appeal. His Lordship said:—

> "I think there is another reason for the outcry, which is a great desire, I think, on the part of many active and able persons attached to the law to see a new court and a new course of practice which would be popular and striking, and give a new scope for the display of their talents."

The question of the costs incurred by new trials in criminal cases is not a mere question of expense, but involves the very essence of this measure, because it is only a mockery to give the right of appeal to a prisoner, and at the same time to insist upon his paying the costs. The hon. and learned Gentleman, or whoever drew the Bill, has indeed held out the prospect of the prosecutor being able to get his costs from the prisoner; but really the clause has almost the look of an ironical provision. The hon. and learned Gentleman must be aware that a motion for a writ of *certiorari*, to be sued out before one of the courts in Westminster Hall, is a remedy which, to the vast majority of persons convicted at quarter sessions and assizes, is perfectly nugatory and inaccessible. The cases in which prisoners would generally be able to avail themselves of the Court of Appeal would be political ones, or cases about which a good deal of public feeling had been excited. There would then be meetings held, and a great deal of discussion, not always of a very calm or sedate character; and then subscriptions would be raised sufficient to carry the conviction before the higher Court; but in most instances prisoners, debarred from availing themselves of this remedy by its costliness, would still be glad to have recourse to those dark and secret proceedings at the Home Office of which the hon. Member complains; and, my opinion is, that the present administration of the law would continue with scarcely any alteration. The truth is, that if the House goes the length of conferring a right of appeal on every prisoner who is convicted at assizes or quarter sessions, they can scarcely hesitate before long to grant the principle that the expenses of the appeals should be defrayed from some public fund. That was the opinion given by Mr. Greaves, in his evidence before the Lords' Committee, for he did not shrink from advising that appeals should be conducted at the public expense, which he thought would be moderate. Of that, however, the House will itself be the judge. At all events, it must understand that if the Legislature confers an absolute right of appeal on every prisoner that is convicted, it cannot hesitate to enact that his costs shall be defrayed out of some public fund —either out of the county rate, or out of votes granted for that purpose by Parliament. With a view to show how utterly nugatory an appeal would be without such a provision, I will refer the House to the extensive class of offences with reference to which an appeal is already given—I mean those for which persons may be summarily convicted. I may first remark, however, that the course of legislation has not recently been in favour of conferring this right of appeal to the quarter sessions. Thus, the Aggravated Assaults Act, under which more than 2,000 persons were convicted in the year 1858, and about 1,500 sentenced to imprisonment, generally with hard labour, allows no appeal whatever. In cases, however, where the prisoner possesses the right of appeal it is remarkable how seldom it is made use of. In the year 1858 no less than 18,630 individuals were convicted in England and Wales under the extremely general and rather arbitrary provisions of the Vagrant Act. How many of these does the House think appealed to the quarter sessions? Just ten. In the same year 7,379 persons were convicted of offences against the Game Laws, of whom only fourteen appealed; and out of 11,211 convictions for malicious trespass and damage of property only two appeals are recorded, of which one was rewarded with success.

The hon. Member has spoken about the propriety and necessity of assimilating our criminal to the civil law in regard to appeals; but has he proposed anything like such an assimilation in his own measure? In civil cases the plaintiff and the defendant have an equal right of moving for a new trial; but in the Bill before us an unilateral right of appeal is given to the prisoner, but withheld from the prosecutor. But, if there is anything in the argument for assimilation, both parties should be endowed with the privilege of appeal. I am far, however, from recommending that the Crown should have any such right; I believe it would be highly disadvantageous, and I have no desire to see any innovation made in the ancient rule of our law, that a plea of *autrefois acquit* is to be held sacred, and that no person should be put in jeopardy twice for the same offence. It is vain for the hon. and learned Member to talk of assimilating civil and criminal procedure, if he gives an appeal to the prisoner and withholds it from the prosecutor. But I will take the Bill as it is drawn, and, supposing there be a unilateral appeal, I will ask the House to consider what would be the consequences. Upon that question I am able to give the opinion of some experienced Judges, which I think will have some weight with the House. Lord Denman said,—

> "I think there are grave objections to anything which will give countenance to the opinion that wrong convictions are of frequent occurrence, and that a new court ought to be erected, or the present courts empowered to correct them by motions for a second trial. One consequence of such power might be a degree of laxity of juries in considering their verdict and less reluctance to convict on doubtful evidence, because the new trial might correct their mistake. And, after all, the second trial could not guarantee the security of the truth; the second jury is not more infallible than the first."

Lord Brougham said,—

> "Most undoubtedly if it were thought that you might set an error right by moving for a new trial, there would be a good deal less of that sort of awful feeling of responsibility under which both Judge, prosecutor's and prisoner's counsel, and jury act; whereas at present they feel that what they are doing is remediless if any error is committed. I believe you would have very frequent errors committed. I am quite sure upon jurors it would have an effect, and this is a question about jurors rather than about Judges."

The English system of criminal jurisprudence is marked by a singular tenderness towards the person accused. It is always understood that the prosecutor's counsel abstains from any strong remarks in his speech; the Judge takes care that no unfair advantage is taken of the prisoner, and if there is a doubt it is given in the prisoner's favour. There is a total abstinence from that system of—I hardly like to say, "hunting down"—a prisoner of which we have sometimes met with instances in foreign courts; but, at all events, there is great forbearance shown in the manner in which the case is pressed against the prisoner. It is not accidental, but it is owing to the feeling of all persons concerned that the verdict on the facts is absolutely irreversible. As regards questions of law, as the hon. and learned Member has stated, there are full means of appeal at present. In order that the House may see how favourable is the position of the English prisoner compared with that of a prisoner under some of the most civilized systems of law on the Continent, I will read a statement which draws a contrast between the English and French systems of jurisprudence. I do not do this with the view of making any invidious comparison between the two systems; I assume that there are sufficient grounds for the rules of criminal law which are followed under the highly civilized system of jurisprudence which exists in France; but I merely wish to draw a contrast for the purpose of showing what is the position of the English prisoner compared with that of prisoners under other systems, and that it is possible materially to alter that position to his disadvantage.

> "1. In France all prosecutions are instituted and carried on by the public prosecutor; in England they are almost always left to private individuals, generally persons of limited means.
>
> "2. In France an accused person is put upon his trial by a report (called a *mise en accusation*) of magistrates or Judges (*Tribunal d'Instructions*): in England there must be the verdict of a grand jury or a coroner's jury.
>
> "3. In France an accused person is most rigidly questioned, both before and at his trial, not only as to the circumstances of the particular case, but as to other charges which may have been made against him, and as to all the events of his life. A history of him is given in the *acte d'accusation*, and his character, habits, and disposition, as well as those of his friends and relations, are minutely described, and he is examined as to all these matters by the President in the presence of the jury. As the trial proceeds he is called upon to explain the conduct imputed to him, and to admit or deny the particular facts alleged by the witnesses. In England no questions can be put to the accused either before the magistrate or at his trial, but he is at full liberty to make any statements which he thinks likely to be in his favour. The investigation is confined to the single offence with which he is charged, and previous charges, or even convictions, cannot be brought forward against him until the jury has decided that he is guilty of

that offence. His previous bad character cannot be given in evidence to prove his guilt, but he is allowed to bring it forward, if good, to prove his innocence.

"4. In France the accused may be found guilty by a bare majority of the jury; in England the whole number must concur; if one only refuses to join in such a verdict it cannot be pronounced."

That is a perfectly accurate description, and it may be added that there is a rule in English law which is never departed from, that a penal statute must be construed strictly. If there is any doubt as to the verbal construction, that doubt always avails in favour of the prisoner. What would be the position of the prisoner if the rules of law which the hon. and learned Gentleman seeks to establish were substituted for the present law? The counsel for the prosecution would be able to say with truth, "Gentlemen of the jury, if your verdict against the prisoner should be wrong, he has an appeal, and it can be set aside; but if you acquit him your verdict is irreversible; therefore, incline to the side of severity, and not to that of mercy. If you are wrong, there is an appeal for the prisoner, at present at his own expense, though we hope it will soon be at the public expense; but if he is acquitted, the Crown and the prosecutor are concluded by your verdict, and the decision is unchangeable." The whole feeling of the Court, which every one familiar with the proceedings of a criminal court knows is tender and merciful towards the prisoner, would be reversed, and there would be found not only a sentiment, but a rational ground, for giving an advantage to the prosecutor against the prisoner.

The House must also bear in mind that if this remedy were afforded, although it would be practically unavailable in the great majority of cases without the assistance of public funds, it would be infallibly called into operation in all important cases. Happily, we live in times when State trials are of rare occurrence. We have not seen the law of treason called into action. Our lot has been cast in a peaceable and favoured epoch. There have been no recent disturbances of the public peace, and it has not been the painful duty of the Attorney General to proceed against persons for treason or sedition. But it is possible that in times of suffering, or divided public opinion, such occasions may recur; and I would ask the House to consider what would be the state of the criminal law if, after a State trial of great importance, it was competent for the prisoner, when convicted, to give notice of motion for a new trial within the first four days of next term, and then by affidavits, and all the means which could be set to work in political cases, to apply to the Court for a new trial? I would also ask whether the Judges would not be placed in an embarrassing and difficult position? I cannot but think that the operation of this remedy with respect to criminal cases of that sort is a matter for the serious consideration of the House, and that there are good reasons for maintaining the present doctrine of the law, that as a verdict is conclusive against the Crown, so it shall be conclusive against the prisoner—subject merely to the interference of the prerogative of mercy. We have not only English cases to deal with; there are important criminal prosecutions in Ireland, as well as in England. Everybody acquainted with Ireland knows that in cases which used to come under the Insurrection Act, and which are now commonly called agrarian offences, in which the feelings of the country are involved, there is the greatest possible difficulty in the administration of the criminal law. I certainly should be the last person who would wish that any innocent person should be convicted, and if convicted, that he should not have a proper revision of his sentence; but I ask any hon. Gentleman who is aware of the necessity of protecting witnesses before the trial, of removing them to a colony or some place of safety after the trial, and of the difficulty altogether which there is in administering a system of trial by jury for a particular class of offences in Ireland, at seasons when the public mind is somewhat agitated or excited, what would be the effect of the changes which the hon. and learned Member proposes by his Bill to introduce? Then, the Scotch law is also to be considered. In Scotland, a simple majority of the jury can find a verdict, and if a simple majority can find a verdict I hardly know how it would be possible, in cases of any difference of opinion, to refuse the appeal which the hon. and learned Member seeks. Certainly, if the present law can be defended with regard to Scotch cases, the arguments must be infinitely stronger when applied to English cases where unanimity of the jury is required.

These seem to me to be the principal consequences which would flow from the Bill of the hon. and learned Gentleman. I trust that the House will take them seriously into consideration, and then determine whether such a Bill is one to which they can give their consent. This is not the time for discussing the clauses of the Bill, and therefore I do not wish to dwell upon minute points; but there is one clause, the 15th, which is worthy the attention of the House. By that clause the hon. and learned Member proposes to give the Court a power of entering a verdict of acquittal, after cause shown both by prosecutor and prisoner, without remitting the case to a second jury. Now, that certainly is a power which hitherto has been unknown to our constitution. That is to say, it is giving the Judges the power of reversing the decisions of Juries in criminal cases.

Before I sit down I wish to say a few words as to the bearing of the measure on the prerogative of pardon. The hon. and learned Member does not propose to alter or vary that prerogative; and therefore, whatever objections it is liable to will remain in full force, as far as the prerogative itself is concerned. But it is material to consider, if appeals are admitted in order to diminish the frequency of the interposition of the Crown in the way of pardon, what is the nature of that prerogative. We have heard of its unconstitutional character, of "the dark and secret" procedure by which it is brought into effect, of the Secretary of State not being able to cross-examine witnesses, and of his setting aside a verdict without going through the judicial investigation upon which the decision of the jury was founded. No doubt, all those objections stated in that naked manner have a certain degree of truth; but the House ought to remember that they are objections founded upon a partial view of the subject—that they are founded on the supposition that the Crown has a general power of revising the verdicts of juries. Now, the Secretary of State, or the Crown under his advice, has no power of aggravating the consequences of a conviction. The prerogative only extends to the mitigation or remission of a punishment. The Secretary of State can never put on the black cap. He is not armed with the sword of justice. He has no authority in any instance for making the condition of a prisoner worse. He has only the power, as I stated before, of mitigating the effects of the verdict of a jury. We hear on certain occasions much of the mischievous effects of official forms, and if any technicality of office produces any inconvenience it is stigmatized as "red tapism"; but, when it comes to a question of mitigating the sentence of a prisoner nothing is said of red tape or official forms—we are told, on the other hand, that judicial forms are of the utmost benefit. Let the House remember that the appeal to the Home Office is cheap, direct, rapid, and unaccompanied with any official forms; and that whatever importance they may attribute to the cross-examination of witnesses, or to the technical rules of a court of justice, it is of essential advantage to the poor prisoner who has no means of feeing counsel for motions to obtain writs of *certiorari* that his access to the Home Office should be easy and unencumbered with forms and expenses. However gloomy and secret may be the procedure of the Home Office, let it be observed that from those gloomy and secret recesses no bill of costs ever emerges, and that the poorest prisoner in the country may, at the cost of a sheet of writing paper, obtain a revision of his sentence. I must say that I think the House will be indisposed to underrate the importance of that difference. It is of great importance that the relative bearings of this question should be understood. With their permission I will state to them a case furnished to me by Mr. Waddington, who has been for some years Under-Secretary in the Home Office. He says:—

"Some years ago, at the end of the Winter Assize, a very distinguished Judge called upon me at the Home Office respecting a case which he had just tried. A poor old cripple, he informed me, had been charged with committing a rape upon a strong, healthy young woman; the offence was sworn by the prosecutrix to have been committed in open day, on the ground-floor room of a house looking upon a well-frequented street, and in which there were several other persons (some of them women) at the time, none of whom heard any noise, screaming, or struggling. The charge was not made until long after the alleged event, and to render the thing quite complete, the girl was pregnant, which she attributed to the violation in question. The Judge, as may be supposed, summed up most strongly for an acquittal; but the girl was what the newspapers call an 'interesting' witness, swore most positively, and carried the jury with her. The man was convicted and sentenced to a long period of transportation. The Judge now came in haste to express his entire dissent from the verdict, and to apply for a free pardon, which, after a very few days, the Secretary of State granted. I omitted to state that this poor wretch was a pauper, without a friend or a shilling in the world. How would the poor cripple have fared under the hon. and learned Member's Bill? He must first have employed an attorney to instruct a barrister to apply for a writ of *certiorari* to bring up the indictment, and have paid the expenses of the writ and its execution; the next steps would have been to apply to the Court (by attorney and counsel still) for a rule *nisi* for a new trial, and to serve one copy of the rule, when obtained, upon the prosecutrix, and another upon the Attorney General."

I observe that the hon. and learned Gentleman has taken great care to provide that a copy shall be served on the Attorney General.

> "The next, to instruct counsel to make the rule absolute. The next, to get the record sent down again for trial by what is called a *procedendo* or a *venire de novo*, or something of that sort. The next, to apply to a Judge to be let out on bail, or remain in prison until the assizes. The next, to prepare his defence for the second trial. The next, to appear again, and hold up his hand as a culprit at the bar, and to tremble while the well-remembered story was repeated with the same appearance of guileless innocence as before. All this he must have done and endured, and he might, very possibly, have been convicted again after all."

That is a perfectly accurate and unexaggerated picture of what would be the consequences of the remedy afforded to poor prisoners by the hon. and learned Member's Bill. I think the House must see that it would be utterly impossible to abolish or take any steps to make any considerable inroad on the power of pardon, unless—which I cannot for a moment imagine—they would wish to place the great majority of prisoners in a far worse position than they are, under the present law, at the present time. That I may not be supposed to express any ill-considered opinion, I will call attention to another passage in the letter of Lord Cranworth:—

> "I would further suggest that in my opinion, even if there were an unlimited power of obtaining a new trial in criminal as well as in civil cases, this would not supersede the present practice of applying to the Secretary of State. Such applications are not by any means confined to cases in which it is alleged that parties actually innocent have been convicted; and even where that is the ground of the application it is very often (I should say, so far as I have had any personal experience, generally) founded on some additional matter which by no analogy drawn from civil proceedings could have warranted the Court in granting a new trial. Your Lordship's long experience in Westminster Hall makes it quite unnecessary for me to call to your recollection that no new trial is ever granted on the ground of there being additional facts not brought forward on the former trial, unless the Court is satisfied by affidavit that the new evidence could not by reasonable diligence have been brought forward in the first instance."

I think the House must be of opinion that on those grounds it will not be desirable to trench on the prerogative of pardon; but there are other reasons why it is necessary that a discretionary power should be maintained. The hon. and learned Gentleman says in his Bill that application must be made to the Court within the first four day of the following term. Certainly there i an ample proviso at the end, which, if construed liberally, would go far to nullify the preceding part of the clause. It provides that, under special circumstances, the Court may allow applications to be made at any time. That may be ten years afterwards, and until we have the benefit of the construction the Court may put on the meaning of "special circumstances," it is impossible to anticipate what would be the operation of this Bill. The House will observe that the question of time is of great importance with respect to the power of pardon. That power is frequently exercised not strictly in reference to the verdict of the jury. Where a sentence is of long duration, sometimes for the life of the prisoner, or for five, seven, ten, or more years, circumstances arise during the period of punishment which render it either necessary, or at all events highly expedient, that the power of pardon should be exercised. There is one case of not very uncommon occurrence where the medical officer reports that the prisoner cannot be longer confined without danger to his health or life, and it is always the practice to pardon, in order to save a prisoner's life. Then it sometimes happens that accidents take place on public works—that a prisoner, through the falling of a heavy stone, has had his hand or leg crushed, and is maimed for life. In cases of that sort the usual practice has been to make some remission of the prisoner's sentence. Occasionally a murderous attack is made by a prisoner on warder or turnkey, and another prisoner interferes to save life or otherwise to protect the officer. In those cases and in cases of striking good conduct it has always been the practice to have some consideration in mitigating the punishment. In fact, prisoners under sentence, when numerous, must form a sort of community—must be specially governed by rules adapted to them; and it is necessary there should be vested in the executive some power of mitigating the extremes of legal sentences. For these reasons I think the House must see that under no circumstances would it be possible to abolish the prerogative of pardon or to substitute for the important power of mitigating the condition of the prisoner the expensive and circuitous remedy promised by this Bill. I must apologise for the length at which I have troubled the House. I have stated what are the objections to the Bill as it stands, the principle which it involves, and the consequences to which it will probably lead. I leave the question with perfect confidence in the hands of the House, and with the full assurance that they will deliberate upon it with a general regard to the great and permanent interests of the country which are involved in a departure from the existing practice which this Bill proposes. I beg to move that the Bill be read a second time this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. DENMAN said, that he had but very recently emerged from the humble position of a sessions barrister; but as he thought he might add one or two new considerations to this important question, and as the House might wish to hear the opinions of one who had been engaged in the active pursuit of that branch of the profession, he ventured to address to them a few observations. During an experience of many years it had frequently fallen to his lot to be the advocate of prisoners charged with indictable offences, and he believed he might safely say that, of hundreds who had been acquitted and convicted, in only one instance of conviction had it ever occurred to him to suspect that the verdict was not a right and true verdict. In that one instance he doubted whether the prisoner had been rightly convicted, and he expressed his opinion to a brother barrister sitting near him; and within two minutes he overheard his client use an expression which convinced him that, without the slightest doubt, he was guilty. As far as his experience went, he believed that criminal justice was satisfactorily administered; except in this one respect—that he had frequently seen persons acquitted who, he felt sure, were guilty. As to the Bill now proposed, he should not be sorry to see the question of whether there should be an appeal in criminal cases—some different kind of appeal from that which at present existed—re-discussed by the country and by a select Committee of that House. He did not concur with the right hon. Baronet, the Home Secretary, that there had been no alteration in the law bearing on this question since 1848; because, in consequence of the Committee of 1848, the House would recollect great changes had been introduced with regard to appeals from quarter sessions, and the criminal law had been placed in a very different position. The practical question now was, whether the Bill of the hon. and learned Gentleman now before the House, if it were passed into law, would improve the administration of justice; and in his opinion it would do more harm than good. The provision with regard to the payment of costs by the prisoner made it obvious at once that it was a remedy for the rich and not for the poor. The question of costs required a great deal of consideration. If the prisoner could not pay them, who was to pay them? Either the country or the prosecutor. If the country paid the costs, how could that be reconciled with the present state of the law, which did not allow a man, even though acquitted, to obtain the costs occasioned by his prosecution? It would be giving an advantage to the convicted man over the innocent man who had been actually acquitted. If the prosecutor was to pay the costs, who would prosecute? One of the great difficulties in the administration of the criminal law was to find prosecutors willing to come forward; but this difficulty would be much increased if prosecutors were to have the prospect of being involved in motions for new trials, and of having to hang about the courts indefinitely until the matter was disposed of. Even when prosecutors did get their costs allowed them, everybody knew that as a general rule they never were indemnified for the expenses they incurred. A noble and learned Lord, who had presided over the Court of Queen's Bench, and whose evidence on this subject had been somewhat misquoted to-day, once had his house broken into, and some of his most valuable property stolen. He prosecuted the thief to conviction, and, though all the expenses were on the most moderate scale, and not a farthing more than necessary was spent, the prosecution cost him £73 beyond the sum allowed him for costs. This was by no means an uncommon case. He did not wish to be understood as being opposed to the fair consideration of any alteration, whatever that might be, in the present state of things, with which he did not feel the unmixed satisfaction which the right hon. Gentleman had called on the House to feel. On the contrary, upon a review of the whole subject he was of opinion that a case had been made out for a further consideration of this question. A recent case had at least shown that there was considerable ground for inquiry into the present system, and had the hon. and learned Gentleman's Motion taken that form he would have gladly supported it. But the practicability of such an inquiry would be considerably impaired by the passing of a Bill like this, which left altogether out of consideration one of the main difficulties of the subject—the question of costs. It might turn out on inquiry that the present system was the best that could be devised. He did not attach much value to the objection raised against the Bill, that to avoid unjust delay in hearing appeals it would be necessary that the Judges should sit all the year round. If it were once made out that criminals ought to have the right of such appeals, the Judges ought to sit all the year round, if necessary, to hear them. If any change were made, it ought to be of a much more comprehensive nature than that proposed by the hon. and learned Gentleman. To pass this Bill as it now stood would be to impede instead of assisting further consideration. It would be establishing a system of appeal for the rich, and not for the poor; it would lead to great delay, and render proper convictions more difficult than at present. In fact, if its provisions became law as they now stood, the old Horatian maxim would have to be altered, instead of *rarò*, it would be

"Crebro antecedentem scelestum
"Deseruit pede pœna claudo."

Mr. PHILIPPS said, that although he had not the good fortune to receive a legal education, it had been his lot to be concerned in the trial of prisoners for many years, and he should therefore have been very glad to be relieved of some portion of the responsibility attaching to that duty. It was not however the duty of the House to consider what might be agreeable to private feelings, but what upon the whole would be advantageous to the public at large. He could not perceive that this Bill would be the slightest improvement on the present system. Instead of conferring any benefit on prisoners, it would most likely deprive them of advantages which they at present possessed. It was unfortunately impossible, owing to the fallibility of human judgment, to exclude false evidence without at the same time excluding much which might be true; but if this proposed tribunal were established it would deprive prisoners of the advantage of equitable and moral evidence which might now be received in their favour. He had great doubts of a Court of Appeal being for the benefit of the accused; he was disposed to think that it would prove injurious to his interests. The measure would have the effect of either ousting the Home Office of its jurisdiction or of postponing its jurisdiction to a later period after the appeal had been heard and dismissed; and he thought it would be a fearful responsibility for the Home Office to interfere with a verdict which had been sanctioned by two tribunals. No ground whatever had been laid for imputing blame to the proceedings of the Home Office. As far as his experience went, he had always found the greatest readiness and the greatest anxiety there to attend to all cases brought under its notice. Under these circumstances he must vote against the second reading of the Bill.

Mr. EDWIN JAMES said, if he were asked whether an Appeal Court ought to be established he should certainly answer in the affirmative: but if he were asked to decide whether the Bill before the House would prove a satisfactory solution of that difficulty in the criminal law of the country he should certainly reply in the negative, and that he believed the machinery it proposed to carry out its object was incapable of practical operation. Under these circumstances he was constrained to say he should vote for the Amendment of the right hon. Gentleman the Secretary for the Home Department. He could not, however, concur in all the arguments urged by the right hon. Gentleman in the admirable speech he had just delivered. The right hon. Gentleman, in opposition to the measure, had based one of his arguments against a criminal appeal on a case which had recently attracted much attention, without apparently perceiving that his illustration cut both ways. He argued that if a second Court were to be appointed, the council for the prosecution would for the future say to the jury, "You need not hesitate about convicting the prisoner, because there is an appeal which will set you right if you are wrong;" but surely he had forgotton that this might be said with just as much justice in reference to the present practice. The right hon. Gentleman, as he truly said, could not sit at the Home Office with the sword of justice, nor put on the black cap; but the Secretary for the Home Department did sit practically as a Judge of appeal, reversing the verdict of the jury and pardoning the criminal; and a counsel for the prosecution who would condescend to use such an argument might say now to a jury, "You need not be so careful about your verdict; convict the prisoner, and if you are wrong Sir George Lewis, the Home Secretary, will reverse your decision." The Home Office was, in fact a sort of court of appeal; and what he contended for was, that whatever was done by the Home Office in regard to setting aside the verdict of a Jury should be publicly known and the reasons that had influenced the Secretary of State openly stated, otherwise juries would become careless about discharging their duties; they would say it was useless for them to give such attention to these cases if their verdicts were to be set aside without any reason being given for reversing their decision. The machinery of this Bill was utterly impracticable. He was not a little surprised to find that the Court of Appeal which was already in existence—somewhat analagous to the Court of Cassation—in which seven Judges sat to decide on questions of law reserved for them, was utterly ignored, and the business of hearing these appeals was thrown on the Court of Queen's Bench, which had already more work than it could get through. According to the hon. and learned Gentleman a great proportion of the convictions took place at the summer assizes, and his Bill proposed that in the event of an appeal the convicted party should apply to the Court of Queen's Bench within the first four days of the next following term. On those days the Court already had to hear a great number of applications for rules *nisi*, so that, generally speaking, an appeal would be heard from six months to twelve after notice had been given of it. In capital cases the attorney, if he were up to his business, would of course take good care to set his appeal down at the bottom of the list, in order to prolong his cilent's life as long as possible; so that a murderer tried in July, 1861, might not get his second trial until July, 1862. To bring out a man for execution some twelve or fifteen months after his sentence had been pronounced, would shock public feeling, so that the ultimate result would be the impossibility of carrying capital punishments into effect. The applications for new trials would be on affidavits, and it would be so easy to make out a strong *primâ facie* case in affidavits, that it would be utterly impossible for the Judges, in nine cases out of ten, to refuse the application in the first instance. Cases of *alibi*, for instance, might be presented in a much stronger form in affidavits than in *vivâ voce* evidence. There would in this way be 500 or 600 cases standing on the paper for argument term after term. The imposition of this labour on the Court of Queen's Bench would be impossible, and would prove subversive of the first principles of criminal justice. In the ninth section, the hon. and learned Gentleman proposed to enact that sentence might be immediately passed after the verdict was pronounced, and should be in force until the verdict was set aside; though very properly by the tenth section cases of capital punishment were excepted, otherwise it would be left to a man's executors to move in arrest of judgment; but in many cases the greater part of the sentence would have been undergone before the appeal could be heard. What would be the advantage of the right of appeal to a boy sentenced to three or four months' imprisonment and a whipping, or to a man who got six months' with a fortnight's solitary imprisonment? The disagreeble part would have been got through long before the appeal came on. He was sincerely desirous that this subject should be fully discussed by the House in order that a practical scheme for the establishment of a system of criminal appeal should be devised. For instance, an experiment might be made by giving the Secretary of State power to refer the consideration of capital cases to the Court of Criminal Appeal now existing. The responsibility in such cases was too great to be devolved on a single individual. This Bill was incapable of being worked, though the hon. and learned Gentleman deserved the greatest credit for having taken up what was a most interesting and difficult subject. He hoped the Government would take it into their serious consideration whether some alteration in the present system of reversing sentences might not be devised, which would have the advantages of publicity and regularity.

MR. GEORGE said, he was desirous of doing full justice to the tone and manner in which his hon. and learned Colleague had brought forward the present question; but he could not support his Bill, which he thought most objectionable in its character. He must express his hearty concurrence in the able and comprehensive arguments of the right hon. Baronet the Secretary for the Home Department. After the best consideration he could give to the subject, he had come to the conclusion that there was no foundation for this measure, either in point of constitutional necessity or of criminal justice. He did not hesitate to say that, in his opinion, the Bill would be highly detrimental, if not ruinous, to the administration of criminal justice in this country, and especially in Ireland. Such a measure, if passed, would be an indirect mode of repealing capital punishment—a question which should be considered in itself, and be treated according to its own particular merits. The Bill would also have the effect of introducing into our courts of justice a great increase in the crimes of perjury and subornation of perjury. He thought it necessary even in the interests of the prisoner himself, as well as of humanity, to oppose the passing of such a Bill as that before the House. Punishment, to be effective, should be prompt and efficacious. Now, the effect of this Bill would be to obstruct the course of criminal justice, and to render it impossible to administer it promptly. As he understood the measure, it was proposed that there should be affecting every place of criminal jurisdiction, power by *certiorari* to remove the case into a superior court for the purpose of having the questions, both of law and fact, re-argued before another tribunal, with the view of having the whole case again tried by another jury. If the privilege were given to the prisoner or defendant to resort to those proceedings, upon what grounds should it be refused to the Crown? In another point of view he thought this Bill most mischievous in its character. Every one acquainted with the course of criminal justice must be aware of the great difficulties placed in the way of the prosecution in obtaining convictions. It was often impossible to sift satisfactorily at the moment the evidence produced for the defence, and it was only incidentally that the prosecutor was able to discover how far the defence, whether in the shape of *alibi* or otherwise, was true or not. If those difficulties be great upon the occasion of the first trial, they would be absolutely insurmountable upon a second trial, taking place many months afterwards. The counsel for the Crown were bound to set forth the whole of their case at the outset without reservation, so that if there were an appeal the party accused would have time to study it in all its points, and where a dishonest defence was to be set up the witnesses would have time to fully instruct themselves how to swear up to all the points of the case, and would run much less risk of breaking down than on the first trial. No necessity whatever had been shown for a measure of this sort. Every one versed in criminal courts knew the tender care taken there of the interests of the prisoner from the moment of his trial to the delivery of the verdict, not by his own counsel only, but by the Judge. Every precaution was taken to give him a fair trial—not the slightest advantage was taken of him; the Judge never failed to place prominently before the eyes of the jury the slightest point that might be favourable to him, and if any doubt was left on the mind of the Judge on any question of law, he was the first to desire to reserve it for the decision of a superior Court. Subsequently to the trial, if any ground for doubt arose whether the jury had not been hasty or mistaken in their verdict, the Judge and the counsel for the prosecution would be the first persons to bring the case under the notice of the Home Office, in order that the prerogative of the Crown might be exercised if need were. If this Bill were passed into law as it now stood, it would be impossible to refuse the Crown the same privilege as the prisoner. Under the present system, when an error was committed, it was on the side of mercy; but how it would be if this new system were established it would be difficult to say. What, if this Bill became law, would become of the noble principle of mercy that characterized our criminal law in the case of murder—that of *autrefois acquit*—under which, once a man was acquitted of the crime of murder, he could be never tried again for the same offence, however strong might be the additional evidence that had arisen? He much regretted that his hon. and learned Friend had brought forward this Bill, and if it were pressed to a division he should vote against it.

Mr. MELLOR said, that this was a question of deep importance to the administration of justice. It would be better to abolish capital punishment altogether than to make the distinction which his hon. and learned Friend the Member for Marylebone (Mr. Edwin James) had suggested, namely, to allow an appeal in capital cases, and none in any other criminal cases. He quite agreed that there was no analogy between criminal and civil cases, in respect of the mode of procedure. In criminal cases the *onus probandi* was on the Crown, but in civil it most commonly lay with the defendant. The Judge always charged the jury to give the prisoner the benefit of any doubt; but he much feared that the operation of any measure such as the present would be very much to weaken the sense of responsibility which the Judge and jury now felt in regard to the conviction of a prisoner. He thought that the present feeling in favour of an appellate jurisdiction in criminal cases arose principally from the cases of Mr. Barber and Dr. Smethurst; but neither of them would have had the benefit of a revision of his sentence under any appellate tribunal such as that now proposed to be established. In Mr. Barber's case the facts that showed his innocence were not discovered for many months after the trial. Then, to take the case of Dr. Smethurst: in a civil case a new trial was seldom granted except the Judge was dissatisfied with the verdict; but, as he (Mr. Mellor) understood, the Judge was not dissatisfied with the verdict in Smethurst's case, although he thought the case was one in which the prerogative of the Crown might, under the circumstances, properly be exercised in Smethurst's favour. In criminal cases, where the Judge was dissatisfied with the verdict, it was better for the Secretary of State to grant a free pardon than that there should be a second trial. It was a principle of law that once a man was tried and acquitted he should not be tried again for the same offence; but if the proposition now before the House was acceded to, how could they refuse the Crown a second trial? Surely if the House granted the prisoner a second trial, they should not, if they had the interest of justice at heart, refuse it to the Crown. Believing that the proposition before the House would so alter the whole course of criminal procedure as to do mischief and cause confusion, without doing any real benefit to the class in whose favour the hon. and learned Member for Wexford was so anxious to interfere, he felt that he must vote against the second reading of the Bill.

MR. HENLEY said, he would not have troubled the House if he had not been anxious to guard himself, in the vote he was about to give, against being supposed to have an absolute opinion against any possibility of an amendment of the law in this direction. That, however, was very different from the question whether the present Bill was an amendment of the law. What the hon. and learned Member (Mr. M'Mahon) quoted as Sir Frederick Pollock's opinion, seemed to him to go to the root of the matter; for the learned Judge was favourable to an appeal if there had not been insuperable difficulties in the way. The hon. and learned Gentleman had not, he thought, done anything to clear those difficulties away, but had, on the contrary, rather made them more prominent. The hon. and learned Gentleman could not shut out the question whether the Crown was to have a right of appeal as well as the prisoner. Now, for his own part, he did not think that anything could bring him to consent to a man being placed twice upon his trial for the same criminal offence. What was the House asked to do? Here was a complicated machinery, every clause of the Bill showing the difficulty that beset the framer of the Bill. His hon. Friend near him had spoken, for example, of the difficulty of obtaining witnesses. The hon. and learned Gentleman (Mr. M'Mahon) had made a strange provision in respect to witnesses. In cases tried at the summer assizes in July no motion could be made for a new trial until the opening of Michaelmas Term early in November. During this period of three months the witness would be under his recognizance; so that in the case of an offence committed perhaps in April, and which came before the Court of Sessions or Assizes in July, no witness could stir one step until November came and until he knew whether he was liable to be called again upon his recognizance. The captain of a ship or a person about to proceed to the Continent or elsewhere could not go abroad during this period, if he had the misfortune to be a witness in such a case. Would it be possible to keep the recognizances thus hanging over the heads of witnesses, or if it were, would the public endure it? It was true the hon. and learned Gentleman provided that if from any cause a party did not appear, and if no reason were given for his absence, the evidence he had previously given might be used against the defendant on the second trial. But it was most desirable that this secondary evidence should not be admitted unless in cases of absolute necessity, for the demeanour of witnesses affected their evidence with juries quite as much as what they said. The question of the witnesses was one of immense difficulty in dealing with criminal appeals. He could not agree that the question should be considered as one of expense. If justice was defeated under the present system, he did not think that the expense would be a ground for opposing an amendment of the law. But no attempt had been made to prove that any real injury or injustice to any class of persons was now committed. The question had been argued upon theoretical grounds alone, and upon the analogy in civil cases. But the hon. and learned Member had cut the ground from under him in regard to the analogy in civil cases, because he would not let the Crown come in, but only the prisoner or defendant. There was great force in what had been said, that less care would be taken by juries in convicting prisoners than at present, if a prisoner had a right to demand a new trial. After an experience derived from trying nearer 3,000 than 2,000 prisoners before juries he could assert that they were very careful in convicting prisoners. He was bound to say that although there were many cases in which juries acquitted the prisoner where he could not agree with them, it was very rare indeed that in cases of conviction there was not good ground for the opinion of the jury. Then the Bill would be inoperative in the case of persons sentenced under certain circumstances to an imprisonment of three or four months; for their terms would expire before the appeal could be obtained. Now, it was not equal justice to say that persons sentenced to six months' imprisonment and upwards should have an appeal, which those sentenced to shorter terms were not to enjoy. He opposed this Bill also because it would open the door to an appeal by those persons who had money in their pockets, and shut out the great mass of prisoners who might be poor, and for whom no subscriptions could be raised. These parties would, indeed, be in a worse position than before, because they would lose the advantage they now had in the care and caution of juries. The jury might say, "Oh, if we are wrong the prisoner has an appeal;" while those parties, wanting means, would have no opportunity of getting an appeal. He regretted that the prerogative of mercy belonging to the Crown had been so much mixed up with this debate. There could be nothing more grievous and sad than that the prerogative of the Crown should be meddled with or narrowed in any way. He believed that this prerogative was well exercised. It was no doubt frequently exercised on grounds and on information not in accordance with the strict rules of evidence; and it would place those who advised the Crown in the exercise of the prerogative in a most difficult situation if they were called upon to act on evidence that had been refused by the Court of Appeal. Instead, then, of an appeal being of advantage to a defendant or a prisoner, he believed that it would be attended in this respect by quite a contrary result. Two years ago he declined to vote at all on this subject. It was then somewhat new to the House; but being convinced that the present Bill would do more harm than good, he should vote against the second reading. The hon. and learned Member had quoted great authorities and high names in favour of his Bill; but if they had had these strong convictions, and had not discovered great difficulties in the way of acting with advantage to the public he believed that those learned persons would have introduced some measure for the amendment of the law. The opinions quoted were abstract opinions, the value of which was somewhat diminished by the fact that they had never been carried out in practice. For these reasons he should oppose the second reading of this Bill.

THE SOLICITOR GENERAL said, he wished to state some of the reasons that would induce him to divide against the Bill. With the exception of the hon. Gentleman who seconded the Motion for the second reading no pretence of any kind of support had been put forward by any hon. Member who had spoken on this proposition. The support of the hon. Seconder was of a very questionable character, for he had recommended the hon. and learned Gentleman (Mr. M'Mahon) to refer the matter to a Committee or Board of Inquiry, to see what could be done for the amendment of the law. The only real cases in which such a Bill could, by analogy with civil cases, be demanded, were either those in which the verdict was against the weight of evidence; or, secondly, those in which new and material evidence was discovered after the conviction, the existence of which was unknown at the trial. With respect to a Motion for a new trial in civil cases on the first ground, although the motion was made *in banco* before the full Court, yet practically it was an appeal to the Judge who tried the cause; because the Court seldom or never sent a cause for a new trial on the ground that the verdict was against the weight of evidence, unless the Judge who tried the cause was dissatisfied with the result. Under the existing system, if the Judge were of opinion that the verdict was against the weight of evidence, he would be appealed to by the counsel or by the friends of the prisoner. He would then be asked to make a report to the Home Secretary, and the course taken by the Home Secretary was also guided by the opinion of the Judge; so that practically there was the same appeal with the same result as could be obtained by the present proposition. The other case, of the discovery of new evidence, was so infrequent that it did not call for new legislation, especially legislation attended by so much inconvenience. He had endeavoured in vain to ascertain what practical and tangible mischief the hon. and learned Gentleman proposed to get rid of by this Bill. He (the Solicitor General) admitted it was an inconvenience that the Home Secretary should have to decide such momentous questions as he had now occasionally to consider in criminal cases; and had his hon. and learned Friend brought forward a proposal to remedy that inconvenience, by transferring the consideration and decision of such questions to another tribunal, he should have given such a proposal his attentive consideration; but the Bill before the House went much further than that. His hon. and learned Friend had spoken of what he called the anomaly of removing criminal cases by *certiorari* into the Queen's Bench, and of motions for new trials in cases tried by that Court. But he would rather retain that slight anomaly than adopt the present measure, for the sake of obtaining a theoretical and superficial uniformity of procedure. It must be remembered that writ of *certiorari* was, in practice, only granted in cases in which it was believed difficult questions of law would arise. However anomalous the power of removing a cause by a writ of *certiorari* might now appear it was, no doubt, at the time it was introduced very necessary, in consequence of the absence of a Bill of exceptions in criminal cases, and the consequent impossibility, on an ordinary criminal trial, of setting right the miscarriage of a Judge in matter of law arising at the trial. Besides, by the 16th of *Vict.*, c. 30, s. 10, the facility of obtaining a writ *certiorari* was much limited; so that the anomaly was so trifling that it afforded no argument whatever in favour of the proposition now before the House. The foundation of the measure was in itself a fallacy fatal to the success of the scheme. Its foundation was an alleged analogy between a civil action and a criminal prosecution. But his hon. and learned Friend himself was obliged to admit that no such analogy existed by withholding an appeal from the Crown. A civil case was a contention between two parties for victory; and the only interest the public had in it was to provide efficient tribunals for hearing it. How different was a criminal case? It was the duty of the Crown to watch over the safety of the subject, and in case of injury to any one to endeavour to discover the party who had inflicted it, and to bring him before a jury of his countrymen. But the Crown had no bias; it was as much the defender of the man in the dock as it was of the party for an injury against whom the prisoner was arraigned. Everything was allowed in favour of the prisoner. In trials of actions, juries were often locked up to deliberate because they had not come to decisions. But how did juries act in the case of prisoners placed in the dock? Why it was a "household word" in every one's mouth, that "a doubt must go in favour of the prisoner." The result was, that if any one juryman out of the twelve entertained a serious doubt of a prisoner's guilt the prisoner was acquitted. But let it only be known that the verdict of a jury carried no finality about it; that it might be set aside by an ingenious counsel, on the 6th of November, in Westminster Hall; that the law as well as the facts might thus be set aside; and juries would cease to bestow the care which they at present gave in order to arrive at a proper decision. Under all the circumstances, then, he could not hesitate to give his opposition to the Motion; but being at the same time fully sensible that an inconvenience existed in connection with the present state and practice of the criminal law, he would give his fullest consideration to any measure which he thought likely to provide the proper remedy for the evil.

MR. DIGBY SEYMOUR said, he should have been better satisfied had he heard an intimation from the Solicitor General of his intention to lay before the House a remedy which, it was on all hands admitted, was required to meet an existing evil. He thought the omissions in the present Bill were better than some of its intentions. The Bill did not interfere with the Royal prerogative of mercy. That, he thought, was wise, and his own experience supplied a case in which it had been beneficially exerted. In 1846 he was called on to defend one of two persons charged with a murder in Yorkshire. Both were convicted; and they were sentenced to death by Mr. Justice Patteson. Shortly after the trial, the prisoner whom he defended expressed a wish to communicate with his attorney. The attorney went to the prisoner, and at once drew up, at the dictation of the prisoner, a statement by which he, fully and in detail, took upon himself the commission and guilt of the crime, and entirely, and without equivocation exculpated his fellow prisoner. This was brought to him

(Mr. Digby Seymour); he at once ran up with it to the Judge's lodging, obtained admission to the Judge, and handed him the document, and the result was that it was laid before the Home Secretary, and the prerogative of mercy was stretched out to save the life of a man condemned to death the day before. If that prerogative had been taken away a life would have been sacrificed. He also remembered a case of rape in the south of England, which excited great attention not many years ago, and in which the prerogative of mercy was again most properly extended, after the case had been sifted with the utmost care and attention. He hoped, then, that nothing would ever be done to deprive the Home Office of this prerogative. But ought nothing to be done in the way of improvement? He thought that the appeal in criminal cases would not be left dependent entirely on the consent of the Judge who tried the case; because in effect the judgment of the Judge was assailed by the appeal itself. The right of appeal should not be left on its present narrow basis, he would suggest the practice pursued in civil cases in tendering bills of exceptions to the Judge's ruling, or to the reception or rejection of evidence, about the application of which to criminal cases the Judges were divided in opinion, might, by the removal of the doubt, perhaps bring about the desired reform. He thought the whole question might very well be considered by referring the Bill to a Select Committee.

Mr. LONGFIELD said, he also thought the subject might be beneficially referred to a Select Committee. He could not assent to the argument that the power lodged in the Home Office, in conjunction with the extreme caution of juries, was so efficient, that rarely did an innocent person suffer punishment; for he himself remembered several cases which were exceptions, where persons had been convicted who had afterwards been found to be innocent, and who, had the right existed of appealing to a second jury, would have been able at once to show their innocence. The revision of sentences by the Home Secretary was a very defective mode of dealing with them. The prerogative of mercy he did not desire to see altered, but that was very different from a revision of verdicts by the Home Secretary. The power was most frequently exercised on behalf of criminals who, from their position in society, or from being members of a powerful profession, excited an unusual degree of interest in their cases. This had happened in the instances of Smethurst and Dr. Kirwan. He did not approve of giving the right of appeal in all cases, but in those only where the life of the criminal was forfeited by the verdict, or where he would be subject to penal servitude. Seeing that the feeling of the House was strong against the Bill, as it was strong in favour of the principle which it embodied, it might be desirable that the Bill should be withdrawn; but if the proposer pressed the measure to a division he (Mr. Longfield) would vote for the second reading.

Mr. M'MAHON, in reply, said, he was glad that the question had been subjected to so long a discussion. He thought he could show that the Court of Criminal Appeal, to which the hon. and learned Member for Marylebone had expressed a preference, would be an inefficient court for the purpose contemplated by the Bill, inasmuch as its members were ever varying, and it sat only twice in each term. Instead of the best it was the worst possible court to appeal to. The practice of Russia, of Greece, and of Belgium had been appealed to by those who opposed this measure; but, countries deriving their constitution and laws from ourselves, and making extensions on their principles, were the proper subjects of comparison for us; and in *Wharton's American Criminal Law*, quoted in *Kent's Commentaries*, to be found in the library of the House, it was distinctly laid down that appeals in criminal cases were allowable, and ten distinct classes of cases were enumerated in which the appeal would lie. The opinions of the Judges in these matters were not infallible guides; they were at all times opposed to any reform of the law; if their recommendations had been acted upon, our pleadings must be in Latin up to this day. The late Lord Ellenborough opposed the abolition of the punishment of death for stealing to the amount of 5*s.* in a "shop" remarking that, this agreed to, the next step would be to cease hanging for stealing 5*s.* from a "dwelling-house," and then we should not know whether we were standing on our heads or our heels. The legal authorities cited by the Home Secretary were not Judges who had had much practice or experience in criminal courts. But, as the House had fully discussed the subject, nothing would be gained by answering in detail the objections that had been made to the measure; even on the part of those who opposed it, there seemed a general agreement that some alteration was required; but inasmuch as the details of the Bill were not approved, he would not press his Motion. At the same time, however, he was certain that no better or more carefully drawn Bill than this would ever be prepared by any one or by all of the hon. and learned Gentlemen who had objected to this; and that if an appeal were ever to be allowed, the mode of procedure must be framed on the model of this measure.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

QUALIFICATION FOR OFFICES ABOLITION BILL.

SECOND READING.—DEBATE ADJOURNED.

FIRST NIGHT.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HADFIELD said, that as he understood there was no objection to the second reading of this Bill, he would not ask the House to go into a discussion of this Bill at that hour; he proposed, therefore, that it be read a second time, only to fix the Committee for the 29th of February, and to take the discussion on that day.

LORD LOVAINE said, that many hon. Members on his side of the House had strong objections to the measure that cancelled some of the provisions of the Test and Corporation Act, and was an invasion on a great measure. The House ought not to be called on to assent to such a Bill at the close of a long debate on another subject.

SIR GEORGE LEWIS, if the House wished it, would not object to the postponement of the discussion: but he believed that the measure was not of the importance with which it seemed it had been regarded. It was true that the Bill proposed to interfere with the settlement of so important a measure introduced by the noble Lord who now represented the City of London, relative to the Test and Corporation Acts. When the Bill for settling the great question of the Test and Corporation Acts was before the House, the declaration now proposed to be repealed was suggested on the part of the then Government as the condition on which they would accede to that measure. Regarded, therefore, in the nature of a compact between the different parties in the State and as a security for the Established Church, he admitted that the view taken by the noble Lord opposite was a sound and correct view. But the question, nevertheless, arose whether the declaration had any really substantial effect, and was any security for the Established Church; or rather, whether it was not to some extent capricious and vexatious in its operation? The declaration —which was, in substance, a pledge taken by persons holding offices, never upon the true faith of Christians to exercise any power or authority which the situation which they held might confer upon them to injure or weaken the Protestant Church, as by law established—had to be subscribed before magistrates by persons filling municipal offices and all offices under the Crown, the holders of which had previously been in the habit of taking the Sacrament as a qualification. He could not say how many officers were included in the Act; but his impression was, that the great majority of the officers under the Crown were included in it. As a matter of fact, the declaration was not made by the great majority of persons holding office under the Crown, and the omission was cured by the annual Indemnity Act. On the other hand, with regard to municipal officers, it had been held that it was competent for the town council or other municipal body to require persons to make the declaration before taking office; and in these cases persons might be subjected to disqualification, and the Indemnity Act did not apply. The question, therefore, was, if by an Indemnity Act they virtually repealed the law with respect to a large class of officers, was it worth while to maintain it with respect to another class of officers with regard to whom it did not operate for the protection of the Established Church, and when enforced was enforced capriciously and vexatiously. Upon these considerations, he was prepared to give his vote in favour of the second reading of the Bill.

MR. NEWDEGATE was of opinion, that the measure would have the effect of destroying the analogy which at present subsisted between the Members of this House and the members of municipal bodies; but the question was of too important a nature to be disposed of within the half hour before the adjournment of the House. He begged to move the adjournment of the debate.

Mr. HADFIELD said, that if the hon. Gentleman persisted in his Motion, he had no alternative but to consent to the adjournment. He would, therefore, name Wednesday, the 29th instant, for the resumption of the debate.

Debate *adjourned* till *Wednesday* 29th February.

SUPPLY.

Order for Committee read.

Account of Exchequer Bills, &c., raised [presented 26th January] *referred* to the Committee.

Supply *considered* in Committee.

(In the Committee.)

£13,230,000, to pay off and discharge Exchequer Bills.

Resolution to be reported *To-morrow.*

Committee to sit again on *Friday.*

House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, February 2, 1860.

Minutes.] Public Bills.—1ª St. Mary in Rydal Marriages Validity.

TRANSFER OF PROPERTY BILL.

EXPLANATION.

Lord BROUGHAM said, he wished to set right a mistake which had gone abroad, that the measure proceeded on the same principle as that of his learned Friend Sir Hugh Cairns. He stated a few nights ago that the principle of the Bill was the same as that of two Bills he introduced last Session, and the Session before—namely, to extend to all conveyances the customary tenure of copyhold conveyance known in the North of England. That was stated to be the prayer of the petition he presented the other evening, and to that object the Bill was confined. Alterations he had made in the Bill were intended to supply some defects which that of Sir Hugh Cairns was intended to supply; and he thought this measure would supply them more advantageously than that of his learned Friend.

Mr. Newdegate

PRIVATE BILLS.—RESOLUTIONS.

On the Motion of Lord Redesdale it was

Ordered,

That this House will not receive any Petition for a Private Bill after *Tuesday* the *20th Day of March* next, unless such Private Bill shall have been approved by the Court of Chancery; nor any Petition for a Private Bill approved by the Court of Chancery after *Tuesday*, the *15th Day of May* next.

Ordered,

That this House will not receive any Report from the Judges, upon Petitions presented to this House for Private Bills, after *Tuesday*, the *15th Day of May* next.

Ordered,

That the said Orders be *printed* and *published*, and affixed on the Doors of this House and Westminster Hall.

Resolved,

That no Bill originating in this House, and included in either of the Two Classes of Private Bills in Standing Order No. 178, be read a Second Time after *Tuesday*, the *21st Day of February*, except with special Leave of the House.

LAW OF PROPERTY BILL.

COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

Lord ST. LEONARDS in moving "That the House do now resolve itself into a Committee on the said Bill," explained the provisions of the Bill, which he said was intended to remedy certain defects in the law, which in consequence of alterations which had been introduced by the House of Commons into his Bill of last year, had failed of its intended effect in some important particulars. His Lordship spoke in so low a tone that the details of this purely technical subject could not be followed.

Lord BROUGHAM thought their Lordships must be of opinion, as he was sure the profession at large would be, that they were under great obligations to his noble and learned Friend for devoting, as he did, his leisure and retirement to the amendment of the law. This very important Bill, he believed, had not come before their Lordships for the first time.

The LORD CHANCELLOR entirely agreed with the Bill of his noble and learned Friend, and he thought their Lordships and the public were deeply indebted to his noble Friend for his perseverance. He felt there would be but little danger of the present measure being rejected by the

House of Commons, although he was sorry to say, with all his respect for that House, that he thought it was not in advance with regard to legal reform, and that upon many occasions most useful measures, which had been sent down by their Lordships, had been thrown out by it.

Motion *agreed to.*

House in Committee accordingly.

Bill *reported* without Amendment.

Amendments made.

Bill to be read 3ª *To-morrow.*

House adjourned at a quarter to
Six o'clock, till To-morrow,
Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 2, 1860.

MINUTES.] NEW MEMBERS SWORN.—For Pontefract, Hugh Culling Eardley Childers, esquire.
PUBLIC BILLS.—1° Church Rates Law Amendment; Spirits (Ireland) Act Amendment.
2° Newspapers, &c.

HONG KONG.—MR. CHISHOLM ANSTEY.
QUESTION.

MR. EDWIN JAMES said, he rose to ask the Under Secretary of State for the Colonies, Whether he is prepared to lay upon the Table of the House the papers for which an Address was moved last Session, with reference to certain charges made by Mr. Chisholm Anstey, Attorney General of Hong Kong, against certain Officials there; and also with reference to the suspension of Mr. Anstey in his office of Attorney General.

MR. CHICHESTER FORTESCUE said, that the papers were ready; and he trusted that the hon. and learned Gentleman would renew the Motion he made last Session. The papers would then be produced in a few days.

ANNEXATION OF SAVOY TO FRANCE.
QUESTION.

MR. DISRAELI: Sir, the transactions relating to the Duchy of Savoy are so peculiar in their character that perhaps the noble Lord will permit me to ask, Whether he has yet determined upon the propriety of producing the communications between Her Majesty's Government and the Government of France, respecting the contemplated annexation of that duchy to the French Empire?

LORD JOHN RUSSELL: I have considered that subject, and have communicated with Her Majesty's Ambassador in Paris, and I have come to the conclusion that it would not be proper to produce the papers for which the right hon. Gentleman asked the other day. I am quite willing, however, to state the general purport of those papers. In the beginning of July, in consequence of a despatch from Mr. Harris, the British Minister in Switzerland, Count Walewski was asked by Earl Cowley whether there was any truth in the rumour that there was a project on foot for the annexation of Savoy to the Empire of France? Some conversation passed between them, but Count Walewski's remarks were not explicit on the subjection which Earl Cowley asked for information. Some time after this Count Walewski assured the noble Earl that there was no intention on the part of the Emperor of the French to propose the annexation in question. On the former occasion Earl Cowley stated that such a proposal would be viewed with disapprobation by Her Majesty's Government, and the language he held was approved by Her Majesty's Government. On the second occasion Her Majesty's Government directed a despatch to the British Ambassador in Paris, expressing the satisfaction with which Her Majesty's Government had received the assurance that no such project was in contemplation.

MISCELLANEOUS CIVIL SERVICE EXPENDITURE, &c.
ANNUAL SELECT COMMITTEE.

MR. WISE, pursuant to notice, rose to move that, in the opinion of the House, it would be desirable to appoint every year a Select Committee to inquire into the Miscellaneous Civil Service Expenditure of the preceding year; into the payments made out of the Consolidated Fund; and into those on account of the Woods, Forests, and Land Revenues. The hon. Member said he hoped hon. Members would not consider it waste of their time to give a little attention to the subject of his Motion. Whether they looked to the past expenditure of the country or to the fact that £55,000,000 were now required for the debt and defences of the country, the necessity for a stringent inquiry into the expenditure was apparent. It had been often proposedthat the Estimates for the year should be referred to a Select Committee; but that he had always opposed, for he could not help regarding the scheme as a device to cast off from the Executive Government the duties and responsibilities which properly belonged to their office. But the proposal he now made was of an entirely different character. The desirableness of assisting the Treasury to exercise a further check and control over the national expenditure, and of assisting the House to come to some just conclusion on the matter, and to enable them to exercise a beneficial influence over the expenditure of the money they had to vote, could not be denied. He should be satisfied if the House would adopt the principle of his Resolution; but at present the Civil Service Estimates, as they came before hon. Members, were a snare to them. With the exception of the Army and Navy, and the Estimates for the British Museum, with one or two others, it was impossible for the House to come to a just conclusion upon them. He was therefore disposed to believe, without any want of confidence in the Government of the day, whoever they might happen to be, that an annual review by a Committee of the House of the expenditure and revenue of the Woods and Forests Department, of the charges on the Consolidated Fund, and of the miscellaneous expenses in connection with the Civil Service, would be attended with a considerable reduction in the amount of outlay. He was convinced he only echoed the general opinion of the country when he said that the Miscellaneous Estimates were increasing with excessive and alarming rapidity. Independent of the ordinary sources of expenditure, there were many secret drains upon the public funds, so mysterious and complicated that they seemed almost to evade the control of the Treasury, as they certainly defied the investigation of the House. The people of this country placed large sums of money in the hands of the Government with cheerful alacrity whenever they were asked for important national purposes; but they had a right to insist that these sums should be faithfully appropriated and frugally expended. He believed that if this Committee were appointed and the Estimates examined for a series of years they would find that among much that was useful many things had crept in that were of very doubtful utility if not absolutely useless. He thought hon. Members were bound to listen to the questions which were always being addressed to them by their constituents as to what was done with all the money voted every year, and prove themselves really and truly the guardians of the public purse, by demanding a proper system of inquiry into the annual expenditure of the country. It was the practice of the occupants of the Treasury bench to declare that they were not responsible for the amount of expenditure, and that it was forced upon them by the House of Commons. Were hon. Members willing to accept that declaration and the responsibility which it devolved upon them? Were they prepared to admit that no inspection of expenditure was required, and that no reduction in its amount could be effected? He believed most hon. Members were agreed that the Civil Service Estimates were too large, that many of the charges upon the Consolidated Fund ought to be otherwise provided for, and that the Lands and Forests revenue fell below what it might be made by proper management. He was satisfied that the examination of a Committee would lead to the saving of thousands, if not millions of money, without any injury to the strength or efficiency of the public service. He wished to call the attention of the House to an important Parliamentary paper which had been issued, giving an account of the increase in the Civil Service Estimates for the last twenty or twenty-five years. In the year 1839 the total amount of these Estimates was £2,651,000, while last year they came to £7,880,000. In 1817, when we were at peace, they were only £1,480,000, and before the Reform Bill, in 1830, £1,872,000. The average for the ten years ending 1827 was £2,115,000; for the ten years ending 1837, £2,269,000; for the ten years ending 1847, £3,016,000; and for the last ten years, £5,710,000. The expenditure for the twenty years ending 1839 was £43,226,000; and for the twenty years ending 1859, £94,955,000. It was instructive to compare the totals of each class of expenditure in 1839 and 1859:—Public buildings, parks, &c., 1839, £197,000; 1859, £793,000. Salaries and expenses of public departments, 1839, £723,000; 1859, £1,413,000. Law and justice, 1839, £666,000; 1859, £2,544,000. Education, science, and art, 1839, £175,000; 1859, £1,328,000. Colonial and consular, 1839, £339,000; 1859, £428,000. Superannuation and allowances, 1839, £200,000; 1859,

£242,000. Miscellaneous, 1839, £217,000; 1859, £985,000. It was stated that the Houses of Parliament, new and temporary, had cost the country no less than £2,716,000; and yet if any hon. Member would take the trouble, as he had done, to walk round the building, he would find that the stone was already in a state of decay, that numerous fissures were apparent, and numerous experiments going on to arrest the cracks. Buckingham Palace, he was sorry to say, was in much the same condition. But they had only to look at St. Paul's, Somerset House, the Banqueting Hall, or the Horse Guards to see that their ancestors did not make such errors as we did in the selection of stone. If there had been a Finance Committee appointed regularly every year he was sure that this matter would have been minutely and carefully inquired into, and no doubt some of the enormous expenditure might have been saved, or, at least, laid out to better purpose. The grants for harbours of refuge were considerable, no doubt; but the country did not grudge it, they wished to be a great maritime people, and they were willing to pay the cost; and all that was asked was that the money should be economically spent, and that value should be got for the money. He found that as much as £26,000 a year was spent in hiring departmental offices, and he could not help thinking that a miserable and wasteful plan of carrying on the government of a great country like this. Surely they might find a national building for the National Debt Office, which was to be regarded as a national institution if any was. A great many buildings were also rented for the use of Commissions; and he might mention, by the way, that since 1830 no less than £831,171 had been spent in Commissions. During the last twenty years the furniture in the public departments had cost £450,000. He freely admitted that the gentlemen connected with the Treasury and the offices of the Secretaries of State were generally not extravagantly provided for in that respect. He believed that in those departments the duties were very efficiently discharged. But still, taking the expenditure in the whole of the public departments together, it would be found that it was exactly doubled. This increase of expenditure did not arise—he was happy to say—in the charges for the two Houses of Parliament, which were in 1852, £89,000 and last year £80,000. As far as the House of Commons was concerned, the whole expenditure was £52,000, of which £41,000 was supplied by fees. Probably in no public office in the metropolis, were economy and efficiency so combined, and all who had had experience of the House of Commons and its officers knew that the latter had always discharged their duties with an efficiency and a courtesy which deserved general thanks. Between 1839 and 1859 they had spent £6,000,000 in printing and stationery. In 1856, the item was £458,000, but he was happy to see that last year it was reduced to £337,000 He should be very sorry to curtail the printing of useful documents, but he thought the printing should be limited to papers of that kind. The stationery and official postage items were both very much abused. Gentlemen connected with the Science and Art Department, for which the charge was £93,000 a year—did not study economy in those respects. He received from time to time from that department, in common, he supposed, with every Peer and Member of Parliament, bushels of papers, which went into their housemaids' baskets. He had recently received one, rather more than usually attractive. It was in a huge official envelope, bearing on the outside, "Henry Cole, Science and Art Department, South Kensington—On Her Majesty's Service," and consisted of an almanac printed on a large sheet of paper. This almanac was sent him at the public expense; but he did not wish to obtain that publication in that way—he could afford to pay for his own almanac, and really he thought the Treasury ought to check this sort of nonsense. The next item to which he wished to direct attention was the Secret Service money; they imagined that they could not do without Secret Services, but under that head there had been an expenditure during twenty years of £954,600, and he very much doubted whether the secret information which had been obtained was worth the money. Then he found that of late years there had been a very great increase of salaries. When any complaint was made of increase of salaries they were generally told that a great number of salaries were paid in lieu of fees. In 1854 the fees amounted to £138,000; last year they had dwindled down to £111,000, and of that sum the House of Commons' fees supplied £41,000; so that the fees did not amount to any very large sum, and could not contribute as largely to salaries as was represented. He had a great respect for both Law and

Justice, but he thought the expenditure under that head, which had enormously increased, required revision. The item was £2,500,000 with the addition of £718,000 charged on the Consolidated Fund. He did not say that the charge on the Consolidated Fund was improper, because the Judges ought to be provided for in that permanent form. Into the important item of Education, Science, and Art, there was a Commission inquiring at the present time, but he was anxious to call attention to the fact that the expenditure under that head had increased from £175,000, in 1839, to £1,328,000 in 1859. He hoped the country was receiving an equivalent for that expenditure. They voted last year £230,000 for pupil teachers, and his experience taught him that the pupil teacher system was becoming a failure; that they married very early, if they were attractive young women, or went out as governesses; and that in one way or the other they left the service of the educational staff, so that they lost the services of these pupil teachers as soon as they had completed their gratuitous education. The Inspectors of schools cost £61,000 or £62,000 a year, and yet he feared that we had a very imperfect system of education. The next item was the Consular and Colonial expenditure. He was pleased to think that the Committee which sat on the Consular system two or three years ago had not been without its effect, and he sincerely trusted that Her Majesty's Government would carry out the recommendations of that Committee. Her Majesty's late Government entered very warmly into the question, and were, he believed, prepared to adopt measures likely to lead to great and beneficial changes. The Colonial charges were very large indeed, amounting in five years to £22,000,000. Then there were the Superannuation and other items, into the details of which he would not enter, but he begged to call the attention of the House to Class 7. Those Estimates were generally laid on the table at a very late period of the Session, when there was no time for investigation. They were termed temporary charges, but he was sorry to say, after the first appearance of an item in that class, it was generally continued for ever afterwards. One of his great objections to that portion of the public expenditure was that it included large sums for the improvement of the metropolis. With all respect for the metropolitan Members, he objected to the large sums invariably demanded for metropolitan purposes. In counties they built bridges, made public gardens, and discharged at their own expense all the duties which No. 7 of the Estimates did for the metropolis. For instance, they had recently voted for Battersea Park, Chelsea Bridge, and Vauxhall embankment, no less than £525,000. The next portion of his remarks would embrace the second portion of his Resolution. With regard to the Consolidated Fund the items comprised in it were never brought before the House; they were printed in a blue-book at the end of each Session, but something more was required than an inquiry within the four walls of the Treasury. The right hon. Gentleman the Chancellor of the Exchequer had, in 1854,, expressed an opinion that there was no point on which the House was more apt to be led into laxity than that of laying on the Consolidated Fund charges which it ought not to bear, the consequence of which was that in some measure they escaped the control of Parliament and were forgotten, and the right hon. Gentleman also said that it would be advisable to establish some means by which the attention of the House would be drawn periodically to these charges. That was exactly the principle which he (Mr. Wise) wished to carry into practical operation. The first item on the Consolidated Fund was £385,000 for the Civil List; and with that he had nothing to do, as it was a fixed charge on the revenue of the country—the only observation he would make with regard to it was to express a hope that Her Majesty would live many years to enjoy it. The present charges on the Consolidated Fund for the Civil List amounted to £1,900,000. The Chancellor of the Exchequer stated in the year 1834, that of this sum there were 34 items which amounted to £970,000; but at this moment it was difficult to say whether any hon. Member would understand them. There were, he believed, 100 or 200 Acts of Parliament relating to them. Then came the Duchies of Cornwall and Lancaster, which cost from £50,000 to £60,000. He was glad to observe that there had been a great improvement lately in the revenues of the Duchies of Lancaster and Cornwall, for a few years ago they used to bring in very little and cost a great deal. In the Duchy of Lancaster there was a Chancellor, a Vice-chancellor, an Attorney General, and fifty other officials; in short, to use Burke's words, "all the apparatus of a kingdom to manage a country gentleman's estate." But if they had no right to inquire into the Civil List they had a full right to inquire into the management of the Lands, Woods and Forests, belonging to the Crown. By an Act passed in the reign of George IV. it appeared that the expenses of collection were the first charge on the revenues, then pensions, and whatever was left went to the State. It was high time that this mode of proceeding was altered, and the Committee on Public Monies was of the same opinion. In their Report they expressed an opinion, "that these charges should be brought under the system of votes for expenditure, just like the charges respecting other branches of the public revenue." But in answer to this Report the Treasury had made a minute to the effect that "My Lords" were of opinion that, considering the peculiar nature of this revenue, it was advisable to postpone any further consideration of this point until a further investigation took place preparatory to a new surrender of the Crown Lands to the public, and a grant of a new Civil List to the Crown. He never could understand the reason of the Treasury for recommending this postponement. Mr. Huskisson, Lord Monteagle, and other public men whose judgment should have great weight, were of opinion that the control of Parliament ought to be exercised over these revenues quite as much as over any other branch of the public revenue. According to a Parliamentary paper lately delivered, the revenue of the Crown Lands, Woods and Forests, from 1816 to 1859 was £13,273,295, and the expenses upwards of £6,000,000. The income for 1858-9 was £446,771, and the sum received by the Consolidated Fund was only £280,040, from which was to be deducted a Vote on Estimate 2, of £23,000, so that it cost £190,231 to get £256,540. In 20 years the total revenues from that source amounted to £6,705,917, out of which was to be taken £2,214,000 for management, and £995,000 for permanent improvements, leaving a net profit to the State of £3,495,000. This was as much as if a country gentleman, with a gross rental of £3,300 had to pay £1,100 for management and £500 for permanent improvements, leaving himself with an income of £1,700. What tenant for life would admire that state of things? Yet it exactly represented the position of the country with reference to the revenue of the Crown lands. No doubt the gentlemen at the head of the department had effected considerable improvements of late; but there was still a vast amount of unseen and uncontrolled expenditure. Leaving the Lands, and travelling now to the mysterious recesses of the Woods and Forests, it appeared from this paper that the receipts of the Woods and Forests from 1803 to 1859 had been £2,589,183, and the receipts £2,085,304. In 1859 the receipts were £47,181, and the expenses £52,984; in 1858 the receipts were £68,743, and the expenses £58,170; and in 1857 the receipts were £63,811, and the expenses £55,469. In order that it might not be thought that he had selected an exceptional period he would take the four years ending 1852, in which he found that the receipts were £186,000 and the expenses £188,000. In the four years ending 1856 the receipts were £307,000 and the expenses £245,000. For the three years ending 1859 the receipts were £175,000 and the expenses £166,000; making for that period of 11 years a total of receipts of £673,000 and of expenses £600,000. Taking now three of these Crown forests, it appeared that in that of Dean the receipts last year were £11,900 and the expenses £11,300; in the New Forest £16,000 had been received and £11,000 expended; and in Windsor Forest, which from its vicinity to the Castle was exceptionably placed and required additional outlay in salaries, upon labour, and maintenance of deer, &c., the receipts had been £5,000 and the expenses £19,000. When the large establishments and expenses connected with the Woods and Forests were complained of, it was urged that they were absolutely requisite for the management of this extensive property, which amounted nominally, in forests alone, to 103,000 acres; but he believed it was the fact that they had not a really beneficial interest in more than 30,000 acres. A few years ago the Treasury directed three gentleman of eminence to visit these portions of the Crown property, and they proceeded during their term of inspection to Delamere forest, which he would take as an example of the injudicious mode of treatment that had sometimes been adopted. The Commissioners reported that the 4,000 acres of which the forest was composed "was in every respect unsuited to the growth of oak, and that such a crop ought never to have been planted upon it; tha trees had been planted in such places and of such sizes as to preclude all chance of their success; that considerable loss had been sustained by an unskilful mode of cutting down trees; that a very large amount in value of thriving larch trees, admirably suited to the soil in which they were growing and approaching rapidly to good timber, had been displaced to give room for stunted thriftless oaks, which were of no present value and never could attain any." He desired in an especial manner to direct the attention of the Secretary to the Treasury to the arrears which were permitted to occur in the rent accounts which were made up to April in every year. In 1857 the arrears which were thus permitted to remain due amounted to £220,241; in 1858 to £206,680; and in 1859 to £202,248. The Treasury certainly ought to have the power of checking this system, which seemed, at all events, to have existed for three years, and which must be attended with very injurious effects, as it permitted so large a sum as £200,000 to remain in the hands of the country agents and stewards charged with the collection of the revenues of the Crown. Another subject highly deserving of consideration was the manner in which the capital account was made up; for if there was one paper more unsatisfactory and mysterious than another of those laid on the table of the House it was the capital account of the Estates and revenues of the Crown. Within the last thirty or forty years Crown property to the value of £2,409,203 had been sold, and this system of constant sales and re-investments was attended with inconvenience and enormous expense. Last year an amount of no less than £13,037 was paid for legal expenses and plans incidental to these sales of Crown lands; and though it might be extremely desirable to consolidate this property, which was scattered through almost every county in England, and so to get rid of a large army of receivers, surveyors, stewards, and agents, he thought the improvement might be more judiciously effected than by this perpetual system of buying and selling, adding to the expenses and diminishing the revenues. The Chancellor of the Exchequer had, a few years ago, taken the wise and judicious course of removing a great number of charges from the Consolidated Fund to the Estimates for the year; and he trusted that the right hon. Gentleman, whom he believed to be at heart a sincere financial Reformer, would persevere in the same beneficial direction. There were a number of changes which, in his opinion, might with great advantage be removed from the Consolidated Fund to the yearly Estimates, where they would be exposed to the consideration and criticism of the House. Among these he placed the charge for the Lunacy Commission of £12,500; that for the Audit-office of £6,300, which was in addition to the sum of £32,466, appearing on the Estimates for the expenses of that office. Then there was the sum of £10,000 for secret service money, in addition to the £32,000 in the Estimates; and this item he should like to abolish altogether, believing that it was opposed to the openness of the English character, and that the country had never derived any substantial benefit from such expenditure. The sums of £10,000 for the government of the Isle of Man; £17,000 for the augmentation of stipends to the Scotch clergy; and £20,300 to the West India clergy might in like manner be transferred advantageously to the Estimates. The salary of £20,000 to the Lord-Lieutenant of Ireland ought, perhaps, to be retained on the Consolidated Fund as long as the office itself was maintained; but it should be remembered that in addition to this £20,000 there were further payments on foot of Castle expenses to the amount of £4,378, and to the Household of £6,431 yearly. The allowance of £2,769 to the in-coming Lord-Lieutenant for his outfit was classed under the head of Contingencies, but the House would bear in mind that within a comparatively few years there had been eight Viceroys appointed. The allowance of £2,000 a year to the High Commissioner of the General Assembly of Scotland, and of £2,000 to the itinerant preachers, he should also like to remove; and last, and not least, he was particularly desirous that the £180,000 paid for diplomatic services should be brought into the Estimates. A Resolution which he proposed last Session was rejected by a majority of twenty-eight in a House of 256 Members, but he still hoped that Parliament would see the advisability of exercising a control over the expenditure in that department. The diplomatic service cost the country last year £268,898, and the consular service £252,796, making a total of £521,694. Besides this charge on the Consolidated Fund, he found that in the last eleven years there had been expended on the same account — miscellaneous, £248,000; special missions,

£133,000; Embassy-house, £253,000; chapels, £96,500; rent and outfit, £108,000, and £70,000. So that, if some supervision were not exercised over these sums, they would go on increasing until in a few years the cost of these united diplomatic services would amount to millions, instead of thousands. He had given a plain unvarnished tale, with the object of inducing the House to adopt some measures that might more effectually check this stream of expenditure, which received but a very inadequate consideration, when the period of late sittings and hot nights came on, and when Members were tired and the House was impatient to enter on other business. The only conclusion at which he had been able to arrive was, that the people of England had too much money. Southey had said that a Government never could be too rich, but that the same observation did not apply to the people who were governed. To impose taxation was easy, and to disburse it was agreeable; but the payment of taxes, except in cases of great national emergency, was a process that was always painful and disagreeable. A rigid reform in the expenditure might be very annoying to many of those persons who represented ignorant incapacity and distinguished destitution; but to the people of England a more rigid economy would be very acceptable. Before placing any new burdens on the public, the House ought to inquire whether the money it had already granted was properly expended. There was no wish to diminish the efficiency of the national service, or refuse anything that would be for the national advantage. All that was asked was, that the public money should not be wasted, that the revenue should really be used for the public benefit, and the little interests of little men should not be allowed to interfere with the great interests of a great country. The hon. Member concluded by moving his Resolution.

MR. AUGUSTUS SMITH said, he rose to second the Resolution, but after the able manner in which the subject had been introduced, he would only allude to one or two points. Some said the Government was to blame for the excessive expenditure, others blamed the House; but he feared that the enormous increase in the Estimates of late years could not be ascribed to the Government or the House of Commons alone, but that Parliament, the Government, and the public were all more or less involved in the blame. So many parties were interested in a large expenditure that the public had become apathetic, and this was among the influences at work which had induced the House to relax its scrutiny of the Estimates. It had been said that only the upper classes were interested in this expenditure. But on examination it would be found that the amount of the expenditure by which this particular class was benefited was really very small. The middle class had a very large share in the advantage of this expenditure, and so had the class of mechanics and workmen, the largest recipients of all, though out of the 63,000,000 of revenue collected, it was impossible to say that that class contributed more than 20,000,000, and that only indirectly. There was a combination of the influence of all classes to urge on an increase of the expenditure. Gentlemen who had attended the discussions on the Estimates must have observed how frequently those discussions turned, not upon the extravagant expenditure, but upon there not being enough spent in different departments. Some hon. Gentlemen took up the case of the officers employed in the administration of the Poor Law, others that of the mechanics in the different dockyards, or the officers of the Customs' Department. From both sides of the House they heard arguments why there should be an increase in the expenditure for the benefit of particular parties. Another principle also operated in the same direction. The Executive of the day, in order to carry out certain views of local government, would place on the Consolidated Fund certain sums as charges in relief of local expenditure. The House sanctioned the practice, and the central Government gained greater control in a certain department of administration. But the result to the country was that the expenditure was raised to more than it would have been had it been borne either by the general or the local government alone. It was simply burning the candle at both ends. The education grant, large as it was, had in a great measure been swollen in that way. Then sums had been granted in aid of county rates—for prisons, county police, the medical poor law staff, and a variety of establishments of that sort. By the Act of 14 & 15 *Vict.* the office of Woods and Forests had been divided into two—the office of Public Works and that of Woods and Forests. The result was that each office cost nearly as much as one did before. The cost of the old office was

£28,000 a year; that of the Woods and Forests was now £23,000, and that of Public Works £26,570. There were two accounts kept at the Woods and Forests—the capital account and the income account—and many items appeared in one which did not properly belong to it, and ought to appear in the other. He looked upon the notion of the Crown at any future time reclaiming these lands as a mere myth. It would be a most dangerous proceeding; it would altogether alter the relations between the monarch and the people were the Sovereign to depend for his revenue upon any income arising from estates, and not voted by Parliament. The arrangement was a mere matter of form, but that form was a wholesome reminder of what was due from Parliament to the Sovereign, and also of what was due from the Sovereign, by showing that the maintenance of the Crown came from the same source as the Crown itself. He objected to the items of expenditure for the improvement of the Crown property, as, on the settlement of a future civil list, those would be used against the country. It should be understood, if there was any intention of retaining the estates, that no more expense should be incurred merely to increase the value of the property. He could describe it as nothing more nor less than a fraud upon the people. Knowing how impossible it was to get the Estimates fairly passed, and that it was only by going before such a Committee as his hon. Friend proposed that the results of this expenditure, and the grounds of them, and the reason why they should be discontinued, could be properly analyzed, he felt that no better plan could be devised than that which his hon. Friend suggested. He therefore cordially seconded the Motion.

Motion made, and Question proposed:—

"That, in the opinion of this House, it would be desirable to appoint every year a Select Committee to inquire into the Miscellaneous Civil Service Expenditure of the preceding year; into the payments made out of the Consolidated Fund; and into those on account of the Woods, Forests, and Land Revenues."

MR. LAING observed, the House was very much indebted to the hon. Member who had made the present Motion, for having brought under its notice a subject of great importance, and one which excited out of doors a considerable amount of public interest. The expenditure on the civil service was not very well understood, and a very general impression seemed to prevail throughout the country that it had gone on of late years increasing to a very alarming extent, and that, too, notwithstanding it was supposed to be in a great degree under the control of the House of Commons, and, not like the expenditure for military and naval purposes, influenced by circumstances which might render a large outlay unavoidable. It was, therefore, that the civil service expenditure was regarded as affording the best test of the economy of Parliament, and it was for that reason, among others, that he held the opinion that if the specific Motion before the House—that of a Standing Committee to examine the expenditure of the preceding year—should be deemed to be well adapted to secure the end for which it had been brought forward, and which every hon. Member must be anxious to attain, it should be at once acceded to. It was quite clear, at all events, that, so far as the convenience of the Government, and especially of the Gentleman holding the office he had the honour to fill, was concerned, the appointment of the proposed Committee would be most acceptable, as relieving them from a very heavy responsibility; but as responsibility could not be thrown to any degree upon one of two bodies without *pro tanto* relieving the other from its pressure, it was a point well worthy of consideration whether the accomplishment of such a result would in itself be expedient. The hon. Gentleman (Mr. Wise) had, it was true, contended that the objection which he had just pointed out might, in a great measure, be removed by submitting to the notice of the Committee, not the Estimates of the ensuing, but those of the past financial year; but as nearly four-fifths of the expenditure of one year were made up of sums which reappeared in the Estimates for the next, it was quite clear that the Committee, in sanctioning those items, would, to a very considerable extent, remove from the shoulders of the Government any responsibility which might attach to their re-insertion, and would furnish the Minister with a satisfactory answer to any such inconvenient questions which might be addressed to him by the hon. Member for Lambeth (Mr. W. Williams) as to the largeness of the amount which the House might be asked to re-vote under any particular head. Be that, however, as it might, he felt it to be his duty to lay before the House the real state of the Civil Service Estimates, in order that hon. Members might be in a position to judge upon whose shoulders it was most desirable that responsibility with respect to them should be permitted to rest. He should not, in endeavouring to effect that object, go further back than the financial year 1852–3, or just previous to the period, when a large amount had been transferred from the Consolidated Fund to the Estimates, inasmuch as any calculations based upon their previous amount would, because of that change, be completely illusory. As an instance, the hon. Gentleman who had brought the question under the notice of the House had referred to the greatly increased expenditure in connection with the public offices last year as compared with the year 1846; but it was important, in dealing with that subject, to bear in mind that the increase was to be accounted for by the transfer from the Consolidated Fund to the Estimates to which he (Mr. Laing) had already alluded; the fact being that, instead of there being any increase, there was in many instances a slight diminution in the salaries of officers employed in our public departments. But, to proceed to the statement of the civil service expenditure, taking the financial year 1852–3 as a starting-point, he found that in that year the sum voted under that head was £4,407,000, while in 1859 it was £7,840,000, thus showing, in the expenditure in the latter over the former year, what at first sight appeared to be an actual increase of £3,433,000. It must be borne in mind, however, that of that amount £1,500,000 must be laid to the account of the transfer which in 1853—[An hon. MEMBER: 1854]—had been made to the Estimates from the Consolidated Fund. That being so, hon. Members could not fail to perceive that, for the purpose of fair comparison, they must deduct that sum of £1,500,000, which would leave the real increase of expenditure for the whole of the civil service, as between the two years which he had mentioned, somewhere about £1,900,000. And how, let him ask, was that amount made up? Chiefly of items which were the result of legislation for which Parliament itself was responsible. Now, the first great item of increase during the seven years ending in 1859, which he should mention, was that under the head of education, science, and art, in which there was an increase of £860,000; the next was that which came under the head of law, justice, police, prisons, convicts, &c., in which the increase for the same period had been £550,000; that under the head of harbours being £150,000; of public buildings, parks, &c. £150,000; of stationery, postage, telegraphs, &c., £100,000; making altogether a total increase of rather more than £1,800,000. There were, however, in addition other charges made in the Civil Service Estimates last year, which were in reality connected with naval and military objects, as, for instance, a sum of £130,000, which had been voted for the purpose of laying down a telegraph to Gibraltar, to enable us to communicate with that fortress and also with our fleet in the Mediterranean; and a sum of £60,000 in connection with the exchange upon remittances to troops in China, which, together with some smaller amounts, made up a sum of £200,000. This added to the £1,800,000 he had before enumerated amounted to £2,000,000, the total increase for the seven years ending in 1858 being, as he had said before, about £1,900,000. Thus upon a limited number of items he had accounted for the whole of the increase during that period. With respect to the expenditure which was incurred for the public departments he thought it desirable to make a few remarks with the view of removing from the public mind the erroneous impression that money was lavishly laid out in connection with them in order to increase patronage, especially for the benefit of the upper classes of society. Now, if such were the case—which it was not—the charge would apply to the expenditure for the Treasury, the Colonial Department, and the other great public offices, inasmuch as clerkships in those departments were much sought after by young men of good family but scanty means. He, however, found that while the total expenditure for the Treasury was, in 1852, £54,400, it was in 1859 not more than £54,600; while in the case of the Colonial Office the expenditure, which in the former year was £38,815, was in the latter not more than £30,978. The only public office, in fact, in connection with which there had been any materially increased outlay in 1859, as compared with 1852, was the Foreign Office, and the increase in that instance was to be accounted for by the multiplication of telegrams and special messengers, caused by the increased activity of the diplomatic service of late years. In the case of the Poor Law Office there had been an actual decrease in the expenditure in 1859 as compared with 1852, the sum voted for it having been in the latter year £95,000, while in the former it had been only £59,800. Taking the Civil

Service Estimates generally, indeed, he found that, while there was a great increase in that expenditure which might be said to come more especially under Parliamentary control, a very considerable regard to administrative economy was observable in the management of the public offices. There were, for example, a great many items in the Civil Service Estimates over which the Government could hardly be said to have any control whatever, as, for instance, in those cases in which new establishments were brought into existence owing to a Vote of the House of Commons, with a fixed scale of expenditure attached to their maintenance. His remark applied especially to the department of law and justice. That House had seen fit to extend the advantages of cheap justice to the country by establishing the County Courts; but that had not been done without considerable expense to the country. When such a system was once set going they could not disorganize it by arbitrary reductions; there was, therefore, but little control over such matters in the hands of the Government. He was afraid that in matters of expenditure a Committee would not be quite so satisfactory as the hon. Gentleman supposed; and he could not give a better instance of what was likely to occur than that which happened in the case of a Committee over which the hon. Member for Stafford (Mr. Wise), presided—namely, the Committee on our Consular Establishments. The recommendations of that Committee were of great value, and led to great improvements in our consular system; but, in so far as economy was concerned, the result would have been an increased expenditure of £40,000 or £50,000 a year had the Government, in revising the consular system, and carrying out the principles of the Committee, not been able to do so in a less expensive way. But by employing commercial consuls in the less important stations they would, he hoped, be able to carry out the recommendations of the Committee at the more important places, without any national increase of cost. He referred to that as affording the House a proof of the difference that existed between the action of a Committee and a Government. Indeed, he could hardly recollect an instance in which a Committee had sat to investigate any matters involving expenditure—such as harbours of refuge, designs for the Foreign Office, or other public works—in which the result of their labours, however beneficial to the public, had not been opposed to the interests of economy. Another objection to the appointment of this Committee was that all the large items on which the possibility of carrying out an extensive system of economy mainly turned related to subjects of such general interest that the House could hardly be expected to listen to the opinion of any Committee, however respectable, in the event of its recommending a reduction in them. Among these was the Vote for Education, by far the largest and most important to which his hon. Friend had referred. The annual increase that took place in the Vote for Education alone swallowed up over and over again all that could be economized in smaller matters. If they were only to have regard to economy nothing would be easier than to say how the expenditure for education could be cut down; but, in the case of questions affecting the higher interests of the country generally other considerations had to be attended to. His hon. Friend referred to the Woods and Forests. There, again, a great difficulty—and that a constitutional one—stood in the way of such an inquiry as he suggested. If the Government or the country were absolute owners of the whole of the Crown property there might be no difficulty in saying what were best to be done. Probably it would be to convert the whole of their landed property into money, and invest it in securities, where no staff of officials or foresters would be required to guard it, because a large landed property scattered all over the kingdom, including a great amount of waste land, was just that sort of property that required all the supervision and economy of a private individual owner to manage it well. They all knew how the estates of joint-stock companies were ordinarily managed, and it was very probable that the State could not manage such matters better than a joint-stock company would do. But, then, there was the constitutional difficulty that the property belonged to the Crown, that we were not the real owners of it, and were not in a position to dispose of it. We had only made a bargain with the Crown, by which we agreed to manage it during the life of the Sovereign, and they could not with a due regard to constitutional considerations, sell that of which we only had the temporary usufruct. The management of the Woods and Forests had, however, been under the consideration of Committees of that House from time to time. Some years ago a Committee, presided over by Lord Duncan, took great interest in the subject, and many improvements were the result of its investigations. It was admitted that the department was much better managed now than formerly, and the gentlemen at the head of it, Mr. Gore and Mr. Howard, were exceedingly assiduous and attentive to their duties. He knew that they were anything but extravagantly disposed, and during the short time he had been in office he was able to say that they had endeavoured to manage the property in the best possible manner. He would say, in such circumstances, let the House watch the results, and if in course of time they were not satisfied, then let a Committee be appointed to discover abuses and infuse fresh vigour into the department. He believed the appointment of a Standing Committee would be open to the objection that it would relieve parties from responsibility to whom they ought to look for the right discharge of their duties; and he could not see that, with a responsibility resting partly on a Committee and partly on the Treasury and Woods and Forests, the system would work well. There only remained the question regarding the Consolidated Fund, and there also a difficulty arose on a point of political principle. The charges on the Consolidated Fund were those that, for certain reasons, they did not wish to subject to the fluctuating chances of an annual Vote of the House of Commons. Among these were the charges for the administration of law and justice, certain ecclesiastical and theological payments, and the grant to Maynooth, which were paid out of the Consolidated Fund to avoid exciting questions being raised in that House. In considering the appointment of a Committee to deal with these matters with a view to economy, the House should bear in mind that, on the question of transferring Votes of this kind to the Estimates, there was something to be said on the other side. Instead of leading to economy it was just as likely that there would be a pressure on them to increase the Votes, so that they might in reality have to pay larger sums than when the charges came out of the Consolidated Fund. He attached much force to this objection when he considered the increase that had been made in items which were annually open to revision. He had thus adverted, as shortly as he could, to the reasons which induced him, while agreeing in the object proposed by his hon. Friend, to doubt whether such Committee as he had suggested was the best mode of attaining it. In doing so he had been obliged to point out that the abuses complained of arose very much from causes beyond the control of the administrative department; but before sitting down he was anxious to guard against being understood as meaning that every thing had been done that ought to be done to carry out economy in the public expenditure. If the Government were supported by public opinion and by that House in enforcing economical views, a good deal might yet be done,—he would not say to return to the Estimates of former years, but certainly to arrest that increase, which, if it went on as at present, would in a very short time be formidable indeed. Government really could not do much unless they were supported by the opinion of the country. If public opinion, as reflected by that House, was constantly urging a more liberal expenditure for objects of admitted utility, which, though, perhaps, separately forming but small items in the Estimates, yet made up a considerable aggregate, the Government could not long oppose a very effectual resistance. But if, on the other hand, they were supported by the House, there were some questions on which a good deal might be done. The question of education, to which his hon. Friend had referred, was one on which he did not say considerations of economy were paramount; but still he thought, if these were admitted to have due weight, a good deal might be done. Again, if every hon. Gentleman in that House who had a taste for architecture took every opportunity of enforcing it according to his own notions, with a total disregard of expense, a very large expenditure must be incurred, seeing the necessity there was for the erection of many public buildings. The same thing might be said in regard to harbours of refuge, in respect to which there had been a constant pressure from all parts of the country on the Government for the expenditure of a large sum of money; but if supported, as he trusted they would be, by public opinion and the House enforcing economy in these matters, he did hope the case was not altogether desperate. He could assure his hon. Friend and the House that the attention of the Government during the recess had been most earnestly devoted to this subject. He might say there was not a Vote in the Estimates for past years which he himself had not gone through carefully, anxious to make reductions. He could not venture to promise that the result of these reductions would be a very great diminution in matters which had gone far beyond control; but he did venture to hope that when the Estimates were produced it would be seen their exertions on the side of economy had not been altogether useless. He thought the best course the House could take was to leave the whole responsibility for the present on the Government, watching their progress very closely, scrutinizing very jealously every subject of expenditure in the Estimates, and if, after giving them a fair trial, they were not satisfied with the results, let them come down on them with a Committee, not a standing or annual Committee under which the Government might shelter themselves, but a Committee which would be a reality, and would bring home to the Government a sense of their responsibility.

MR. BAXTER said, that he agreed with the hon. Gentleman who had just sat down, that both the House and the country were exceedingly indebted to his hon. Friend for bringing this important question before them at so early a period of the Session. He was rather disappointed with the speech of his hon. Friend the Secretary for the Treasury. It was obvious to every one that something must be done to check the public expenditure, and keep it within reasonable bounds. There was an absolute necessity for economizing the national expenditure, Even Gentlemen who were inclined to be liberal, if not lavish, in voting sums of money for the army and navy, and for the defences of the country, ought most carefully to examine the Civil Service Estimates. The hon. Secretary for the Treasury (Mr. Laing) said it was the duty of every member of that House to scrutinize the Votes as submitted to Parliament, especially those proposed by the Government. Well, ever since he had the honour of a seat in Parliament, for the last five years, he had attended in that House almost every Supply night, and he must say the conviction forced itself on his mind that no great benefit would or ever could result to the cause they all had at heart, of national economy, by debating and dividing upon a few of those small items which formed together our Civil Service Estimates. During the period to which he had referred he believed he was correct in stating, that with three or four exceptions, every vote proposed by the Government had been carried without reduction, although, perhaps, in double that number of instances Votes had been expunged in consequence of there having been a very narrow run the year before; but this he held to be a very small result; and without objecting to each great subdivision of Votes, or examining each Vote carefully and *seriatim*, he did not think much progress would be made, or any great reduction effected until Gentlemen who, like his hon. Friend and himself, thought the expenditure was excessive, took a different course, and adopted such a plan as this at a very early part of the Session, saying to the Government, "We are not prepared to expend £7,500,000 on the civil service; we think £7,000,000 or £6,500,000 quite sufficient, and we wish you to form your Estimates on that basis." He held, in point of fact, that at present the House had no efficient control over the public expenditure. They ought to throw on the Government the responsibility of bringing forward those Votes which were absolutely necessary, but with some such limit as he had suggested. He was disappointed that the Secretary for the Treasury had not been able to state that the Government had been enabled very much to reduce the civil service expenditure. He had had considerable faith in the right hon. Gentleman the Chancellor of the Exchequer. and he was in hopes that he would have devoted his great abilities to this subject, and with success; for he was firmly convinced, not only that a great saving might be effected without difficulty or detriment, but with considerable advantage to the public service. If any one doubted this, let him read the speech of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) upon this subject when last in office, who distinctly admitted that there was a very great profusion in the civil service expenditure. Besides, the expurgation of Votes would save a great deal of the precious time of the House. His hon. Friend objected to this Committee, and there was a good deal of force in his objection to it, being a Standing Committee; but he had looked in vain for any declaration of what the Government intended to substitute. The House and the country were agreed that the expenditure must be checked, and unless the Government were prepared on their responsibility to tell them that it should be reduced, he was to a considerable extent shut up to support the proposition of his hon. Friend; and should the result not be satisfactory, then he thought it would be the bounden duty of the House to affirm some such Resolution as he had suggested. It was true that the mind of the country was not at present in a very economical mood, but sure he was the day would come when they would be forced by public opinion out of doors to devote more attention to this subject than they had hitherto done, and it would, without doubt, be one of the first great subjects discussed in the reformed Parliament. He thought they would show themselvos exceedingly shortsighted, if, supposing there was no economical disposition on the part of the people, they attempted to blink what, in his mind, was one of the most important questions which could come under the consideration of the Legislature.

THE CHANCELLOR OF THE EXCHEQUER: My hon. Friend (Mr. Baxter) has stated that he was not entirely satisfied with the tone and general effect of the speech of my hon. Friend the Secretary for the Treasury. If that be so, it must be because my hon. Friend the Secretary to the Treasury did not wholly succeed in conveying his meaning to the mind of the hon. Gentleman. Nothing could be fairer than what my hon. Friend said. He stated that we have at present to contend with this difficulty—that the mind of the country is not greatly set upon public economy, and that as we live under a popular Government, in which, in the long run, the scale of expenditure is undoubtedly determined by public opinion, we must naturally expect, that when the public feeling is such as my hon. Friend candidly stated, that feeling will be reflected in the tone and sentiment of this House, as likewise in the tone and action of those who compose the Executive. Under these circumstances, the hon. Gentleman, I am sure, would not form excessive anticipations as to any strong and decisive impression being produced by any particular Government on a course of feeling which has become established, habitual—I might almost say inveterate—for some years past. We have been tending in all respects towards a great and rapid increase of expense, and it is in the nature of things that the remedies to be applied to such a state of affairs should be feeble in their origin, and that their first results, at any rate, should be moderate in extent. It is vain to hope, unless you have the concurrence of a powerful feeling out of doors, that the efforts of any particular Administration, at any particular moment, will be attended with great results in the reduction in your civil and miscellaneous expenditure. The hon. Gentleman may say—if your power is small, you may, at all events, show that your intentions are good. Well, when we lay our Miscellaneous Estimates on the table and enter on their discussion, I think we shall be able to satisfy the House—I am sure we shall be able to satisfy the hon. Gentleman, than whom no hon. Member is more anxiously bent on economy—that we have given to this question our best attention. But he would find, from the statement of my hon. Friend the Secretary to the Treasury, that the great bulk of the increase in those Estimates is due to a very small number of subjects, and that out of that small number there are one or two which it is extremely difficult for the Government to control. I promise my hon. Friend, however, that when we produce our proposals in regard to them, it will be seen that, if little can be done at any given moment by any given Administration, we have yet sincerely endeavoured to examine into the means, both of checking the present rapid increase, and, where possible, of introducing a diminution in this important branch of our expenditure. I am sorry to say that one of the great offenders in this matter is, as has been already mentioned, the educational Vote. We have given the most careful consideration during the recess to this part of the Estimates. But we found ourselves confronted with this important fact—that a very assiduous and intelligent Commission was appointed two or three years ago to inquire into this whole subject; and that it was hardly possible for the Executive Government to propose, until that Commission had reported, any changes in the educational Vote materially affecting the principles on which it is founded. We have endeavoured, however, at this early date, both to check the rapid expansion of this branch of expenditure, and also—where we could do it without unduly trenching on the province of the Commissioners—to give Parliament an indication of the direction in which further improvement in the way of economy may be made. I am bound likewise to add, that I am satisfied the Commissioners take a very serious view of the great public evils involved in the rapid increase of this Vote, and that it will be a main object of their labours to recommend such changes as will control, if not altogether arrest, that increase. I regret to say my hon. Friend the Secretary to the Treasury has rather understated than overstated this evil in describing the gigantic strides with which, from the smallest beginning, the educational estimate has advanced to £2,000,000 per annum. Those practically acquainted with this subject will tell you plainly that, if you continue to act upon the rules now in force, no very long course of years will have elapsed before this £2,000,000 reaches £3,000,000, or, indeed, a much greater amount. The growth of this expenditure not only tends to augment the national burdens, but has a most enervating effect upon the public mind; and therefore on moral considerations, as well as financial, it demands our most earnest attention. With respect to two or three other important sources of increase which have already been pointed out, I venture to say that it will be found that the Government have turned their best attention to them during the recess. With regard to the Motion now before us, I wish to distinguish between it and the course which the hon. Member for Stafford (Mr. Wise) invites us to take. I cordially welcome the hon. Gentleman as an ally in the cause to which he has devoted his energies, and in which he has shown not only so much zeal, but so much ability. I could not recommend the House to adopt the suggestion of the hon. Gentleman who spoke last, namely, that the House at the commencement of the Session should refuse to go beyond the limit of £6,500,000 in voting these Estimates, and that the Government should be compelled to frame them accordingly. It would break my heart to think that no other remedy was open to us. I do not think, even on the ground of prudence, it would be a fit mode of dealing with an important question. I thank my hon. Friend for drawing our attention to this subject; I am sure good will come out of this discussion. It is not that the mind of the people of England is obstinately fixed in these matters. It derives its tone in a great degree from the temper of this House. And when it is seen that we are in earnest on the subject of economy the public out of doors will, no doubt, soon be found in harmony with us. Although we are certainly acted upon by the popular sentiment, we can also in turn act powerfully on that sentiment. The House and the country, in truth, act and react on each other. But with respect to this Motion, I frankly own I do not think it is in a state in which it can be advantageously adopted. The hon. Mover included in his view at least three subjects; in fact, there are nearer thirty than three, each of which must obviously go before any Committee that has to enter on this vast field; so that instead of any one Committee being capable of investigating all the subjects it will require at least six Committees to get through all the business referred to them. Any Select Committee which had charge of the department of Woods and Forests and the Land Revenues alone would have sufficient work on its hands. Any Committee appointed to examine into the expediency of making further transfers from the Consolidated Fund to the Votes would find ample labour cut out for it. The hon. Gentleman has alluded to a particular item. It is an affair of £2,000—the salary, I think, of the Commissioners of the General Assembly. It would take a Committee more days than I should certainly like to sit to determine whether a multiplicity of items of that description ought to be transferred to the Votes or not. I am sorry it was not practicable to carry further the transfer already effected. It was with great reluctance that we stopped short where we did. But the inquiry was a very onerous one, and it alone would require the undivided exertions of a Select Committee to conduct it satisfactorily. As to the Civil Service Estimates, I venture to say no single Committee could embrace the business of reviewing that expenditure. It is so vast and so varied, and some of the questions involved in it are so difficult, that it would task the time and attention of several distinct Committees. In truth, the hon. Member has sketched out in his Motion views and objects that call for a much larger machinery than this House could supply and keep in operation from year to year. And here I come to a point on which I am at issue with the framer of the Resolution. A Select Committee of this kind appointed every year would not only not be a good measure, but would be a decidedly bad one. It would begin with taking away from the Executive its proper responsibility, and would end by resolving all responsibility into pure vapour; for it is impossible that a Select Committee could really be charged with the duties or the responsibilities of a public department from year to year. What the House of Commons can do in this matter must be done periodically. By periodically passing from one subject to another this House may be able, through its Committees, to do a great work in reviewing the Miscellaneous Estimates; and periodically, I grant, every one of the hon. Member's subjects is a legitimate subject for such an inquiry. But let us not deceive ourselves about the power and effect of these Committees. A Committee of this nature sat eleven years ago. What was the issue of its labours? Why, a recommendation to abolish the office of a Lord of the Treasury, whose salary was included in the Miscellaneous Estimates. [*Murmurs.*] I believe I am correct in stating that that was the principal and substantial measure which proceeded from them. Therefore I am not very sanguine as to the operation of such a Committee, unless it be appointed with a very special aim, and devotes all its best energies to the discharge of its duties. I hope that, for these reasons, the hon. Gentleman will not expect me to accede to his Motion. I give no opinion on the question whether the time has yet arrived at which it would be desirable to appoint another Committee on the Miscellaneous Estimates. Do not understand me to place any negative on that subject, I would rather reserve my opinion upon it. But I think, if I may say so, that having a new Administration in office, it might be as well if the House allowed us to lay our Miscellaneous Estimates on the table, and if the hon. Gentleman, or any other hon. Member reserved it to himself to consider whether it would be for the public interest that a Committee of this kind should be appointed. Such a Committee as is now proposed I hope the hon. Gentleman does not mean to press, for I certainly do not think it consistent with the duty of the Government to assent to it.

Mr. BRIGHT said, he wished to make an observation upon the two speeches which had just been delivered from the Treasury Bench. If those speeches were logical and to be taken as authoritative there was no remedy for the present evils, of which nobody appeared to complain so loudly as the Chancellor of the Exchequer. Because, if no such Motion as his hon. Friend had proposed were adopted, it was quite clear that they were shut up to the plan which was now followed, and which, according to every speaker who had yet addressed the House, was leading us to a condition of things most alarming and deplorable. He always found the Chancellor of the Exchequer complaining on these occasions that the House and the country were not sufficiently economical, and yet every Chancellor of Exchequer refused to accept anything that would give the public departments the power to resist proposals of increased expenditure. Years ago it was a common thing for the Chancellor of the Exchequer, when asked to sanction such proposals, to say, "What do you think Mr. Hume will say?" Mr. Hume was not there now, and unfortunately his mantle did not appear to have fallen upon any Member of the House. He had heard Chancellors of the Exchequer make this answer to those who besieged the Treasury for additional expense. Why did they thus use the great economist's name? Because they felt the necessity of having some power beyond their own to hold up *in terrorem*, even if it were only the pretence of a power. Suppose the Chancellor of the Exchequer had such a Committee as was now proposed to refer to and to fall back upon—not a Committee like the Library Committee, that nobody knew anything about—and he for one never heard of any thing they ever did—but a Committee honourably chosen every Session, not packed for special objects, as they generally were—the Treasury might then say, when gentlemen came to them from all parts of the country demanding additional expenditure, "We cannot put such an increase into the Estimates. If we do, do you think the fifteen Gentlemen appointed by the House of Commons and before whom all these things must come, will agree to a proposal of this nature?" Thus between the Chancellor of the Exchequer and the Committee a very efficient check would be put upon many items of expenditure that were now voted without question. A few years ago a Committee sat to inquire into the Civil Service Estimates. One of the older Members of the Committee, not now in the House, told him that there was a young Member of the House connected by special ties with the Whig families, and it was his casting vote that destroyed that otherwise immortal Lord of the Treasury. What was the fate of that young Member afterwards? Why, they never put him on a Committee which had anything to do with the expenditure, from that day to this, and never would unless he repented of that most grievous sin. Another Committee was afterwards appointed. The noble Lord (Lord J. Russell), who was then Prime Minister, agreed that a fair Committee should be appointed to inquire into the expenses incurred by official salaries, and he fulfilled his pledge. The hon. Member for Rochdale (Mr. Cobden) was a Member of that Committee, he was another, the right hon. Member for Coventry (Mr. Ellice) was also upon it, and it was composed of the usual number of Members. The Committee examined Sir R. Peel, the present Prime Minister, the noble Lord now the Secretary of State for Foreign Affairs, and many hon. Members then in the House. What did they recommend? There were many recommendations that they agreed to unanimously, there were many others upon which a large majority were agreed, and the total of the reductions they recommended amounted to from £70,000 to £80,000 a year. What was the result? The salary of the Judge-Advocate was reduced by £500, and that of the Secretary of the Treasury by an equal sum. The Government reduced the salary of a noble Lord at the Poor Law Board £500, whereupon thinking his services worth more, he resigned. [Mr. DISRAELI: The Secretary for Ireland.] Yes, there was the Secretary for Ireland. No one knew what salary the Secretary for Ireland received. It appeared that there was a great amount of dining and hospitality, a thing very well understood in Ireland, which was said to be necessary for that official, and the Committee were told that a high salary was necessary. However, the salary was reduced by £2,000, and these reductions, which did not amount to one-tenth part of what the Committee recommended almost unanimously, were all that had been carried into effect by the Government. He (Mr. Bright) had frequently remonstrated with the Treasury Bench on the subject but without effect. Then there were the Scotch Judges. Every one knew that if the work were equally divided between them there would be no persons with so little to do as the Scotch Judges. In fact, there were so many Judges and so scanty a Bar, that great difficulty was found in supplying the bench with men of sufficient ability. The Committee recommended that a reduction in the number of Scotch and Irish Judges should be made when a vacancy occurred. Very soon afterwards a Chief Justice died in Ireland. He put it to the noble Lord (Lord J. Russell) who was then Prime Minister, whether it would not be proper for the Government to carry into effect the recommendations of the Committee, and reduce the number of the Irish Judges. The noble Lord made answer that he had consulted—whom did the House think? Why, the profession, every man of whom had entered it with the honourable ambition of becoming one of these Judges, and who, of course, saw that his chance would be very much diminished if the vacancy were not filled. The noble Lord said he had consulted gentlemen of the profession, and he did not think that there were too many Judges. The noble Lord, therefore, entirely disregarding the opinion of the Committee upon which he himself sat, made the appointment and filled up the vacancy. Unless Ministers took a different course from this, and adopted the recommendations of a Committee, and the changes they thought necessary, how could any reduction be made in our present growing and extravagant expenditure? Take the education Vote, for example. Was there ever anything in any country so monstrous and absurd as the proceeding in regard to this education Vote? The House voted money, they handed it over to some one to distribute it, and he ventured to say there were not five men in the House who knew into whose hands it went for distribution. The head of this department was a great Lord in "another place"—the President of the Council of Education—and this great Lord having nothing to do, of course required some one to help him. Accordingly, a Vice-President was appointed, and he had a salary. The appointment was made to relieve some one who had a salary from the necessity of doing anything for it. So another appointment was made of a Vice-President of the Council of Education. Another piece of patronage was made, and another salary was paid. This education Vote was expended for the most part upon one particular class and sect of the community,—it went towards the education supposed to be given by the Established Church of this country. It was not, for reasons well-known to many hon. Members, distributed in fair proportions among the various classes of the community. He confessed he thought it a monstrous thing to vote a sum which his hon. Friend quoted at something like £1,500,000, and which the Chancellor of the Exchequer said was getting up to £2,000,000, without any sort of a Report being made that enabled the House to examine the Vote minutely or control it at all. The Government ought to aid the House, as the House ought to aid the country, in checking and controlling such an expenditure. To do this would be the office of such a Committee as was now proposed—not a Committee packed with four Gentlemen from the Treasury Bench on one side of the House and four from the ex-Treasury Bench, all mixed up in the matter, and all hoping to enjoy the distribution of this expenditure, but an honest and fair Committee appointed by the House itself, and not influenced by the Government. The Chancellor of the Exchequer had spoken imploringly to the House in favour of economy, and complimented the Hon. Gentleman who made this Motion as an ally. If he were sincere in that—and could it be doubted?—a Committee composed of twelve or fifteen Gentlemen chosen from both sides of the House must be of use, if they could help the House to scrutinize these Votes. It would be much better to leave the money to fructify in the pockets of the people than to allow it to be expended, as at present, for fifty unnecessary objects, some of which were positively pernicious. He trusted that the House would agree to the appointment of a Committee, and he had no doubt that it would be of great service. He warned the House, however, that while £7,000,000 or £8,000,000 were squandered in this and other directions, the time would come when the subject must receive the most serious attention. He would say no more now, as other occasions would present themselves. But if there were any one of a truly Conservative spirit, who wished to see the institutions of the country founded upon an unquestionable and stable basis, so that they would last his time and his children's who came after him, he could not show this Conservative spirit better than in helping any Chancellor of the Exchequer to lessen the vast expenditure and taxation of the country. There might come a time when we might not have two or three good successive harvests, two or three good cotton crops, and seasons of abundance and prosperity. There might be a time of cloud and storm, when these matters might be called in question in a spirit they would all be loth to see. Those who were sitting in that House were the guardians of the public purse of this country, and ought to warn their countrymen against the pernicious folly that had distinguished the public, the Parliament, and the Cabinets of this country for years past. It was their duty to warn them that if they did not change their policy it would lead to disaster and confusion if not to utter ruin.

SIR HENRY WILLOUGHBY said, that as far as he could understand the objections which had been made to the Motion under discussion, the only grave argument brought against the appointment of a Committee was that it would break in upon the responsibility of the Executive. In his opinion, however, it would have no such effect. It would leave the responsibility of the Executive just where it was, with this difference, that officials would know they were acting under the vigilant supervision of Parliament. He could not conceive a more effectual mode of doing what the Chancellor of the Exchequer said was so desirable—influencing public opinion out of the House, than by the appointment of an annual Committee of their own body to examine the expenditure of the preceding year, and bring its salient features under the notice of the House and of the country. It was perfectly clear that as business was at present done the Estimates were mere matter of form. It was not enough for the House merely to pass the Votes—it was their duty to see, further, how the money had been spent. The inquiry now proposed might appear alarmingly comprehensive, but it would rest with the Committee to determime how many points they ought to deal with in the expenditure of any given period. Since the disjunction of the Board of Works and the Woods and Forests Departments the latter had been unrepresented in the House; and, in a constitutional point of view, there did not appear to be any more entirely irresponsible officials than the two gentlemen who acted as Commissioners of Woods and Forests. The expenditure of that department was some £90,000 a year, but all the account of it set before the House was two totals of £47,000 and £48,000 put down as "money spent." Surely, some more detailed and explicit statement was required; and that it would be the business of the Committee, if agreed to, to recommend. If it was true, as the Chancellor of the Exchequer appeared to admit, that the money for educational purposes was spent, and might be spent, to any extent, without his authority, it was clearly high time that some system of inquiry such as was now proposed should be adopted without delay. If the House chose to spend £2,000,000 in education, let them do it, but let it also be accounted for. Believing that the Motion was of a practical character, and was calculated to effect one of the most important objects which the House, as regarded the public purse, could accomplish, he should support it.

Question put:—the House *divided:* Ayes 121, Noes 93; Majority 28.

List of the AYES.

Agnew, Sir A.
Ayrton, A. S.
Bailey, C.
Ball, E.
Baring, A. H.
Barrow, W. H.
Baxter, W. E.
Bazley, T.
Black, A.
Blackburn, P.
Bowyer, G.
Bramston, T. W.
Bright, J.
Briscoe, J. I.
Brocklehurst, J.
Buller, Sir A. W.
Butler, C. S.
Caird, J.
Cave, S.
Cayley, E. S.
Churchill, Lord A. S.
Clay, J.
Cobbett, J. M.
Collier, R. P.
Collins, T.
Dalglish, R.
Davey, R.
Deedes, W.
Dickson, Col.
Dodson, J. G.
Douglas, Sir C.
Dunlop, A. M.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Farquhar, Sir M.
Fermoy, Lord
Forster, C.
Gard, R. S.
Garnett, W. J.
Gordon, C. W.
Gore, J. R. O.
Gower, hon. F. L.
Gregory, W. H.
Gregson, S.
Griffith, C. D.
Hadfield, G.
Hennessy, J. P.
Hodgkinson, G.
Holland, E.
Hopwood, J. T.
Horsfall, T. B.
Howes, E.
Hunt, G. W.
James, E.
Kendall, N.
Kennard, R. W.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinnaird, hon. A. F.
Langston, J. H.
Langton, W. H. G.
Lawson, W.
Lee, W.
Levinge, Sir R.
Locke, John
Long, R. P.
Longfield, R.
Lyall, G.
Lysley, W. J.
Mackie, J.
Maguire, J. F.
Mellor, J.
Miller, W.
Mitchell, T. A.
Monson, hon. W. J.
Napier, Sir C.
Paget, C.
Palk, L.
Parker, Major W.
Pease, H.
Peto, Sir S. M.
Pilkington, J.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Powys, P. L.
Pugh, D., Carmarthen
Ricardo, J. L.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Roupell, W.
Russell, H.
Salomons, Mr. Ald.
Salt, T.
Scully, V.
Seymour, W. D.
Shelley, Sir J. V.
Smith, J. B.
Smollett, P. B.
Stansfeld, J.
Steel, J.
Stirling, W.
Steuart, A.
Tollemache, J.
Tomline, G.
Torrens, R.
Trelawny, Sir J. S.
Turner, J. A.
Vandeleur, Col.
Verney, Sir H.
Walcott, Admiral
Walter, J.
Watlington, J. W. P.
Way, A. E.
Westhead, J. P. B.
Williams, W.
Willoughby, Sir H.
Winnington, Sir T. E.
Wyld, J.

TELLERS.
Wise, J. A.
Smith, Augustus

List of the NOES.

Antrobus, E.
Atherton, W.
Bagwell, J.
Baring, rt. hon. Sir F. T.
Baring, T. G.
Bathurst, A. A.
Beaumont, W. B.
Beecroft, G. S.
Blake, J.
Blencowe, J. G.
Bonham-Carter, J.
Botfield, B.
Bouverie, hon. P. P.
Bovill, W.
Bridges, Sir B. W.
Bristow, A. R.
Byng, hon. G.
Calthorpe, hon. F. H. W. G.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Cecil, Lord R.
Childers, H. C. E.
Clifford, C. C.
Colebrooke, Sir T. E.
Cowper, rt. hon. W. F.
Cubitt, Mr. Ald.
Deasy, R.
Denman, hon. G.
Disraeli, Rt. hon. Benj.
Duff, Major L. D. G.
Egerton, hon. A. F.
Elphinstone, Sir J. D.
Evans, T. W.
Fenwick, H.
Finlay, A. S.
FitzGerald, rt. hon. J. D.
Fortescue, hon. F. D.
French, Col.
Gavin, Major
George, J.
Gibson, rt. hon. T. M.
Gifford, Earl of
Gladstone, rt. hon. W.
Glyn, G. G.
Goldsmid, Sir F. H.
Haliburton, T. C.
Hankey, T.
Headlam, rt. hon. T. E.
Henley, Lord
Hood, Sir A. A.
Hubbard, J. G.
Hume, W. W. F.
Kekewich, S. T.
Kingscote, Col.
Laing, S.
Legh, W. J.
Lennox, Lord H. G.
Lewis, rt. hon. Sir G. C.
Lygon, hon. F.
Macaulay, K.
Malins, R.
Marjoribanks, D. C.
Marshall, W.
Martin, J.
Massey, W. N.
Moncreiff, rt. hon. J.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Northcote, Sir S.
Paget, Lord C.
Palmerston, Visct.
Peacocke, G. M. W.
Puller, C. W. G.
Rolt, J.
Rothschild, Baron L. de
Rothschild, Baron M. de
Russell, A.
Selwyn, C. J.
Seymer, H. K.
Seymour, Sir M.
Seymour, H. D.
Spooner, R.
Stanley, Lord
Taylor, Col.
Thynne, Lord H.
Upton, hon. Gen.
Villiers, rt. hon. C. P.
Warre, J. A.
Wemyss, J. H. E.
Whitbread, S.
Whitmore, H.
Wood, rt. hon. Sir C.

TELLERS.
Brand, hon. H.
Knatchbull-Hugessen.

INCOME TAX.

SELECT COMMITTEE MOVED.

MR. POLLARD-URQUHART said, he rose to move for a

> "Select Committee to inquire whether it be possible to adopt some mode of assessing the Income Tax, whereby the injustices and vexations now generally complained of may be wholly or partially obviated."

He hoped the House would give him their attention for a short time while he adverted to the course which had been taken with regard to this tax. They would find that it had always been looked upon as a war tax, or one that ought to be imposed only with the view of meeting some temporary emergency. In 1798 it had first been proposed by Mr. Pitt as a war tax. In 1842 the original Income Tax Act was passed by the late Sir Robert Peel, and in 1845 it was again carried through

Parliament by that right hon. Gentleman. In 1848 the tax was renewed by the right hon. Baronet the Secretary for India (Sir C. Wood), in order to make up a deficiency in the revenue. In 1851 it was again renewed by the same right hon. Gentleman, with a view to enable the Government to remove some anomalies in the taxation of the country. In the year 1851 and in the following year a Committee was, on the Motion of the late Mr. Hume, granted, for the same purpose as those which he now wished to inquire into, but its labours were brought to an abrupt termination by the dissolution. In 1853 the right hon. Gentleman the Chancellor of the Exchequer obtained a renewal of the tax, and he then referred to a period to which they were now advancing, when the income tax was to expire altogether. This, therefore, was the time when they ought to review this tax, and see whether anything could be done to put it upon a footing of equality as regarded all classes of the community, for he firmly believed that with the present increased taxes to abolish it altogether would be a great financial error, especially if the House wished to see the policy of the late Sir Robert Peel fully carried out. The President of the Board of Trade had on a former occasion spoken in favour of this view, and he would not deny that now was the time to review the operations of the tax, and to see whether they could not get rid of its glaring inequalities. It might be the possible intention of the Government to ask the House to reimpose this tax for a limited period; but, if that were so, nothing, in his opinion, could be worse than thus tampering with the feelings of the people. The Government imposed the tax for a limited period of time, thus giving hopes that it would be allowed to lapse at the end of the time stated, but when that time expired it was again imposed. He would also remind the right hon. Gentleman the Chancellor of the Exchequer that in his memorable speech in 1853 he had described this tax as one with respect to which it behoved them to adopt a bold, decisive, and unfaltering policy, and he would urge the right hon. Gentleman and the Government to pursue that policy now. He would also recall to the recollection of the House a declaration of opinion, the insertion of which the right hon. Gentleman the member for South Wiltshire (Mr. S. Estcourt) moved in the report of the Committee of 1852, to the effect that it was repugnant to reason and feeling to impose the same sort of tax upon incomes derived from real property and incomes resulting from trades and professions, which were essentially unstable. Mr. Pitt, in his day, held the same view, and he (Mr. Urquhart) contended that whatever the opinions of mathematicians and statesmen might be on the subject, it was purely a matter of feeling to the country at large that permanent and fluctuating incomes were assessed on the same principle. Almost all professional men, if they were at all prudent, could not regard their whole earnings as income, being obliged to make provision for their families and often to replace trust funds or other capital advanced to them in order to make a start in life. Whatever Reform Bill might be proposed by the Government, and whatever its fate, the time was not far distant when the great bulk of the population would enjoy far more control over public affairs than they did now, and they would be more inclined to exercise their new power with moderation towards the higher classes if they found that those classes had done their best to avoid any appearance even of selfishness. They would soon be called to give an account of their stewardship, and the best thing they could do was to put their books in order. He believed that nothing would tend more to strenghten the hands of those who desired Conservative Reform than looking this question steadily in the face. He, therefore, trusted that those who were anxious to retain a territorial aristocracy, those who desired a Reform which should not set class against class, and those who wished to see the financial and commercial policy, commenced in 1842, still further developed to support the motion which he had now the honour to submit. The hon. Member concluded by moving for a Select Committee.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman had mixed with the discussion of this question considerations which were essentially distinct. The hon. Gentleman had very frankly and ingenuously avowed an opinion that the income-tax ought to become a portion of the permanent finances of the country, and that, as it ought to become a portion of the permanent finances of the country, it was desirable that an inquiry should be instituted to see whether it could be so constructed as to avoid the injustice and vexation of which general complaint was made. The hon. Member could hardly fail to see that, under those circumstances, he proposed that the House should intimate an opinion to-night on one of the most important questions which they had to consider next week as part of the finances of the year. The income-tax, as it now stood, expired on the 31st of March, or rather the time in respect of which it was leviable expired on that day. The hon. Gentleman would certainly appear, by the Motion which he made, to prejudge altogether a question which the House ought to approach in a state of perfect liberty, namely, whether the income-tax should be continued, and likewise whether it should be continued as a permanent or temporary measure. He thought it was an inconvenient moment to come to a vote which would carry with it an indication of opinion on a subject of vast importance, associated also with other questions of equal moment. It appeared to him that if the income-tax was to be renewed—he did not say as a permanent tax, but if the income-tax was to be renewed—and there was a general feeling that it would be continued for a considerable time, and if, under those circumstances, there was likewise a general feeling in favour of an inquiry such as that proposed, Her Majesty's Government would have no difficulty in deferring to that general wish. He thought the hon. Gentleman would agree that it could not be ascertained to-night, and in a thin House. [Mr. URQUHART: Hear!] If he was to understand that the hon. Member assented to what he had stated, he would not further trouble the House. But he was bound to say, that he was not sanguine of the results of any such inquiry. The hon. Gentleman had very fairly admitted that a Committee had sat for two Sessions upon the subject, and they had never been able to mould any practicable measure. At the same time, as he had said, he thought it was a question which ought to be decided by the general feeling of the House, when the proper time came, if that time should arrive. He hoped that, under these circumstances, the hon. Gentleman would be satisfied to reserve his own perfect liberty of raising the question on a future occasion, and not press his Motion at present.

Motion, by leave, *withdrawn.*

BEVERLEY ELECTION.

PROSECUTION MOVED.

MR. COBBETT said, that in rising to move that the Attorney General be directed to prosecute Daniel Boyes and Robert Taylor for bribery committed at the election for Beverley in April last, he did so as Chairman of the Beverley Election Committee, and it was with the concurrence of all the members that he now submitted this Motion. Their Report was presented at so late a period of the last Session that it was impossible then to move that the recommendation be carried into effect; in fact, the Report was presented on the 11th of August, and there was no time for printing and circulating the minutes of evidence before the prorogation. He would state, without any exaggeration, the grounds upon which the Committee came to the resolution to recommend this prosecution. These persons were proved to have committed bribery in nine several cases, which the Committee reported with all particulars to the House. They would find, if they looked through the minutes of evidence, that Mr. Daniel Boyes was a person of some note in Beverley, that at the last election, which took place on the 28th of April, Mr. Boyes was very active; that an empty house was hired; that in that house Mr. Boyes sat during the day previous to, and the day of the polling; that a gatekeeper kept the outer door; that voters were ushered in to Mr. Boyes one by one, who questioned them as to their wants and their votes; that in a few words a sort of bargain was made that the voter should have one sovereign for a single vote, or two for a plumper; that when it was settled Mr. Boyes said "Go on," and called out "one," or "two," as the case might be; that in a dark passage a hand was extended, and one or two sovereigns put into the hand of the voter; that the man whose hand paid the money was Robert Taylor; that Taylor said, "Pass on;" that the voter then went down another flight of stairs into the street; and that he was then walked, or put into a carriage and driven to the poll. Those were the plain facts of the case, and he did not think he need add to them. The Committee took evidence as to nine distinct cases of bribery, but as one case would illustrate the whole he would only read an extract from the evidence of one witness, James Stokell:—

"That is two sovereigns?—Yes.

"Upon that did you go to the room in the Toll Gavel?—Yes.

"Did you see Daniel Boyes there?—Yes, I did.

"Did you see Wilberfoss Herdsman at the door?—No, I cannot say that I did.

"Was there anybody at the door before you went into the room?—I should not like to say whether there was or not. I went into the room.

"You saw Boyes?—Yes.

"What time of the day did you go there?—Something like, may be, dinner time.

"One or two?—I cannot say; about twelve o'clock; eleven or twelve.

"On the polling day?—Yes, on the polling day morning.

"Did you get anything in that house?—Yes.

"Who gave it to you?—Robert Taylor.

"What did he give you?—Four half-sovereigns.

"Did they make up two quid?—Yes.

"Before you went in to Robert Taylor had you seen Daniel Boyes?—Yes.

"Did he say anything to you?—I went into the room with the understanding as to those two quid, and I said, 'I have come to see you, meister;' and I said, 'What do you please to want with me?' He says, 'Who is thou going to vote for?' I said, 'I expect you want me to vote for Mr. Walters and Mr. Glover.' I said that to Boyes, and he said to me, 'Oh, be damned to Glover; we have nought at all to do with him.' Then I said to him, 'Then I shall vote for Major Edwards and Mr. Walters.' He said then I should get a sovereign, and I called my words back again, and I said, 'Sovereign; that is like nought; I must have two, and then I will go the whole hog.' He looked at the book; I expected it was a poll-book that he had, and he said, 'It's all right; give him two. He is a good fellow; he is all right.' I went through another door through there, and Bob Taylor gave me four half-sovereigns, and then they had finished with me; then there was the cab concern next."

* * * * *

"Did you go the entire hog, and vote for Mr. Walters?—I went from there to the King's Head.

"Did you vote for Mr. Walters?—Yes, after a bit.

"For whom?—I voted for Major Edwards for principle, and for Mr. Walters for two sovereigns, and I told them so when I voted.

"Who did you say that to?—To the man that took the vote.

"Did you say it at the polling-booth?—Yes, and I showed them the money.

"Had you the two sovereigns in your hand at the time?—Yes, I had the four half-sovereigns.

"Was Mr. Walters there when you said that?—I do not know him; I never saw him in my life. I do not know him.

"You showed the money in the booth?—In the Corn Exchange.

"Had Mr. Walters asked you for your vote before?—No; I never saw the gentleman."

That was the kind of evidence which the Committee received, and in each of the nine cases it was proved that the voter had gone up to the room occupied by Boyes, and that in a dark passage leading therefrom he received from a hand, subsequently proved to be that of Taylor, the one or two sovereigns, as the case might be. Nothing could be more clear than the proof of bribery in all those cases, and even the learned counsel who appeared for the sitting Member did not dispute it, but argued that there was no connection between Boyes and the sitting Member. When, however, the Committee found that bribery had been carried on so systematically, and by a man who was a leading character in Beverley, it felt that it would be wanting in its duty if it did not suggest to the House the expediency of ordering a prosecution against him and the person who had been his accomplice in the transactions. It appeared that Mr. Boyes was not only a leading character in the political circles of Beverley, but also filled the office of town councillor, and therefore ought to have been one of the last men to seek to corrupt his fellow-townsmen. Having thus explained the circumstances, he (Mr. Cobbett) had only now to conclude with the Motion of which he had given notice.

Motion made and question proposed:—

"That, in pursuance of the Recommendation of the Select Committee appointed to try the several Petitions against the Return for the Borough of Beverley, Her Majesty's Attorney General be directed to prosecute Daniel Boyes and Robert Taylor for Bribery committed by them at the last Election for the said Borough, in April 1859.

MR. DIGBY SEYMOUR said, he had a strong opinion that the House of Commons would neither consult its own dignity nor general utility by resolving on this prosecution. He did not appear as the advocate or apologist of these men; but he contended that they ought not to stand in the pillory alone, and further, he believed that if the prosecution were determined on they would be acquitted. From criminals they would become heroes. He spoke with all respect to the recommendation of the Committee which was presided over by the hon. Member for Oldham (Mr. Cobbett), but would observe that it comprised no lawyer acquainted with the practice in criminal courts. It was true that one Member of the Committee was a distinguished equity lawyer, but the fact of his being an equity lawyer proved that he could not be very well versed in criminal proceedings. Supposing that the House should order the prosecution of those two persons, he was certain no jury would convict on the evidence brought before them. Matters had been so managed in these cases that each person went in alone; so that the only evidence which could be adduced was that of the party who had received a bribe. But if he were put into the witness-box to prove it he would, with a look of impudent deference towards the Judge, demand, and would of course obtain, the protection of the Court. The rest would, of course, follow his example. Or even if they did answer, the Judge would tell the jury that, as when a receiver gave evidence against a thief it was the course of justice to require that evidence to be confirmed in some material portions, so in the case before them there ought to be some untainted witnesses to establish the guilt of the accused. It must be recollected that each of the nine cases was separate and distinct, and the evidence in one could not be called in aid of another. He had looked through the evidence in the blue-book, and he asserted that there was not a tittle of independent credible testimony to support the statement of the parties who admitted they had been bribed. Besides, who were these men whom the Committee had recommended to be prosecuted? They were not of high social rank. Boyes was a man who kept a public-house in a back street, in the borough of Beverley, but who had at last worked himself into a place in the town council. Taylor was an ex-grocer, who having spent one-half of his life in adulterating the food of the electors, now devoted the other to the adulteration of their principles. Having commenced by dealing in West India sugar, he had now transferred his commerce to a more lucrative article, locally known as "Beverley sugar." But let the House look at the way in which the Committee had dealt with this whole matter. These men, who were Radicals in opinion, were singled out by the Committee for prosecution, but were they the only persons who were guilty? He found in the Report of the Committee that bribery had been carried on by men named David Ritchie, Jacob Wilkins, and James Baker, who had given or offered bribes, all of them men of greater social position than the two persons brought before the House, but they were on the Conservative side of politics, and the Committee did not recommend them to be prosecuted. The fact that the recommendations for prosecution should be confined to persons belonging to the party opposed to the majority of the Committee certainly required some explanation. He did not doubt that an explanation could be given, but without it conclusions might be drawn adverse to the impartiality of the Committee. But even this was not all he found in the Report of the Committee—two of the most glaring cases he had ever met with in his life—one a case of gross intimidation, the other of unblushing treating—were recorded there, yet a prosecution to punish the guilty parties was not recommended. Then the agent of the Conservative party had employed a whole force of three score runners at the rate of 22*s.* 6*d.*, but the Committee contented themselves with finding that the practice was "objectionable." The House had had already some experience in prosecutions with regard to Beverley, and the result ought to be a caution. Not very long ago Mr. Glover was prosecuted for an offence which had not been uncommon before his time, though the offenders might not have been prosecuted. He was sentenced to four months' imprisonment, but the effect was to raise up a false but still extensive sympathy for him, and when he went down to Yorkshire at the expiration of his imprisonment he was received with a popular ovation such as a conqueror might have been proud of. The Old Bailey criminal drove into Beverley in a carriage and four, accompanied by one of the jury who convicted him, and surrounded by an applauding concourse of the people! He was, in fact, regarded as a victim to his own imprudence, and a martyr in a struggle against the unjust partiality of Parliament. The same reaction in public feeling might take place in this case if the House were not cautious how it proceeded. And let the House observe what was done at other places. The Election Committee at Hull reported that 487 persons were employed by Mr. Hoare's committee as runners, and 493 by Messrs. Clay and Lewis; that of those employed by Mr. Hoare 300 were voters, and that they were paid in all sums varying from 2*s.* 6*d.* to £3 5*s.*, while the greater number of them were pursuing their ordinary avocations. Yet there was no recommendation to prosecute in that case nor in the case of Norwich, where the Committee reported that the high bailiff of the County Court of Norfolk was mixed up with corrupt practices. Now he did not see how they could undertake to prosecute a miserable hawker at Beverley whilst they could let men like the high bailiff of Norwich, pass unscathed. Then, take the case of Wakefield; it was clearly shown that Mr. Wainwright, the solicitor and agent of Mr. Leatham, offered a person £15 to induce him to procure the vote of another person for Mr. Leatham, while the honourable candidate was waiting in the adjoining room, and his carriage standing at the door! And there the money expended amounted to thousands of pounds, while at Beverley it was only showed that the amount expended in bribery amounted to £22, and £5 of that was given to one voter who came from Carlisle, and whose expenses were £3 15*s.* Then there was the Gloucester case, where the bribery was most unblushing, and the Committee in their Report stated that Alderman Withom was one of the persons by whom the bribery was effected. The Commissioners in their Report, speaking of the election of 1857, said they did not find that Sir R. W. Carden or Mr. Price were privy to the bribery that was practised; but in reference to the election of 1859, they found that Mr. Price and Mr. Monk were not privy to the corrupt practices that prevailed at that election, but they observed an ominous silence as to the privity of Sir R.W. Carden. If the House wished to produce a salutary effect upon the community let them fly at higher game, and attack baronets, aldermen, magistrates, and lawyers who had been guilty of bribery. The entire sum proved to have been spent by Boyes and Taylor at the Beverley election amounted to only £22; and if they only should be prosecuted, he believed that the House, instead of punishing miscreants would be proclaiming martyrs. The hon. and learned Gentleman concluded by moving an Amendment,

"That, without at all impugning the judgment of the Beverley Election Committee, this House is of opinion that the inquiries before Committees of this House, and under the recent Commissions which have sat in various places, having clearly demonstrated that many persons of higher social rank have been involved in graver criminality, it would not be expedient to limit the direction to Her Majesty's Attorney General to the prosecution of Daniel Boyes and Robert Taylor for bribery committed by them at the last Beverley Election."

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "without at all impugning, &c.," instead thereof.

Qustion proposed, "That the words proposed to be left out stand part of the Question."

MR. SELWYN said, that he had intended to have simply seconded the Motion made by the Chairman of the Beverley Committee, because, although he was a younger Member than the hon. and learned Gentleman (Mr. W. D. Seymour), he had already seen the inexpediency of inflicting upon the House long and unnecessary speeches. After the direct attack, however, which had just been made upon him and the rest of his colleagues on that Committee, he could not be altogether silent. He did not wish the House to attach undue weight to the recommendations of an Election Committee; and when the proper time came for discussing the constitution of these tribunals, he should be prepared to contend that there could hardly be a more uncertain, unsatisfactory, and expensive mode of deciding the validity of an election. Meanwhile, however, he thought the House would attach some weight to the recommendations of such a Committee, especially when they were made unanimously, as in the present instance. Though the hon. and learned Member had read the Report of the Committee, he appeared to have entirely misconceived its spirit and object. The Beverley Committee did not think themselves warranted in inquiring into the social rank of the persons mentioned in their Report; but they did ascertain the position which Boyes held in the borough. He was a town councillor; at a meeting of the party to which he belonged he was elected chairman; and he was one of a deputation of two who were sent up to London to find candidates. A man who took this prominent part in local politics, and who on the eve of a general election came up to London professing to have two seats at his disposal, would probably have been found at that time to be much higher in social rank than his antecedents might have led one to expect. But the Committee did not inquire into what saloons he was admitted, nor from whose receptions he was excluded; they found that, in reference to this particular election, he was the man of most note in the borough. It was he who was the first to receive the candidate on his arrival, and to introduce him to the electors; he surrounded him with crowds of his partisans in the Market-place, and afterwards made addresses to them from the lodgings of the future representative. Yet it was sought to represent him as a man of no consequence—as a mere publican in a back street. The duty of the Committee, he believed, was to detect whatever persons had been guilty of direct, systematic, and unblushing bribery; they found that the payment of money in the place with which Boyes was associated was open and notorious in Beverley; and they unanimously arrived at the conclusions which were embodied in that Report. If the House were really desirous of putting an end to the practice of bribery, what better opportunity could they hope for than the establishment against a man possessing such political influence of the fact that he had been the real briber? The hon. and learned Gentleman the Member for Southampton said that the amount alleged to have been spent in bribery in that case was small, and that no court of law would convict parties upon the evidence which had been brought before the Committee. But the truth was that the existence of the bribery had been so open and so notorious, that it had not been found necessary to enter into any detailed evidence in support of the case of the petitioners as far as regarded that fact. The Committee might, as was alleged, be destitute of experience on criminal points, but they had common sense to guide them in the inquiries which they had pursued; their investigations had not been made with any design of obtaining materials for a conviction against Daniel Boyes, for after the admission by counsel for the sitting Member that bribery at the election had been undoubted, open, and general, the only question remaining to be decided was, whether such practices had taken place with the privity of the sitting Member, or of any agent of his. All that the Committee recommended was, that Boyes should be put upon his trial; that all the evidence which could be obtained should be adduced against him, and that he should have the fullest opportunity of clearing himself if it were in his power to do so. The hon. and learned Gentleman also said that other persons had been guilty of bribery, and that no Motion had been brought before the House for putting them upon their trial. But the Committee had nothing to do with those other cases; their only duty was to consider what course the House ought to take upon the evidence which had been adduced in the course of their own inquiries. He might add, however, that if guilt had in their opinion been satisfactorily established against any other persons, they would have made a similar recommendation with regard to them. The hon. and learned Member had further indulged in a variety of insinuations against the Committee, and among other things he had suggested that they were influenced by party motives in the Report which they had made. He had had no opportunity of consulting the other Gentlemen who had acted on that Committee, but he believed he might say in their names, as well as in his own, that he would not condescend to allude further to such an insinuation. The hon. and learned Member had referred to the proceedings of other Committees, with which the Committee on the Beverley Election had nothing whatever to do, for it was one of the imperfections of the present system that particular cases were tried without the slightest opportunity of knowing what was going on in the adjoining Committee-room. In conclusion, he might mention—though he felt almost ashamed of the necessity for doing so—that the Committee by whom the Report had been made in the Beverley case consisted of three Gentlemen from the Liberal, and only two from the Conservative side of the House.

MR. COLLIER said, it was his intention to support the original Motion for the prosecution of Boyes and Taylor as he conceived it to be no valid reason for postponing or abandoning the trial of those who had been shown to be offenders that a greater number had not been discovered. So far from joining with his hon. and learned Friend (Mr. D. Seymour) in the fear that the prosecution would not be successful, and that delinquents of a higher grade in society would thus be screened, he believed that the effect of the trial would be to render the case even more powerful against those whom the hon. Member was so anxious to bring to the bar of criminal justice. But if the prosecution were deferred till some comprehensive measure had been passed rendering everybody amenable who had been guilty of corrupt offences, the probable result would be that these men would escape and all the others with them. The fact that Taylor and Boyes were Liberals only made him the more anxious that they should be prosecuted. It had been suggested on their behalf that bribery could not be proved unless the money were given in the presence of half-a-dozen witnesses; but if no prosecution were to take place for bribery till cases occurred where bribes were thus publicly given, he was afraid that his hon. and learned Friend would have to wait a long time. However, in Boyes' case no less than eight witnesses were forthcoming to give direct or corroborative evidence of the acts of bribery in which he had been concerned. He wished to know, if the House declined to interfere in a case like the present, where the bribery had been extensive, systematic and notorious—where a Committee had reported the fact to the House, and had recommended that the two principals in that bribery should be prosecuted, and where, lastly, the Chairman of that Committee had moved that the recommendation contained in their Report should be acted on, under what possible combination of circumstances could the House ever again direct a prosecution? The practical effect of such a course would be, not as the hon. and learned Member (Mr. Digby Seymour) supposed, that criminals would be changed into martyrs, but the country would be led, and with some show of reason, to believe that the House was not in earnest in its professions of a desire to put down these offences; and Committees would for the future abandon the thankless task of making the reports to the House. If the existing constitutional checks were not applied when a flagrant case of bribery was exposed, it would be as well to put a stop to legislation on the subject altogether, to remove the existing barriers, and to trust for repression to what some hon. Gentlemen considered an infallible remedy — the Ballot. He believed that the Ballot would tend to restrain bribery, though it might not afford a panacea for all the evils which were complained of at elections. Whatever measure might be adopted with a view to future advantage, it was manifest that beneficial results must follow from the vigilant administration of the law in the present instance.

Sir GEORGE LEWIS said, it was a well-established principle of Parliamentary tactics, when a remedy which was clear, definite, and simple in its nature, was proposed for a recognized grievance, for some hon. Member to come forward and impeach the remedy upon the ground of its limited nature, and to recommend to the House some wide and comprehensive measure which was not likely to be immediately adopted, which would probably be postponed until the Greek Kalends, and which, by being impracticable, and substituted for that which was practicable, might defeat the measure which was proposed to the House. He did not accuse the hon. and learned Member for Southampton of resorting to any *malâ fide* proposal for the purpose of defeating this measure. He had no doubt that the hon. and learned Member really felt fired with the indignation he had so eloquently expressed, and thought that it was incumbent upon the House immediately to take measures for the wholesale proscription and prosecution of persons charged with bribery. He had no doubt that the hon. and learned Member was perfectly sincere; but he must permit him (Sir George Lewis) to differ from him as to the propriety as well as the policy of the course he had recommended. It appeared to him that the duty of the House was alike plain and simple. The Committee appointed to inquire into the Beverley election found that two persons had been guilty of very flagrant and manifest bribery, and recommended that a prosecution should be instituted. The hon. and learned Member objected to the recommendation, partly on the ground that those persons were not of sufficient social eminence, and partly because the prosecution, if instituted, would fail. The latter objection seemed to rest on very uncertain conjecture. The object of the Committee who inquired into the case was not to get up evidence for the purpose of founding a prosecution thereon; they merely collected evidence to support the recommendation which they might make to the House, and there was no sufficient reason for doubting that if this case were put into the hands of the Solicitor to the Treasury, aided by the professional skill of the Attorney General, he would be able to obtain evidence upon which a prosecution might be founded with reasonable hope of success. The Motion proposed to order the Attorney General to institute a prosecution, and that was the received form in which this House usually instructed the Attorney General. But if the Attorney General on examination should come to the opinion that the evidence would not support a prosecution, and if he expressed that opinion to the House, he (Sir George Lewis) would venture to predict with some confidence that the House would not be so unreasonable as to insist upon the execution of its order. At all events, without pretending to anticipate that decision, he felt sure that it would give a patient hearing to any information which the Attorney General might think it would be his duty to give. That, he thought, was a sufficient answer to the doubts which had been thrown out with regard to the probable success of this prosecution. The remarks made with regard to social eminence and the amount of bribery had received a sufficient answer from the hon. and learned Member for Cambridge University (Mr. Selwyn), but it seemed to him that if that House were in earnest with respect to the prosecution of cases of bribery, where the offence appeared manifest, it must begin by taking some few cases pointed out in the Reports of Election Committees. It was a strange argument to contend that, because one man was prosecuted, impunity was given to others, and as well might it be said in respect to the ordinary execution of the criminal law that because one man was indicted for petty larceny another could not be prosecuted for burglary. As far as the present case went, it was quite clear that it would be a precedent for the prosecution of others guilty of greater amount of bribery. If it were right that persons reported against by other

Election Committees, or by the recent Commissions issued in respect of Wakefield and Gloucester, should be prosecuted, he was sure that the House, if those persons had not received certificates from the Commissioners, and if there appeared a prospect of success in the prosecutions, would listen to any hon. Member who should feel disposed to bring the subject under consideration. It was, therefore, a reason in favour of the present Motion that it established a principle applicable to all cases

Mr. DARBY GRIFFITH wished to a correct misapprehension into which the hon. and learned Member for Southampton (Mr. D. Seymour) had fallen. He had represented Mr. Glover, the late Member for Beverley, as receiving a formal acquittal, and as having proceeded in a carriage and four through that town in a very triumphal manner. Now that was not a correct representation as far as regards the merits of the case. Mr. Glover received a mitigation of the sentence from the Home Office mainly on the ground that the law under which the offence was committed had been subsequently abolished. Indeed, so soon as it appeared to be the intention of the House to abrogate the law requiring a qualification for Members of Parliament, it was felt desirable that no person should remain in prison expiating a penalty for the disregard of an obligation, which the law had ceased any longer to impose.

Amendment by leave, *withdrawn.*

Main Question put, and *agreed to.*

Ordered,

"That in pursuance of the Recommendation of the Select Committee appointed to try the several Petitions against the Return for the Borough of Beverley, Her Majesty's Attorney General be directed to prosecute Daniel Boyes and Robert Taylor for Bribery committed by them at the Election for the said Borough in April, 1859."

CHURCH RATES LAW AMENDMENT BILL.

LEAVE. FIRST READING.

Mr. HUBBARD, in asking for leave to introduce a Bill to amend the law of church rates, said he trusted he should need no other justification for bringing before the House the question of the law of church rates than the importance of the subject itself, the wide difference of opinion which prevailed respecting it, and the general desire that was felt to come to some settlement. The Bill he had prepared proposed to take a middle course between the extreme views which were entertained on either side. But it was not in the nature of a compromise. True, it occupied a middle ground which might fairly be the meeting place of those who held the most contrary opinions; but he repeated that it was not a compromise so far as he was concerned, for in the Bill which he begged to move nothing was conceded which he did not believe to be required by justice, and nothing was retained that could be lawfully conceded. The measure had been framed with a sincere desire to meet and to satisfy every complaint which could be fairly urged by those who were dissatisfied, and who were not members of the Church of England. But, on the other hand, it abstained from needlessly injuring the interests of religion by interfering with those settled means which Churchmen possessed for raising amongst themselves the funds which were requisite for the sustentation of their religious edifices, and for the maintenance of the services within them. The House would permit him briefly to explain the nature of the few clauses of which the Bill was composed. In the first place, it contemplated that those who did not conform to the services of the Church of England might, upon due notice given of an intention to make a rate, state that they did not conform to her services, and were desirous of not contributing to the rate. These two positions were not always concurrent, but if any persons should be at once dissidents from the communion of the church and unwilling to pay the rate, they should then be relieved from any liability to contribute thereto. These hostile elements being thus eliminated from the vestry, that body would then consist of a church vestry so called, and in that vestry, as a matter of course, no nonconformist would find his place, for he could not very well be excused from contributing to a rate for a special purpose, and yet claim a right either to take part in raising that rate or in disbursing the funds so raised; and in the church vestry thus constituted no other question would be raised than that which related to the raising and the application of such rates. It had long been the complaint that in various parts of the country, and particularly in towns, many churches and district chapels were forced to contribute to rates which were levied and disbursed by the mother church, whilst they themselves had in addition the *onus* imposed upon them of providing for their own expenditure. One of the clauses of his Bill would remedy that inequality in the existing practice—it would constitute every such district church or chapel an ecclesiastical district, and recognize in it a power of raising a rate for its own purposes; and upon the raising of such rate every such church or chapel would be exonerated from contributing to any other church whatever. The only other clause which he need mention was one that would assimilate both the assessment and mode of collecting church rates to that which prevailed with regard to poor rates, and would withdraw the cognizance of such cases entirely from the ecclesiastical courts. He would say no more descriptive of the contents of the measure. He was anxious that the House should permit the Bill to be printed and laid before it, and he would only say in conclusion that it had been prepared with an earnest desire to contribute towards the settlement of this long-litigated question, and individually he might add that in the part he had taken in the matter he was influenced by two feelings that were perfectly compatible—one, an entire and frank admission of the principle of civil and religious liberty; the other, a dutiful allegiance and loyalty to the Church of England.

Leave given.

Bill to amend the Law of Church Rates *ordered* to be brought in by Mr. HUBBARD and Lord ROBERT CECIL.

Bill *presented*, and read 1°.

ANCHORS, ETC.—(MERCHANT SERVICE.)

SELECT COMMITTEE APPOINTED.

SIR JAMES ELPHINSTONE said, that it was in the knowledge of all who had considered the subject of which he had given notice, that imperfection in the cables and anchors which were manufactured for the mercantile service annually led to a very great loss of life and property. He begged the House, therefore, to bear with him for a few minutes whilst he laid before them a statement which he thought would warrant them in granting him a Committee to inquire into a matter of even so unusual a nature as that of an article of manufacture. It was about forty years since chain cables were first introduced for the use of shipping, and in 1832 a test was instituted by the Government for trying the strength of cables used in Her Majesty's service. In 1840 a disaster occurred at Liverpool in a tempest—the floating lights of that harbour were blown adrift. This led to an investigation by the corporation, and the substitution of chain instead of ordinary cables in light vessels. The corporation, on that occasion, tendered for the *maximum* strength of the chain cables, and so successful were they that no accident had since occurred to the light vessels in that port from weakness of the cables. Previous to this a testing machine was erected by an eminent merchant there, which was subsequently made over to the corporation, and is now carried on under their control. A testing-house had been since established at Sunderland. The House would be surprised to hear that no less than 82½ per cent of chain cables sent to the former testing-house broke, and no doubt many of the losses which had been sustained, both of life and property, were attributable to the weakness of the cables used. In 1859, Mr. Blake was deputed, by the operative chainmakers, to address the directors of the Merchant Shipping Association and others on the subject. He stated, on behalf of the chainmakers, that the inferiority of untested chains was very great, and caused an enormous annual loss of life. They therefore prayed that some remedy might be adopted, which should prevent the use of inferior chains. In 1857, Mr. M'Donald, the superintendent of the chain cable testing machinery at Liverpool, reported to the corporation that a great many of the chains made and tested upon the hydraulic principle were defective, that innumerable cracks were discovered after the manufacturer's test, and that from the great strictness with which the duty of examining chains was performed, the manufacturers were somewhat opposed to the trial, while the testing establishment was, in his opinion, in a high degree entitled to the public confidence. Mr. M'Donald had, moreover, on the 13th of January, in the present year, made mention of the case of the *Royal Charter* as affording evidence of the necessity which existed for insisting upon an efficient public test of cables. He added that from 1855 to 1859 it was found at the testing-house that 82¼ per cent of chain cables sent to be tested inferior, and 58½ per cent of close chain for topsail sheets; and on the 20th of the same month he stated, in a report, that he had the history of every chain sent in to be tested—the number of fathoms which had failed, and the cause of the defects. With regard to the expense of the machine, it might be stated that the machine at Liverpool was self-supporting, consequently that objection could not be urged as a grievance. It was lamentable to see the ignorance of shipowners and surveyors in this respect, and it was very culpable on the part of Lloyd's to insure vessels which went to sea with untested cables. He would give the House instances of three vessels which had been wrecked in consequence of the weakness of chain cables. It would be recollected that the *Tayleur* sailed from Liverpool, and in passing down the Irish Channel she could not be brought about. She dropped three anchors in succession, but in each instance the chain broke, and every soul on board was lost. The loss of the *Prince* at Balaclava had been attributed to the fouling of her screw, which prevented her from using her steam-power, while the loss of the *Royal Charter* was attributed to the surging of her cables consequent on the use of her steam; all the men-of-war rode out the Balaclava gale, and the probability is that the *Prince* would have done so too if her ground-tackle had been as good as theirs. It was, however, a moot point whether it was desirable to work a vessel under such circumstance up to her anchor. The *Royal Charter* had two chains, and the weather was moderating when her cable parted. It was known that 13*s.* 6*d.* a cwt. was paid for her cables, and it was said that sum was below the price that ought to have been given for good iron. Further, it was the belief of all competent judges that it was entirely owing to the superiority of her chain cables and anchors that enabled the *Great Eastern* to ride out the fearful gale which wrecked so many vessels while she was at Holyhead. With respect to anchors, he would not go into that question, because the same reasoning applied to it as to cables; but he would merely observe, that when the question of anchors was first considered by the Great Eastern Company, it was found that if an ordinary description of anchor were used, it would require one thirteen tons in weight, and grave doubts were entertained whether it would be possible to handle such anchors in rough weather. The company, however, had adopted Trotman's anchors, which gave the greatest strength in proportion to their size, and subsequently it was found their adoption had been attended with success. The improvement in the manufacture of iron within the last few years was so great by means of the cold-blast system, that cables could now be made of a strength which was unheard of twenty or thirty years ago. In a ninety-gun ship in the navy, the cable was $2\frac{1}{4}$ inches. The extreme strain such a cable was calculated to bear was 120 tons, and the proof two-thirds of that, or 82 tons. But in the *Great Eastern* the cable being $2\frac{5}{8}$, or only three-eighths more than the other, the *maximum* strain was 240, and the proof 170 tons. If these results can be relied upon it is possible, at a small additional expense, to furnish ships with cables which will hold them in any weather; and, on these grounds, he asked the right hon. Gentleman at the head of the Board of Trade to consent to the appointment of a Committee on a subject so deeply affecting the lives and property of Her Majesty's subjects. If it were appointed, he could bring evidence quite sufficient to prove that it would be beneficial for the shipowners to adopt cables such as would hold ships in any gale. In every respect the question was so important, that although his Motion was of a somewhat unusual character, he thought there could be no objection to the granting of the Committee.

SIR MICHAEL SEYMOUR seconded the Motion.

MR. MILNER GIBSON said, that although it was true the Motion was not very usual, yet, inasmuch as he thought it quite possible the investigation would bring out some interesting information, and be generally useful, the Government would not oppose the appointment of the Committee. The hon. Member for West Norfolk (Mr. Bentinck) had already obtained a return with respect to anchors, which might be useful to the Committee. At the same time he must say, that the Government had no intention of appointing a department for the purpose of seeing that merchant vessels carried proper chain cables and anchors, for shipowners already considered that the Government interfered too much with them, by surveying their vessels, and taking care of the public interest. He thought it would be a very easy thing for shipowners to make it incumbent upon the manufacturers of chain cables and anchors to have them tested; but if they chose such articles rather from their cheapness than strength, he did not see how anything could be done, nor did he see how they could be assisted by the establishment of a Government test. At the present moment very valuable Admiralty charts were published at a cheap rate, but merchant shipowners seemed very little obliged to them for the boon, and he believed that many ships went to sea without them, their owners preferring, for the sake of economy, to buy charts of an inferior character. The *Great Britain* herself, he was informed, went ashore in Dundrum Bay mainly from the circumstance that she had not the Admiralty chart on board. There would be no objection on his part to the appointment of the Committee.

Motion *agreed to.*

Select Committee *appointed,* "to inquire into the manufacture of Anchors and Chain Cables for the Merchant Service."

House adjourned at Ten o'clock.

HOUSE OF LORDS,

Friday, February 3, 1860.

MINUTES.] PUBLIC BILLS.—3ª Law of Property.

ENDOWED SCHOOLS BILL.

SECOND READING PUT OFF.

THE EARL OF CARNARVON said, he was anxious to make a request of his noble and learned Friend (Lord Cranworth) with regard to a Bill which he had introduced, and which stood for second reading on Tuesday next. He alluded to the Bill for amending the law relating to Endowed Schools. In order to make his question intelligible, however, it was necessary that he should trouble their Lordships by briefly recapitulating the proceedings which had taken place in the other House upon the subject. It would be remembered that a measure was introduced into the House of Commons last year by the hon. Member for Swansea (Mr. Dillwyn). That measure was one with which he (Lord Carnarvon) could not agree, nor was it received with any great favour by the House of Commons. It provided that, where a will or deed endowing a school did not expressly state that the trustees should be persons belonging to a particular Church, persons of any religious denomination might be eligible for the office. Now, that measure was generally regarded in the light of a blow aimed at the Church of England; and if passed into a law, its effect would have amounted to a practical confiscation of Church property. But the Bill was not received with any very great favour by the other House. It was referred to a Select Committee, and that Committee, after carefully considering the question, prepared a second Bill in lieu of the first by way of compromise. The first was therefore thus superseded, and during the remainder of the Parliamentary Session no further steps were taken with the second. This year his noble and learned Friend (Lord Cranworth) had introduced a Bill into their Lordships' House, which seemed at the first blush to be nothing but a counterpart of the second Bill of last year. It was of just the same length, was printed in the same shape, and contained the same number of clauses. In fact, it was not until the seventh clause that any material difference was to be detected. That clause provided that, unless otherwise expressed in the will or deed of endowment, no person should be deemed ineligible, whatever his religious faith might be, to become a trustee of any charity or endowment for educational purposes; whereas, by the Bill of compromise which was drawn by the Committee of the House of Commons, it was provided that, unless it were otherwise expressed in the will or deed of endowment, and in those cases where it should appear that for twenty-five years immediately preceding persons of various denominations had been appointed as trustees, such person should be eligible for the trusteeship. The difference, therefore, consisted in this,—that his noble and learned Friend's Bill altogether ignored this important principle of usage or prescription, which lay at the very root of the matter.

EARL GRANVILLE rose to order. He thought the noble Earl wished to put a question to his noble and learned Friend; but instead of that he was entering into a discussion of a Bill which was not formally under the consideration of the House.

THE EARL OF CARNARVON said, he would merely observe further, that, as there was the very decided and material difference to which he had drawn attention between the Bill of his noble and learned Friend and that of the Committee of the House of Commons, he hoped his noble and learned Friend would not insist upon pressing his Bill to a second reading on Tuesday.

LORD CRANWORTH said, he did not think that he could be charged with proceeding with the Bill with any undue haste in appointing Tuesday for moving the second reading. He introduced it on the second day of the Session. It was immediately printed, and placed in the hands of their Lordships. If the House were of opinion that the seventh clause ought not to stand in its present form, it was of course competent for them to strike it out; but after the lapse of ten days since the first reading, he really did not see why he should not now proceed with the measure. He could not consent, therefore, to the discharge of the order for Tuesday.

LORD CHELMSFORD said, he hoped his noble and learned Friend would not proceed with or at least press on his Bill. His noble Friend (the Earl of Carnarvon) had not given a complete account of all that had taken place in the other House of Parliament with regard to this question, and of the nature of the proceedings which had induced him to consider that it was not desirable to press the Bill upon their Lordships' attention now. The Bill, which was introduced by Mr. Dillwyn was dealt with in a rather extraordinary manner by the Select Committee to whom it was referred. They altered every clause of it, and then, of course, the preamble not fitting the amended clauses, they were obliged to make a fresh one. Thus the Bill ceased to be any longer that of its honourable proposer, who thereupon declined to proceed with it. But in the present Session the same hon. Gentleman had introduced a Bill similar to that which he had originally presented to the House, and he understood from his hon. and learned Friend, Sir Hugh Cairns, who was a Member of the Select Committee, that it was his intention also to introduce a Bill founded entirely upon the Report of that Committee. Under these circumstances he put it to his noble and learned Friend whether it would not be desirable to allow the House of Commons, which had already considered the question, to have the two Bills before it, and determine for itself which of them it would prefer. That ground had not been stated by his noble Friend (the Earl of Carnarvon); but it was one upon which it appeared to him (Lord Chelmsford) that he might reasonably ask his noble and learned Friend not to persist with his Bill. But if his noble and learned Friend thought that it was desirable to ask their Lordships to give his Bill a second reading, then he would put it to him whether he might not afford a little more time in order to enable the House to be prepared for the discussion when it came on. It was true his noble and learned Friend had introduced his Bill at the earliest possible period; but he did so without accompanying it with any statement of its provisions; the result was that it had not attracted the attention which its importance entitled it to receive. The subject was one of great interest. It was deserving of serious consideration; and it would very probably excite much discussion. He hoped, therefore, his noble and learned Friend would feel, if he would determine to press the measure, that it was only fair to give a little further time for its consideration.

EARL GRANVILLE said, there could be no objection to proceeding with the Bill, seeing that there was not at present any great pressure of other business. It was rather a strange cause of complaint that the Bill had been introduced early in the Session, when the usual objection was that all the business was delayed until nearly the close of the Session.

THE MARQUESS OF BATH said, he was anxious that sufficient time should be given by the noble and learned Lord for the consideration of the Bill, and for ascertaining what was the sentiment generally entertained out of doors upon the subject. In his own immediate neighbourhood, in the diocese of Salisbury, numerous meetings were being held this week for the express purpose of considering the Endowed Schools Bill; and he really thought the noble and learned Lord ought to give time for the full consideration of the question how far a compromise was capable of being effected, with the view of doing justice to the Dissenters, at the same time that no hardship or injury was inflicted upon the Church.

THE LORD CHANCELLOR presumed that his noble and learned Friend would, as a matter of courtesy, have no objection to the postponement of the Bill for a day or two, say to Thursday next. The measure was one that affected the rights of a large portion of Her Majesty's subjects, and was one fully deserving discussion in their Lordships' House. There was no reason why it should originate with the House of Commons more than with this House.

LORD CRANWORTH said, it was true that Mr. Dillwyn had again introduced a Bill into the House of Commons which was the same, or nearly the same, as that of last year; but so far from thinking that to be a reason why he (Lord Cranworth) should not proceed with this Bill, it appeared to him that if he had not already introduced it, that was precisely the reason why this House should originate a measure which was more likely to meet the approbation of Parliament. True, the Bill in one important clause did differ in principle from the Bill which had received the sanction of the Select Committee of the House of Commons last year; but when it came under discussion he should be prepared to state his reasons for thinking that it was better as he had altered it than as it was approved by that House. It would be for their Lordships to say whether they concurred with him or not. If they did, the Bill would then go down to the House of Commons in its present shape. If they did not, then of course he had only to bow to the decision of the House. He would not object to take the second reading on Thursday instead of Tuesday, and was quite willing to defer the Committee for ten days from that date.

Second Reading (which stands appointed for Tuesday next) *put off* to *Thursday* next.

House adjourned at a quarter before Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 3, 1860.

MINUTES.] NEW MEMBERS SWORN.—For Beverley, James Robert Walker, esquire; for Scarborough, John Dent Dent, esquire,

PUBLIC BILLS.—1° Duchy of Cornwall (Limitation of Actions).

2° Probate and Administration (India); Petitions of Right.

LAW OF SETTLEMENT AND REMOVAL.

QUESTION.

MR. KEKEWICH said, he wished to ask the President of the Poor Law Board, Whether it is his intention to move for the reappointment of the Select Committee on the Irremovable Poor, with the view of proposing an alteration in the laws of settlement and removal during the present Session?

MR. VILLIERS said, that in consequence of the abrupt manner in which the proceedings of the Committee had terminated, and the incomplete state of the inquiry, he intended to propose the reappointment of the Committee with a view of coming to a conclusion on the subject, and ascertaining what further legislation was necessary.

EDUCATION (IRELAND).

QUESTION.

SIR HUGH CAIRNS said, he would beg to inquire, Whether it is the intention of Government to introduce any measure respecting intermediate education in Ireland; and when such measure, if any, will be introduced?

MR. CARDWELL: It is my intention to bring in a Bill on the subject of Endowed Schools in Ireland, but I am not at present prepared to say at what time.

"LA NAZIONE ARMATA" IN SARDINIA.

QUESTION.

MR. DARBY GRIFFITH said, he wished to ask the Secretary of State for Foreign Affairs, Whether it is, in his opinion, expedient that a diplomatic representative of England should interfere so far in the internal concerns of the country to which he is accredited as to prevent the appointment of a president or commander to a patriotic armed association for the defence of the country, such as the intended *Nazione Armata* in Sardinia, resembling in principle our own Rifle Volunteers, without the knowledge or authority of his own Government, or without having, as far as it appears, made it distinctly intelligible that such proceeding was entirely his own, and not that of his Government.

LORD JOHN RUSSELL: I can only answer the question of the hon. Gentleman by saying that I think that the conduct of Sir James Hudson was perfectly right, and very becoming on his part. He has long resided in Sardinia, and he is a person who does not conceal his opinions. He was of opinion that the setting up of an armed force independent of the Government was very dangerous to the continuance of constitutional government in that country, and he made known his opinion to the King and the Government. I think he did what was quite right.

NATIONAL DEFENCES COMMISSION.

QUESTION.

SIR DE LACY EVANS said, he wished on the part of his hon. Friend the Member for Stroud (Mr. Horsman) to inquire, Whether the Commission appointed last Session to inquire into the state of the national defences has yet reported, and how soon the Report was likely to be presented to Parliament?

VISCOUNT PALMERSTON: In reply to my hon. and gallant Friend, I have to say that the Report is not yet in a state to be laid before Parliament. Whenever it is in a sufficiently advanced state to be laid before Parliament, I have no doubt that my right hon. Friend the Secretary for War will lay the Report before the House.

LODGING-HOUSE ACTS (IRELAND).

QUESTION.

Mr. MAGUIRE said, he rose to ask the Attorney General for Ireland, Whether his attention has been called to the late decision in the Court of Queen's Bench in Ireland, to the effect that the Common Lodging-house Acts do not extend to that country; and what course he intends to pursue in consequence of such decision?

Mr. J. D. FITZGERALD said, that the attention of the Irish law officers had been drawn to the decision of the Court of Queen's Bench, the effect of that decision being that the code of law relative to common lodging houses which was applicable to England did not extend to Ireland. The Irish law officers did not concur in that judgment, but as no appeal could be made against the decision of the Court, he should ask leave next week to introduce a measure extending the Common Lodging-house Acts to Ireland.

REFORM BILL (SCOTLAND).

QUESTION.

Mr. BAXTER said, he had to ask the Secretary of State for the Home Department, Whether the Government intended to explain the provisions of the Reform Bill for Scotland, and to lay it on the table at the same time with the Bill for England and Wales?

Lord JOHN RUSSELL: Without giving a precise answer to the question, I may state that it is the intention of the Government that the Lord Advocate shall explain the Reform Bill for Scotland on the same day that the Reform Bill for England is brought in.

INDIAN MEDALS AND PRIZE-MONEY.

QUESTION.

Sir MINTO FARQUHAR: I wish to ask the Secretary of State for India when the Indian medals are to be issued? and whether, as information has been received of the amount of Lucknow prize-money, he will state what that amount is? and also whether any steps have been taken for the payment of the batta or prize-money to the troops and seamen engaged in the battles of Bushire and Kooshab, in Persia?

Sir CHARLES WOOD said, that the distribution of Indian medals had already begun. Each man's name had to be engraved on his medal, and considerable delay had taken place from waiting for the nominal roll from India. A delay had also taken place in consequence of the necessity for considering whether different clasps should be issued for different services. The question as regarded the relief and capture of Lucknow had only recently been decided in the affirmative, and the distribution was now going on. With regard to the Lucknow prize-money, the whole amount was £143,000; and, having received it, measures are now in progress for obtaining Her Majesty's declaration of prize, which is a necessary preliminary to any steps being taken to distribute it in proper proportions to those who were entitled to receive it. With respect to the last question, the Government received about a month ago a recommendation from the Governor-General of India that batta should be given to the forces employed in the Persian expedition. According to the arrangement made at the time with regard to this expedition, half of the cost was payable from Indian revenue and half by this country. On receiving that recommendation from the Governor-General the necessary application had been made to the Treasury to pay their half of the amount. To that application no answer has yet been received.

INDIAN MUTINY.—COMPENSATION FOR LOSSES.—QUESTION.

Mr. VANSITTART said, he would beg leave to ask the right hon. Baronet when the compensation for losses sustained during the late mutiny would be given?

Sir CHARLES WOOD said, that it had been notified in *The Calcutta Gazette* of the 29th of October that a Commission had been appointed to conduct the inquiry, and register the claims of those who demanded compensation. Their decision would be final, and they were bound to conclude their inquiry within four months from a given date in November. Upon their award a date would be fixed for payment. The probability was that compensation would be made about the month of May next.

THE MILITIA.—QUESTION.

Mr. PALK said, he wished to ask the Secretary of State for War if it is the intention of the Government to disembody any of the militia regiments now doing permanent duty? and whether he will state the gross sum that has been expended up to the present time in the purchase of land at Aldershot, the expense of erecting barracks and bringing water to them?

MR. SIDNEY HERBERT said, it was the intention of the Government to disembody more regiments of the militia, and when he had an opportunity of moving the Army Estimates he would explain to the House the principles on which that disembodiment would take place. As to the other part of the question, there was no objection to give the information, and perhaps the hon. Gentleman would move for a Return.

On Motion that the House at its rising do adjourn to Monday,

THE LAND TRANSPORT CORPS.

OBSERVATION.

MR. POLLARD-URQUHART said, he rose to call the attention of the House to the case of certain officers of the army who, after having volunteered into the Land Transport Corps, did not receive the promotion that was granted to others who were similarly engaged in the same service, on the ground of their names having appeared in general orders as appointed until further orders. He wished to say a few words to show the injustice with which some of these men had been treated. It would be remembered that the corps was formed at the end of the year 1855, when Lord Panmure wrote to Sir William Codrington, who was then in command of our army in the Crimea, to organize it. The corps was organized accordingly, and General Wetherall, who made out the commissions for the officers, happened to make them out in different forms. But they all volunteered to serve about the same time, so that there could be no claims from priority, and they all undertook the same duties. Furthermore, he held in his hand letters from General Wetherall, who signed the commissions, stating that the difference in the form was accidental, and that he did not intend to make any distinction between one officer and another. Sir William Codrington had also expressed himself to the same effect. When the war was over, the case of the officers of this corps was brought before the House, and in consequence all of them received promotion, with the exception of those who were named in general orders to serve till further orders. He thought the men who served under this verbal distinction through no fault of their own had good cause to complain, and that their cause was one of extreme hardship, and as such he brought it before the House.

THE SHRUBS IN HYDE PARK.

OBSERVATIONS.

MR. EDWIN JAMES said, he rose to direct the attention of the Government to the state of Hyde Park, and to ask the First Lord of the Treasury what plan the Government proposed for the ornamental cultivation of the space now vacant by the removal of shrubs and growing trees. This was a matter which concerned not merely residents in the neighbourhood, but the inhabitants of the metropolis at large, the parks having been ceded by the Crown for the pleasure and recreation of the public. In 1856, when Lord Llanover was the First Commissioner of Woods and Forests, great complaints were raised about the state of Hyde Park between the Marble Arch and Kensington Gardens, and in consequence a portion of it was planted with flowers and shrubs, very much to the satisfaction of the public. That the House of Commons also approved the arrangement was apparent from the fact that in 1857 £350 was voted for the planting of the parks, and a further sum of £1,000 to be spent on Hyde Park. The shrubs which were planted having thriven very well, and a very agreeable walk having been formed, the same course was adopted with regard to the ground between the Marble Arch and Stanhope Street Gate. Lord John Manners, upon his accession to the office of First Commissioner, continued the arrangement, and even improved upon it in some respects. Last year the Government entrusted the care of the parks with the rest of the public works to a gentleman whose name would be never mentioned in this House without the deepest feeling of regret, the late Mr. FitzRoy, who long attended to the private business of the House, and afterwards presided over their deliberations in Committee, displaying all the attributes of a thorough man of business, the strict impartiality of a judge, and the high-bred manly courtesy of an English gentleman. Mr. FitzRoy succeeded to the office in June, but was taken ill in September last, and was not cognizant, he believed, of the steps which had been taken to turn

Hyde Park into the absolute waste and place of desolation which it now appeared. One foggy evening in November a large body of navvies were sent into the park, and before morning effected the utter annihilation of the whole of the shrubs, and transformed the well-planted ground between the Marble Arch and Kensington Gardens into a dreary desert. By whom the order for that operation was given the public were not aware, but, in reply to a deputation who had waited on the First Lord of the Treasury, the noble Viscount stated that he had received an intimation from the Woods and Forests of the most extraordinary kind, and that it was the intention of the authorities of that department to transform that portion of Hyde Park which had been referred to into a nursery. He thought that anything more desolate and cheerless than a nursery in the winter time could scarcely be imagined, and he was sure that the residents of Chelsea and Brompton, where nurseries abounded, would concur in that opinion. The noble Lord further denied the statement that the place had been disturbed to meet the wishes of some influential individuals who lived in the neighbourhood, and he could pledge his credit that his right hon. Friend (Mr. FitzRoy,) from his manly tone of feeling, was the last person who would allow the public interest to be made subservient to private influence, come from what quarter it might. He was told that alterations in the park never took place without intimation to Her Majesty or to his Royal Highness the Duke of Cambridge, the Ranger, and it was said no such intimation in this instance had been made. That, as far as he was aware, was the history of the transaction. He did not wish to attack any one, but he trusted whoever succeeded the late Commissioner of Works would direct his efforts to repair the scene of desolation which had been caused.

VISCOUNT PALMERSTON: Sir, I am very glad that my hon. and learned Friend has brought this matter under the attention of the House, because I think it is very useful to dispel a misapprehension which appears to have been very generally entertained upon the subject to which the question relates. I must, in the first place, state how very much gratified I am—I am sure every hon. Member of this House must have been—by the testimony which my hon. and learned Friend bore to the memory of our lamented Friend Mr. FitzRoy—a Gentleman who possessed the goodwill and respect of both sides of this House perhaps in a greater degree than has fallen to the lot of most persons who have filled public situations. For myself, I will only say that I have lost a very sincere and valued friend. But great injustice has been done to Mr. FitzRoy by the reports which have been circulated upon this subject. I have made it my business to inform myself upon that which has passed, and I must, in the first place, beg to correct a misapprehension which seems to have been communicated to my hon. and learned Friend as to the answer which I gave to the deputation which I had the honour of receiving. My hon. and learned Friend has been informed that I stated that this strip of ground was to be converted into a nursery. Well, in one sense of the word it was intended to be a nursery, inasmuch as that is a nursery which is filled with children. These walks, as we all know, are thronged with children, deriving health and amusement from the opportunities of exercise and air there afforded to them. But the simple fact is this: The arrangement made by Lord Llanover was one which greatly contributed to the beauty of the place, and to the recreation and health of the persons who frequented the park. It gave an agreeable promenade with flowers and shrubs to look at, and gravel paths well adapted to the purpose for which they were intended. It never entered into the contemplation of Mr. FitzRoy to alter that arrangement. It was, however, found that the ground, not having been prepared in the same elaborate manner in which the ground between Stanhope Gate and Hyde Park Corner had been prepared, the shrubs that had been put there had not thrived. It was the intention of Mr. FitzRoy to remove those shrubs and to replace them by others; and instead of the flowers that had been put there and had not succeeded, arrangements had been made to provide an ample supply of flowers to be planted there as soon as the season should be fit for such an operation. I am not surprised that those who walked there and saw what looked like a fallow field, not having been informed otherwise, should have become apprehensive that such was intended to be the permanent condition of the ground. But it was no more intended to be the permanent condition of the ground than a fallow field is intended to be the permanent condition in which a farm is to be maintained by the holder. It was thought that the ground having been cleared in that way during the winter would be better adapted to receive those beneficial influences which the atmosphere communicates to an exposed soil, and in the meantime preparations were made for improving the soil by manure, and by the addition of better mould; and as soon as the season shall arrive when operations can be advantageously performed there will be put into it, according to a plan which I have seen, and which was prepared under the direction of Mr. FitzRoy, rows of shrubs, some evergreen and some flowering, and rows of flowers between them, with walks on each side; and I venture to say that when this arrangement shall be completed the public will not only be satisfied with it as gratifying and agreeable to the eye, but will think that it is an improvement on that state of the ground which it is to replace.

SIR JOHN SHELLEY said, that the statement of the noble Lord had given him very much pleasure. He thought, however, that in regard to the defence put forth by one of the officers of the Board of Works, that the plants did not thrive as well as was expected, some blame attached to the superintendents of the Parks. All transplanted trees required a great deal of watering, and not one of these received any attention whatever, yet owing to the ground being so carefully prepared they throve wonderfully, and if let alone would have established themselves satisfactorily. But there was another point on which he wished to make an observation. In planting and transplanting the greatest care should be taken not to break the roots, but he thought it would be impossible to replace those shrubs again in the ground, for in taking them up, he observed they were torn up without any attempt being made to preserve their roots. Now, these plants had been brought from Kensington Gardens at an expense of £350; the plants were worth some two or three guineas a-piece, and he should like to know what had been done with them? What was done could not be undone; but it would be a great satisfaction to the public to hear of the change that had been made, and he hoped it would be persevered in.

SPAIN AND MOROCCO.—QUESTION.

MR. MAGUIRE said, he rose to call the attention of the Secretary of State for Foreign Affairs to certain statements in *The Times* newspaper of Jan. 24, in the letters of its "Special Correspondent," from the seat of war on the coast of Morocco, as to alleged or reported misconduct on the part of Mr. Drummond Hay, her Majesty's Consul at Tangier. He should have been quite content to ask the Question of which he had given notice in the ordinary way, but it was absolutely necessary that it should be rendered clear and intelligible, not only in justice to the gentleman whose name was principally involved, but to satisfy those who wished to maintain friendly relations between this country and Spain. Certain papers had been laid upon the table, and by them it would be found that Her Majesty's Government had watched with the greatest jealousy—almost apprehension—the conduct pursued by Spain towards Morocco, and that the noble Lord at the head of the Foreign Office had particularly instructed our Minister at Madrid, Mr. Buchanan, to demand explanations, on the part of our Government, of the Government of Spain upon two material points, the one was as to the time during which the Spanish Government would occupy Tangier in case their troops should obtain possession of that town, and the other was whether Spain would endeavour to make and retain any new acquisitions of territory on the shores of Morocco. He thought the noble Lord had properly discharged his duty in making those inquiries, and demanding those assurances. He would only trouble the House with two short extracts, which would satisfy them—and he was sure that the noble Lord was already satisfied—that the conduct of Spain towards this country was characterized by a spirit of loyalty and conciliation. Writing to Mr. Buchanan on the 15th of October the Foreign Secretary said:—

> "Senor Collantes, in his reply of the 6th of October states that when once the treaty of peace which should put an end to the hostilities between Spain and Morocco should be ratified, the questions now existing being settled favourably, and therefore definitely, the Spanish Government, in fulfilment of their intentions, would not continue in the occupation of that fortress [Tangier], in the supposition that they should have found themselves obliged to establish themselves there in order to secure the favourable issue of their operations. You will state to M. Collantes that Her Majesty's Government accept with pleasure this assurance, as conveying the declaration which, by my despatch of the 22nd of September, you were instructed to ask for.

And Senor Collantes, writing from Madrid on the 21st of October, used these words:—

> "The Government of the Queen my Sovereign, who have given so many and such marked proofs of their conciliatory and upright spirit in the different incidents which have sprung from the question with Morocco, will not vary the intention, which they had formed from the beginning of that question, not to occupy any point on the Straits whose position could afford to Spain a superiority dangerous to the navigation. In this matter their ideas have been always so disinterested and loyal that they cannot believe that any doubt can have been conceived with regard to them."

No answer to this despatch appeared in the papers; but its language was so fair and so loyal that the noble Lord, if he did send any answer, could not but have given it in the same terms as before, and expressed his entire satisfaction. Seeing, therefore, that Spain had done all in her power to disarm the suspicions and satisfy the apprehensions of our Government, it would be conceded that the least to be expected from our Government was that it should avoid even the semblance of hostility or unfairness towards Spain, either in its diplomatic language or in the acts of its agents in Morocco; and if any belief existed in the minds of the Spaniards that they or their agents had not acted with perfect fairness and impartiality the British Government ought to be very glad of an opportunity of removing it. Such an opportunity he would now give to the noble Lord by reading an extract from a letter of the Special Correspondent of *The Times* at the seat of War in Morocco, published in that paper on the 24th of January. This was the extract:—

> "The Spaniards persist in complaining bitterly of Mr. Drummond Hay, to whom they impute divers practices unfavourable to their cause. He is accused of supplying the Moors with ammunition, of assisting them with his counsels, of superintending (himself in a Moorish costume) certain of their preparations. It is further stated that he has had to do with the engagement of two English engineers, who construct military works. The vessels which convey cattle from Tangier to Gibraltar return thence with powder and other warlike stores. It was by his direction that the Moorish batteries at San Martin aimed the other day at the screws of the Spanish steamers employed in bombarding them. If they did not succeed in hitting them it was their fault, not that of the British Consul at Tangier. Mr. Hay also draws up the Emperor's diplomatic documents addressed to foreign Powers. Of the truth or falsehood of the above charges, of all or any of them, I know nothing whatever. . . . . But it is well to let you know of the accusations in question, because they are not mere matters of gossip and camp talk, but are seriously brought forward and maintained by persons in responsible and important positions here, who declare that they know them to be true, and give it to be understood that they are derived from trustworthy agents of the Spanish Government; also, because I am not without reasons to believe that the information in question, whether true or false, obtains credit from the Government. The exasperation felt against Mr. Hay is great, and if the Spaniards get to Tangier I would advise him on their approach to leave that place. It has been insinuated in some quarters that in acting as he is said to have done, and to be doing, he is only obeying the orders of his superiors; but a more general belief, or at least the one I most frequently hear expressed here, is that he is merely pursuing the bent of his inclinations, and that his Government either does not know of or does not heed his conduct."

Of the truth or falsehood of these charges he had no means of judging; but it appeared that these rumours had obtained credit with the Spanish Government, and that there was a strong feeling of exasperation against England in high quarters in that country. That the charges were grave enough to demand a prompt explanation from the British Government, he ventured to think the House would admit. If they were unfounded Mr. Hay ought to feel indebted to the Special Correspondent of *The Times* for giving him an opportunity of denying the charge; but if any of them were true the Government had no other course to pursue but to express at once in the strongest terms their indignation at and repudiation of such conduct, and at once to dismiss from their service an individual who had so unworthily betrayed the trust confided to him. Before sitting down he could not refrain from expressing his warm sympathy with that gallant nation which had once been the strongest bulwark of Christendom against the Mahomedan, and he rejoiced to see that in this contest with the Moors—whatever might have been the origin of it—she was displaying her old historic valour and the lofty and enthusiastic spirit which had formerly distinguished her as a nation in bygone times. He wished therefore, to ask, whether any facts had come to the knowledge of the Government which would justify the belief that the British consul had in any way violated that strict neutrality which should be maintained by the official representative of this country in relation to both of the belligerent powers, Spain and Morocco.

MR. LIDDELL said, that as he was in possession of certain information derived from very good authority, which he should be happy to show any Gentleman who desired to see it, he hoped the House would allow him to interfere for a few moments between them and the answer to the Question of the hon. Member for the purpose of stating one or two facts which would place

Mr. Hay's conduct in a different light from that in which it was represented by the extract just read by the hon. Gentleman. With regard to Mr. Hay's partiality, that gentleman had strongly urged upon the Moorish Government the necessity, not to say the propriety, of sparing the Spanish prisoners, and through his interference the Moorish authorities had offered a price of £3 for each living Spaniard brought in, whereas the price formerly given was £1 for each head. Through his exertions the lives of a number of Spanish prisoners had been spared. It was through his intervention that the families of Jews and Spaniards had been permitted to depart unmolested from Morocco with their property; and in consequence of his having remained on the spot, with the sanction of the British and Spanish Governments, the houses of the persons who had so left were protected and the Roman Catholic chapel was secured from outrage. As illustration of the good effects which had resulted from the presence of Mr. Hay, he might mention that a Moor had been flogged round the town for attempting to enter a house forcibly, and that in December last, when a French vessel was wrecked some distance down the coast, that gentleman most promptly sent the authorities to the spot, had the mariners rescued from the violence of the natives, and sent them to the French Admiral and Consul at Gibraltar. These were facts which he believed to be authentic, and he had felt it his duty not to withhold them from the House when the character of an absent official appeared to be impugned — at least, when it had been made the object outside that House of malignant aspersions.

FRENCH ARMAMENTS.—QUESTION.

Mr. A. W. KINGLAKE: Sir, I have studied how to frame the Question which I am about to put in a way which shall not be considered as expressing a querulous distrust, but rather, so far as is capable of being accomplished in a matter of this kind, something like confidence in the present Administration, and at the same time to indicate an opinion that we ought not to enter upon the discussion of the budget in the absence of that knowledge which, more than any other, is important to enable us to come to a right decision. On Monday next the House of Commons is to be called upon to give its sanction to a Treaty which is to bring us into more intimate relations with the Empire of France, and we are to be asked at the same time to consider those arrangements which the Chancellor of the Exchequer will produce to us with a view of meeting the vast expenses which we have been obliged to incur in consequence of the present state of Europe. The cause which makes it necessary to incur this outlay is no secret to any man; everybody is aware that it has arisen from the fact that in the present phase of the French Revolution, a vast concentration of power has taken place, and that the Emperor of the French wields the whole resources of France, not through Statesmen or Ministers, but in a way which makes it impossible to know what his intentions are, except in so far as one is able to divine them from the probable use of the great armaments which he is preparing. I sincerely believe that almost the entire of Europe, including the great country of France, fervently desires the continuance of peace; but I cannot forget that last year Europe, including then as well as now the great country of France, desired the continuance of peace with an intensity equal to that by which it is at present animated. That wish was frustrated by circumstances which are so recent that it is needless further to allude to them; but what occurred may be stated in one short sentence—Austria madly and foolishly began the war, but it was the Emperor of the French who began the quarrel. It is not for me to say whether Europe has been taught or misled by the experience of last year, but to every hon. Gentleman holding correspondence with the Continent it must be known that a general idea is prevalent that the peace of Europe is again about to be disturbed, and that schemes are on foot for altering territorial arrangements, independent of those modifications which may have to be carried out in Italy. Although there may be other grounds for these apprehensions, the anxiety that is felt is mainly due to the armaments existing throughout Europe, and it may be readily believed that the uneasiness which prevails on the Continent speedily makes itself felt in this country. It is, of course, to be observed that there may have been exaggeration as to many points which we have heard; for those who busy themselves in communicating intelligence to England are, for the most part, unfriendly to the present Government of France, and to view all the actions of the Emperor with a jaundiced eye. But it does appear to me that it must rest in the power of Her Majesty's Foreign Office to dispel this anxiety in a great measure, or, if not to dispel it, at all events to convert what is now a vague sentiment of fear into a rational, wise, and persistent vigilance. My observation of the military preparations of France enables me to make one remark, which may exercise, in one respect, a reassuring tendency. Many persons entertain the opinion that wild incursions, descents, and small expeditions of a marauding character may be attempted on our coast, and that in this manner, without any serious consequences to either country, great mischief might be effected. Now, Sir, to do justice to the present ruler of France, I do not believe that it is consistent with his policy to do anything in a small way; and, therefore, if I could be convinced that no large armaments were in preparation, I should rest assured that the peace of Europe was not about to be disturbed. Great preparations cannot be made in an hour, and cannot go on in corners, so that if I should succeed in obtaining from the noble Lord (Lord J. Russell) anything like an assurance that no vast preparations are at present going on in France, it follows that we have established a great ground of security. Unfortunately, the information which reaches me as a private individual is not of such a reassuring kind as I should hope to receive from the noble Lord. It is the practice of the French Government to make known their intention to raise new levies some time beforehand to the prefects of the departments; and I am informed that they have received notice that a levy of 140,000 men is to take place for the purpose of what is called *remplacement*. I am also told that the Emperor of the French has for the present refused to give the *congé* to some 40,000 men who, under ordinary circumstances, would have been sent to their homes some weeks since. The consequence is that by this new levy and by the retention of this large body of trained soldiers, the military forces of France will be next spring on a most formidable footing. I am assured—though this in like manner is, perhaps, an exaggeration—that the Emperor of the French will then be prepared to take the field with a force of no less than 600,000 men. In addition, I have been informed that great preparations are being urged forward for the supply of horse transports on the north coast of France. Then, if I turn from the military to the naval armaments, I find that this unfortunate battle of the dockyards, if I may so call it, is being carried on with unceasing pertinacity: and that at the very moment when the hon. Member for Rochdale, (Mr. Cobden) was carrying on what he supposed to be a very friendly intercourse with the Emperor of the French, His Majesty was devoting his mind, with great earnestness, to a pursuit which would indicate that he was preparing for some species of conflict which would have to be decided by iron vessels. When such are the reports which reach the ears of private individuals, I think I am not doing wrong in giving the noble Lord an opportunity of correcting what I hope may turn out to be very false and exaggerated statements, thereby enabling us to enter upon the discussion on Monday with that knowledge which it is most important for us to possess of the preparations which the Emperor of the French is really making. I do not make anything like a complaint against the Emperor of the French; I merely desire the information as a dry piece of statistics, which will enable me to arrive at the conclusion that I shall next week be called upon to form more satisfactorily than any other information could possibly do; and it will be to my mind more cogent than any speech with which the matchless eloquence of the Chancellor of the Exchequer may lead him to favour us. I shall therefore conclude by asking the Secretary of State for Foreign Affairs whether it will be consistent with the interests of the public service to communicate to the House any of the information which has reached the Foreign Office in respect to the military and naval preparations of the Emperor of the French; and if so, whether such information can be communicated before the financial statement which it is proposed to deliver on Monday?

COLONEL KNOX said, he wished, before the noble Lord answered the question, to ask him whether the Treaty of Commerce had been ratified—as he supposed it had been—and whether that Treaty had been signed, as was reported, by an hon. Member of that House, who was, however, not responsible for the transaction, as not being at all connected with the Ministry. He wished also to know whether the Treaty would be laid on the table between this and Monday.

LORD JOHN RUSSELL said, With respect to the first question put by the hon. Member for Dungarvon (Mr. Maguire), I can have no hesitation in stating that Mr. Drummond Hay is a gentleman of the highest honour and character. He, with other members of his family, have been long in the service of the Crown. He has, therefore, had much experience of public life, and knows too well his duty to the Crown to take any course inconsistent with the general and avowed policy of Her Majesty's Government. From his long residence in Morocco—indeed, I believe he was born there—and his kindness to all who hold any intercourse with him, he has gained to a great degree the respect of the people of that country, not only of the Foreign Minister of the Emperor of Morocco, who was formerly a merchant, but of the wild tribes of natives who so frequently made incursions into the Spanish settlements. Having this influence, I believe that he, according to instructions from Her Majesty's Government, endeavoured to prevent the breaking out of war between Spain and Morocco. He endeavoured to prevent this war by advising every concession he thought possible, till he was told by the Moorish Minister that, whatever advice might be given, Morocco could not, consistently with the honour of the Sultan, make any further concessions. Mr. Drummond Hay did exert himself to the utmost, and used the influence he had so justly acquired to prevent the outbreak of hostilities. Since that time, it being the policy of Her Majesty's Government to be neutral in the war, his conduct has been in strict conformity with his instructions, as the representative of a neutral Power. The hon. Member has read a report from the correspondent of *The Times* newspaper, a very respectable gentleman, I believe; but he is in the Spanish camp, and can hear nothing but what he is told by Spaniards. They have stated various matters, which the correspondent repeats, but he says that he knows nothing of them, and admits that he has no proof of them whatever. I have not heard from Mr. Drummond Hay since he had an opportunity of seeing these statements in the newspaper, but I have not a doubt they are one and all entirely false. I do not believe that Mr. Drummond Hay has violated his duty or taken any part in the war. The Spanish Minister did on one occasion state to Mr. Buchanan that complaints had been made of the partiality of Mr. Drummond Hay; but he gave no instance of such partiality, nor any proof of it whatever. We are aware that the Spanish Government in this war has obtained the aid of British merchants, and that the Spanish army has been supplied with British stores and provisions. Any complaints, therefore, of a violation of neutrality might more justly be made by the Government of Morocco than by the Government of Spain. I believe that the conduct of Mr. Drummond Hay has been entirely free from blame. I do not wish to say which party in this war is right; but I cannot sympathize with the enthusiasm of the hon. Gentleman in regard to it. I do not think, because one party is Christian and the other Mahomedan, we ought to give the former all our sympathy, without reference to the causes or merits of the quarrel. I will now refer to the questions of my hon. and learned Friend the Member for Bridgwater (Mr. Kinglake). He has stated much with regard to the late war in Italy, and the present state of Europe, which this is not the proper occasion to discuss, but which may hereafter come under consideration. All I can say with regard to the other part of the subject is, that we have in Paris a very able Ambassador, and a military *attaché* to the embassy, possessing great knowledge and experience of the French army. From neither one nor the other has Her Majesty's Government received any account of any extraordinary military preparations in France. As for the statement of 600,000 men to be in readiness for the field by the spring, there is nothing at all to corroborate it. A great number of men may be called on to serve in the French army by conscription, but it must be remembered that a general conscription takes place in the course of every year. The hon. and learned Gentleman must recollect that the peace of Zurich has not long been signed, and the Congress that was summoned for the purpose of rendering the pacification of Italy solid and durable, has not been held. It is therefore desirable, while peace is so recent and the affairs of Italy have not yet settled down, to use every means to prevent a renewal of the war, or any collision in Italy that might excite it. Her Majesty's Government has recently been engaged in efforts to secure the permanence of that peace; and I can state that everything that has been done has proved most satisfactory. We have represented to the Government of Sardinia the danger of any collision with Austria on the territory of Venetia or elsewhere; and I have to-day received an assurance from the Sardinian Government that it will do nothing tending to provoke a renewal of hostilities. On the one hand, there is reason to believe that France is far from desirous that there should be any renewal of the war; and the Government of the Emperor is exerting itself earnestly and unremittingly to secure the solidity and permanence of the peace. On the other hand Austria, though unwilling, as might be supposed, to acquiesce in the present state of Italy, is by no means disposed to renew the war by making any attack on the Powers in possession of the country. Without venturing to predict what will be the course of events in the next year, I may say that the present aspect of affairs is favourable; nor is there any reason to suppose that France is making the enormous military preparations my hon. Friend has referred to. With regard to the naval arsenals of France and the great activity described as prevailing in them, we all know that a great change has taken place in the character of naval warfare. It is made a matter of speculation in books and pamphlets what the character of the next naval war will be, and every one seems convinced that it will not resemble the nature of those that are past. The Government of the late King of the French, Louis Philippe, drew up a plan for increasing the strength of the French navy; every ruler of France, for nearly the last 100 years, has endeavoured to increase and strengthen its marine. They have all considered, naturally enough, that France ought to be a great maritime Power. There is great activity also in our own docks and armaments. Both England and France are endeavouring to be strong at sea, not with a view to any rivalry, but from a belief that each nation ought to maintain its ancient character. I cannot say, therefore, that the naval preparations of France ought to be a matter of jealousy to us. If the two nations agreed that there should be no such preparations and no strong navy, we might expect France to follow our course in that respect; but, while France determines to make herself strong at sea, and we like to have a strong navy also, I do not think it is a reason why the two nations should have any dispute with each other. In reply to the question of the hon. and gallant Member for Dungannon (Colonel Knox), I have to state that the ratifications of the treaty which he mentions will take place to-morrow (Saturday), and that a copy will be laid on the table of the House on Monday next. I may add that the persons who were employed, and who received full powers to negotiate that treaty, were Lord Cowley and Mr. Cobden.

DISEMBODIMENT OF THE MILITIA.

OBSERVATIONS.

Colonel DICKSON said, he rose pursuant to notice to call the attention of the Secretary of State for War to the hardships entailed on the officers, non-commissioned officers, and men, of the embodied militia regiments by their sudden disembodiment. He could not but regret that regiments which it had taken such time, trouble, and expense to bring to their present state of discipline should be wantonly disembodied. A sufficient reason for such a step was, he might be told, to be found in the fact that a certain number of regiments of the line were about to return from India; but it should be borne in mind that those regiments were but mere skeletons, and would, as a consequence, by no means supply the deficiency which the proposed disembodiment of militia would create. Perhaps he might be told that economy must be considered, and that, to use a familiar phrase, they must "cut their coat according to the cloth;" but he could not admit the force of that argument, especially when he saw the expenses that were incurred in other departments of the State. He could not understand how, under any circumstances, economy could justify injustice. It was a great hardship that the senior officers, who had in many instances sacrificed their domestic comfort,—that the junior officers, many of whom had frequently spent three or four years in learning the duties of their position,—and that the sergeants and men, who had nobly come forward at the call of their country, but whose training had unfitted them for the discharge of those duties which they had previously performed, should receive so sudden an intimation that their military services were so soon to be dispensed with. Perhaps they would be told that this was a time of peace; but after the statement just made by the noble Lord, he thought it was too soon to disband this portion of so newly-raised a force at present. He would give all credit to the Emperor of the French as a loyal ally, and as the last man to attempt the invasion of this country; but, great man as he was, he was still the creature of circumstances. France had entirely delivered herself up to the will of one man, and a country in such a case could not be implicity trusted on every occasion. He (Colonel Dickson) did not, of course, mean to contend that the militia should be made a permanent institution of the country, but he was at the same time prepared to maintain that the various regiments of which it was composed ought not to be disbanded without sufficient notice. The subject was therefore one which he hoped the right hon. Gentleman would take into his consideration and place the militia on such a footing that they might know what duties it was intended that they should perform.

JERSEY COMMISSION.

OBSERVATIONS.

MR. HADFIELD said, he rose to call attention to the Commission for inquiry concerning the laws of Jersey, and to inquire of the Secretary of State for the Home Department why the Commissioners had not pursued their inquiries in Jersey since August last? why had they not already investigated the law affecting land tenure, and concerning bankruptcy and insolvency in the island? also, Whether the Commissioners were continuing their labours, and when their Report would be made? A Commission, embracing these topics, had been appointed by the late Government, and the announcement was received with great joy by the inhabitants of the island. Ever since August last, however, they had ceased to pursue the investigation, and great inconvenience had in consequence been occasioned. He might add, that when they adjourned they had arrived at a point of the inquiry which was of great interest to the inhabitants of Jersey—the law connected with the tenure of land—and that he could discover no good reason why they should have allowed a period of more than five months to elapse without resuming the duties which they had been appointed to discharge. It was of great importance to the district that this Commission should be speedily executed, and two Royal Commissions, involving much more labour than this, had, since it was issued, completed their inquiries and made their Reports. The adjournment had been made to January, but January had passed and nothing further had been heard on the subject. In these circumstances he had felt it his duty, at the request of the inhabitants of Jersey, to call the attention of the Secretary of State for the Home Department to the delay which had taken place.

SIR GEORGE LEWIS said, a Commission, consisting of three persons, at the head of which was Sir John Awdry, a retired Indian Judge, had been appointed to inquire into the laws of the island of Jersey. The Commissioners visited the island in the course of the summer and autumn, and at the end of August they left the island. Having brought their inquiries to a conclusion they had since been employed in the preparation of their Report, and he had been assured by the Secretary of the Commission that it was in a state of forwardness, and that it would be presented at no distant period. With regard to the questions of land tenure, and of bankruptcy and insolvency, the Commissioners had made inquiry on those subjects, and were in possession of documentary evidence on those matters. The hon. Gentleman was doubtless aware, that though he had a strong opinion as to the policy of assimilating the law of Jersey to that of England, the people of Jersey had a strong attachment to the old laws and traditions of their country. When this Commission was appointed he believed it was understood that it should not sit longer than a year. He was not, however, at that moment able to specify the particular time when the Report would be ready.

NAVIGATION OF THE GODAVERY.

OBSERVATIONS.

MR. J. B. SMITH* rose to call the attention of the House to the importance to the commerce and manufactures of this country of opening up the navigation of the river Godavery, and to ask the Secretary of State for India what were the intentions of the Government in respect thereof. The hon. Member said the Godavery valley is one of the richest portions of Central India, and has an area about four times that of Ireland. It abounds in iron and timber. It produces corn, rice, oil seeds, and sugar; but what he particularly wished to call attention to was, that it also produced flax, hemp, and cotton. The manufactures of this country were increasing so rapidly that the consumption of raw materials was overtaking their production. It was, therefore, natural that our manufacturers should look to those places which could supply them with the raw materials, especially if they happened to be, as in this case, under the dominion of the British Crown. Hon. Gentlemen connected with the linen trade of Ireland and Scotland would inform the House that the progress of that important manufacture was absolutely stopped for want of an adequate supply of flax and hemp, and as regarded cotton, who could look with unconcern at what was now passing in the Southern States of America, especially when he reflected that eight-tenths of the cotton consumed by our manufacturers last year came from those States? Some Gentlemen perhaps might say, that this was a Manchester question, and no doubt it was. But he asked the House whether a manufacture, which amounted to upwards of £60,000,000 per annum in value, was not also a question of great national interest and importance; and was it not the duty of Parliament to secure, as far as possible, this vast manufacture from accidents in the supply of the raw material? There was abundant evidence that India could furnish all the cotton we require. Dr. Forbes Watson, the botanist of the India Department, estimates that India already grows nearly double the quantity of cotton grown in America. India, however, had to clothe 200,000,000 of her own population, and she had only a small quantity left for exportation. The principal discouragement to growing cotton for exportation was the enormous expense of conveying it to market; to obviate this, good roads and cheap water-carriage were wanted. As an illustration of the state of the roads he would read a short extract from a letter from Line and Co., of Madras, dated in October last. They said:—

> "If Government will only give us roads in the Tinnivelly district, our exports would increase rapidly. It is a melancholy sight to see heavy cartloads of cotton dragged across country; the produce is so bulky that in swaying from side to side it strains carts to pieces, and the bullocks drag it over mounds of earth, and through ditches and ruts, in a way which is painful to witness. All this loss of carts and cattle, and the delays of such a mode of carriage, must of course be borne by the cotton. It is difficult to estimate the annual loss both to the district and the trade."

The roads all over India were in a similar condition, and we were entirely shut out from the finest cotton district of India by the bad state of the roads and the cost of carriage. The American planters had great advantages in this respect over those in India. Cotton was brought 1,000 miles down the Mississippi to a port of shipment for one-eighth of a penny per pound, or about 5 per cent on its value. From Berar the carriage by bad roads costs 100 per cent. on its value. The river Godavery leads to Berar, where the largest quantity and the finest quality of cotton is grown. Captain Haigh, a gentleman of great ability, who was examined before the India Colonization Committee, and who had surveyed the Godavery, stated it could be made navigable for a distance of 500 miles for about £300,000, and that cotton could then be brought from Berar to a port of shipment for one-eighth of a penny per pound, thus placing the American and Indian planter on the same footing in respect of the carriage of cotton. Since Captain Haigh had given his evidence he had visited the navigable rivers of Europe, having previously visited all the river and water communications of America, and he returned with the conviction that there were fewer obstacles to be overcome in the Godavery than had been overcome in European rivers, and before his return to India he felt it his duty to address a letter to the Secretary of State for India, to endeavour to impress upon him the importance of opening up the Godavery to the commerce of this country. In this letter he pointed out, in addition to the commercial, the advantages of this great work in a military point of view. Besides the saving in time in the conveyance of troops and stores by the river, the saving in expense would pay the interest on the outlay of making it navigable. He further stated that the Government would be large gainers by the increased sale of salt. Salt was a Government monopoly in India. It was to be regretted that the necessities of the Government had compelled them to place an additional tax upon this indispensable of life; but the greatest tax which the people of India had to pay on salt was the cost of conveyance. Captain Haigh stated that salt sold at Nangpore at 90 rupees per ton, and sometimes as high as 160 rupees in that district. The Government price for salt was 25 rupees, and if the Godavery were navigable it could be carried at 5 rupees a ton. The opening up of this river, therefore, would enable the people to pay the increased tax on salt, and still to obtain it at less than half the price they paid for it at present. The increase in the consumption would be enormous, and of course the gain of the Government would be in proportion. The increase in the revenue on salt is estimated at £64,000 a year, an amount that would pay the interest on the outlay on the river more than three times over. He (Mr. Smith) ought to state that there had been much controversy on the part of the civilians in India as to the practicability of opening up the Godavery, and as to the profits on the works of irrigation. His hon. Friend the Member for Aberdeen (Colonel Sykes) late chairman of the East India Company, was of opinion that it was impracticable to make the Godavery navigable. The hon. Member for Dumbartonshire (Mr. Smollet) says "that such projects as the opening up the navigation of the river Godavery in order to reach the cotton fields of Berar seems to be an undertaking of the most impolitic character, inexpedient in the present financial condition of India, and of very doubtful utility when completed." But Sir Charles Trevelyan, the Governor of Madras, in order to test these various opinions had visited these districts, taking with him engineers and scientific men, and on his return he stated in a minute that he considered the works of such great public importance that he should feel it his duty to visit them every year whilst he remained Governor of the Province. He said the Godavery ran through the most fertile region of Central India. That the opening of this river would be equivalent to the opening of a new trade to the extension of which no limits could be assigned. He (Mr. Smith) thought he had proved the practicability and importance of opening up the Godavery. This great work would enable us to obtain ample supplies of cotton conveyed at a cheap rate from the finest district in India, and would do much to preserve us from those accidents which may arise to the supply of this important raw material. For these reasons he wished to ask the Secretary of State for India what were the intentions of the Government in this matter, and if he answered that it was their intention to open the navigation of the Godavery, he would further ask when? It was necessary to make this inquiry as to the time when the work was to be commenced, because Sir Charles Trevelyan, while he strongly recommended it, added that he hoped the state of the revenue would soon enable the Government to proceed with the work. Now, were they to wait until there was a surplus revenue for the commencement of this work? It had been the policy of the East India Company to make their public works out of the revenue, but he (Mr. J. B. Smith) hoped that would not be the policy of the Queen's Government in India. He could give many instances of the injurious effects of this policy, but he would only mention one as a sample of scores of a similar kind. Tankaria Bunder, in Western India, was a place where there were considerable shipments of cotton. For twenty years there had been complaints, that for want of a wharf there, cotton had to be rolled through the mud to the boats, the consequence was, that the cotton was more or less damaged by the wet. It was estimated that the loss sustained in this way amounted in twenty years to £10,000. Now, the cost of making a wharf was only £2,000, and the Government had at length consented to execute this small work, but if they had to wait until there was a surplus revenue, they might continue to roll cotton in the mud at Tankaria for twenty years longer. It was a false policy to make reproductive public works out of revenue, since it was always impossible to calculate when a work was commenced how long it would be before it was finished. It was notorious that public works in India cost in many cases double the amount they would have cost if the means of completing them had been uninterruptedly provided. The only legitimate fund for reproductive public works was loans, and he had no hope of seeing any great improvement in India, until that course was adopted. The finances of India were at present in a very embarrassed condition, but he (Mr. J. B. Smith) was not one of those who had any fears that India was unable to discharge all her obligations great as they were. When he saw the vast undeveloped resources of India, and the poverty of the people, it appeared to him that the only way to extricate the country from its difficulties was to increase the tax-paying power of the people by means of increased and cheap facilities of conveyance, and by great public works, which could not be executed except by public loans for the special purpose.

MR. SIDNEY HERBERT said, he was anxious to say a few words in reply to the Questions which had been put to him in the course of that discussion. With regard to the disembodiment of the militia regiment, which the hon. and gallant Member (Colonel Dickson) so worthily and successfully commanded, he could only say it was always very painful for the Government to come to a decision that would be distasteful or operate to the prejudice of individuals; but the interests of the public service necessarily overrode all considerations of that kind, and he had taken the earliest opportunity of communicating to the gallant Officer the conclusion at which they had arrived. He had stated last year, in moving the Army Estimates, that in his opinion a large and continuous embodiment of the militia, in time of peace, was radically wrong in principle. It was unwise to anticipate the resources which ought to be kept in reserve for periods of emergency, and the militia was a force only required when the regular army was abroad. Holding that opinion, he followed the course that he had announced—namely, that of gradually disembodying the militia regiments in proportion as the regular troops were available for taking their place. This operation was necessarily very uncertain, and was retarded in the present instance by the requirements of India, and to the demand upon our regular force caused by the recent unfortunate calamity in China. With regard to the claims of officers of the Land Transport Corps, a Committee of that House had sat, before which was brought the case of certain officers who had entered that corps under very peculiar circumstances, and who at the conclusion of the Crimean War were dismissed from that service. The Committee went carefully through the matter, and divided the cases into certain classes, making recommendations as to the manner in which those different classes should be treated by the Government. The War Office, then presided over by his predecessor, applied to the Treasury for the funds requisite for carrying out those recommendations; and after a good deal of correspondence all the claims were satisfied which were recommended by that Committee. That corps was raised on the distinct understanding that it was only to be continued during the Russian War, and engagements for two years, with very high pay, were given in certain instances. On the return of peace it became necessary to dissolve the corps; but the case of those officers to whom a Committee of that House recommended that compensation should be paid differed from that of those officers of whom the Committee took no notice, and with respect to whom it made no recommendation. Among others there was the case of men who had given up situations in the Civil Service which carried the right to a pension, and who, when they lost their position in the Land Transport Corps, were left without the expectation either of the pension which their civil situation would have given them, or of the half-pay which military employment conferred. There were other cases to which he need not particularly refer, but the position of those gentlemen was this, that they were merely appointed "until further orders." The hon. Member had quoted a letter from Colonel Wetherall to show that these gentlemen were to be treated in the same manner as the others. But in this impression Colonel Wetherall was entirely wrong, for the arrangement was only a provisional one, and the gallant Officer could have no means of knowing what course the Government intended ultimately to take. To illustrate how little claim existed on the part of the officers in whose favour the Committee did not report, he would mention a single instance. Lieutenant Delamere, a very respectable person, was an ensign in the 21st Regiment of Foot, when he joined the Land Transport Corps, of which he was made a captain till further orders. He, however, still remained on the strength of his regiment, so much so that he actually received promotion in it during the time he was acting as captain in the Land Transport Corps. He became a lieutenant, and was sent back to his regiment. He stands in no worse position than anybody else; he gained his promotion. But to make him a captain over the heads of all the other officers, who were constantly under fire and in the trenches, while he was not, would surely be very unjust. The House of Commons, therefore, having given this subject its best consideration, and the recommendations of the Select Committee having been adopted—in carrying out which, indeed, the Government had gone even further than its own sense of justice might, perhaps, have induced it to go—he thought they could not now reopen the question of the claims of these officers.

COLONEL SYKES observed that after what had fallen from the hon. Member for Stockport (Mr. J. B. Smith), he wished to say that his hon. Friend had evidently mistaken his opinions as he was a strenuous advocate for the opening of all communication in India, by land or by water, though he thought that ought to be done with the means of the country. His opinion had always been that the opening out of the Godavery was quite practicable, because nothing was impracticable to engineering science, but that the cost of its execution would exceed reasonable bounds. But recurring to the questions he had to put; the recent mutiny had deranged Indian finance. The interest on the Government loans was in 1856 and 1857, 4 per cent, but the Government had immediately to open a 5 per cent loan. Finding that even that increase would not take, they were obliged to offer $5\frac{1}{2}$ per cent., with an undertaking not to pay off for 26 years. They consented also to accept the new loan half in paper and half in money, thereby raising the previous loans to $5\frac{1}{2}$ per cent. Still, these terms were found insufficient, and the Government in India were obliged to write to the home authorities for assistance. Very luckily, there was a better appreciation of the real capabilities of India in the money-market of this country than in that of Calcutta; and the result was that the $5\frac{1}{2}$ per cent. loan while at a discount of 4 per cent in India, was a few days ago at a premium of $5\frac{1}{4}$ per cent. in England. The finances of India were now paying $5\frac{1}{2}$ per cent. for a loan that could be obtained here at 4 per cent. The five per cent loan open in Calcutta now stood at 103. All contributions to it were to the damage of the finances of India, and he therefore desired to know whether it was the intention of the Secretary of State to direct that it should be immediately closed. He also wished to be informed by the right hon. Gentleman whether the unanimous recommendation of the Governor-General and his Council that batta should be granted to the troops of the Persian expedition, as had been done in the case of the first Burmah expedition, of the China expedition, and of the capture of Delhi and Lucknow, would receive his sanction; and whether the three officers of the 3rd Bombay Native Light Cavalry, who so greatly distinguished themselves in the charge upon a regiment of Persian Infantry formed in square at the battle of Kooshab, near Bushire, would receive the Victoria Cross?

MEDICAL RELIEF EXPENDITURE IN IRELAND.—OBSERVATIONS.

MR. DAWSON said, he was anxious to call the attention of the Chief Secretary for Ireland and the House to the concluding paragraph of the Report of the Select Committee of 1858 on county rates in Ireland, containing the recommendation that the Government should take into consideration the propriety of sanctioning half the medical relief expenditure of the Irish Poor Law Unions to be charged on the Consolidated Fund, in a manner similar to that practised in England and Scotland, instead of throwing the entire burden of the outlay upon the ratepayers. That Committee was composed of thirteen Members, six of whom were English and Scotch, and it was presided over by the hon. Baronet the Member for East Somersetshire (Sir W. Miles). The Report of that Committee completely justified the view of the case taken by the late hon. Member for Antrim, a gentleman always remarkable for his assiduity in protecting Irish interests, who moved for that inquiry in June, 1858. He was happy to say that during the last year the State made itself responsible for the expense of certain criminal prosecutions and the maintenance of misdemeanants, as also the costs of prosecutions, and the expenses of witnesses at assizes and sessions, a burden which had been previously thrown upon the local rate-payers. He did not think it necessary to refer to that part of the Report relating to schoolmasters, in respect of whom a certain modified assistance had been given by the National Board of Education in Ireland, when the schools of the Union were placed under their inspection. He would confine himself to the case of the half medical relief in respect to which the Report stated that that Committee were of opinion that though no promise had been held out by the late Sir Robert Peel that the half medical relief in the Irish poor-law unions should be secured under the same law as that relating to England and Scotland, nevertheless, inasmuch as the system in regard to Ireland was alterered in the month of January, 1852, so as to assimilate the law of Ireland to that of England and Scotland, the Committee recommended the House to take into consideration the case of the half-cost of the medical men in those unions, with the view of throwing the payment upon the Consolidated Fund. Now, it never was alleged that any such distinct promise had been made by the late Sir Robert Peel, but it was considered but justice that this expense should be defrayed in the same manner as that of Scotland and England. The number of dispensary districts was 716, at an average cost of £45 each, being the half salary of the medical officers which varies generally from £80 to £90 per annum. The whole sum amounted to about £32,000 a year. That sum was not large, but it was still important as regarding equal justice to all parts of the United Kingdom, and the payment of which by the Consolidated Fund would give a practical relief to the poorer ratepayers. Since 1846, Ireland, until last year, received no credit for the remission of those local charges which were recommended by the late Sir Robert Peel, in his statement on the subject of the corn laws. He was, however, unwilling to blame the successive Governments for this omission. He thought the blame more properly rested upon the Irish grand juries, who neglected making the demand for such relief. He therefore appealed to the right hon. Gentleman for his assistance in effecting a remedy for those complaints, and for his support with the Chancellor of the Exchequer, himself a member of that Select Committee, to obtain, under the prospective financial arrangements of the nation, a parity of exemptions in the local burdens of the two countries.

Mr. CARDWELL said, in the course of the year just expired the Treasury had given full effect to the recommendations of the Committee referred to by the hon. Gentleman, upon which they had been unanimous. With regard to the concluding paragraph of the Report to which the hon. Gentleman called his attention, he would remind him that the recommendation contained therein was only carried in the Committee by a majority of four to three, the chairman, upon whose report it was an amendment, having been precluded from voting, so that it might be said that the Committee were tolerably equally divided upon the point. The Committee, were, however, unanimous in that part of their Report regarding the financial arrangements of 1846 as to certain remissions of taxation of local rates. As regarded the expense of certain prosecutions and the maintenance of prisoners, the Government had already acted upon the recommendations. Sir Robert Peel had promised two allowances out of the Consolidated Fund to Great Britain, namely, one-half, the charge of the medical officers, and one-half the charge of schoolmasters in unions. His hon. Friend (Mr. Dawson) asked for a sum of £32,000 to put Ireland in a particular respect on an equality with England; but Ireland was allowed the moiety formerly paid by the ratepayers of that country towards the maintenance of the constabulary. Pursuant to Sir Robert Peel's promise, the entire expense of the constabulary in Ireland, amounting to an annual sum of £350,000 per annum, was now paid out of the Consolidated Fund. England received no corresponding sum to that; a circumstance which he hoped his hon. Friend would consider when asking for a sum of not one-tenth that amount, on the ground that Ireland ought to receive equally with England the advantage of a particular payment out of the Consolidated Fund. On the whole, he thought Ireland had no reason to complain.

LEGISLATIVE COUNCIL OF INDIA.

QUESTION.

Mr. W. EWART said, he rose to ask the Secretary of State for India, Whether Her Majesty's Government had given their consideration to the importance of introducing into the Legislative Council of India representatives of the Commercial Class and the class of British settlers, as well as of the Natives of India? also to the importance of an annual statement being made by the executive Government in India of the financial state of the Government, and of the publication of the same for the information of the public in India?

THE FRENCH EMIGRATION SCHEME.

QUESTION.

Mr. CAVE said, he wished to ask the Minister for India a Question relative to a projected treaty with France, enabling that country to draw a supply of labour for her colonies from our Indian territories. Knowing that Sir Frederick Rogers was in Paris last year for the purpose of arranging the terms of the treaty in question, and that he returned to England without having succeeded in the object of his mission, he had hoped and imagined that the design had been entirely abandoned. But certain remarks by a noble Lord in "another place" on Friday evening last had shown him that the scheme was still under consideration. He would briefly state what the project was. Shortly after the emancipation of slaves in the French colonies, consequent upon the revolution of 1848, similar results took place to those which were experienced in our own plantations. The emancipated negroes showed a natural repugnance to that agricultural labour which was their lot during slavery, and retired in large numbers from the estates. It was also well known that the remedies so confidently suggested in our own case of high wages on the one side, or Government interference on the other, proved unavailing to induce them to return. Accordingly, the French planters were obliged to follow the example of our own, and to look elsewhere for a supply of labour. The French Government thought these colonies of sufficient importance to make their restoration a public measure, and a more extensive system of immigration from the coast of Africa was established. How that scheme was conducted the blue-book published last Session abundantly testified. We found complaints from the west coast of Africa of so-called "free emigrants" brought down in chains, of the territory of Liberia violated, and the civilization of various African communities checked, and not only the flag, but even the uniform of France degraded by a revival of the slave trade. Similar transactions on the east coast soon led to the unfortunate collision with Portugal, which was fresh in the memory of the House. The fact was, indeed, that in the present condition of Africa a free emigration from that quarter was impossible. With the exception of some few places, where the population was scanty, and not fit for agricultural labour, an emigration from Africa necessarily implied a renewal of the internal slave trade. The conduct of France in this affair was most embarrassing to England, and the Earl of Clarendon, and after him the Earl of Malmesbury had addressed strong remonstrances to the Emperor on the subject of the emigration scheme. They saw, no doubt, that the perseverance of France must necessarily lead us to the alternative of a rupture with our powerful neighbour, or of acknowledging that we had been forced to abandon our traditional policy, because it would have been impossible to continue repressive measures on the coast of Africa if one Power were allowed openly to defy them. Though he could quite well imagine that Her Majesty's Ministers were glad of any opportunity of escaping from this dilemma, he must protest against the plan they adopted of furnishing the French colonists with labourers from our Indian possessions, as a sort of bribe for giving up the African emigration. The House knew how strict and jealous were the regulations with which our emigration of coolies from British India to the West India Islands was rightly surrounded. Unlike emigrants from our own shores who were considered able to protect themselves, these people were watched and guarded like children. From the moment of agreeing to indenture themselves to British colonists to that of setting foot again in their native India, officers of emigration at every port, stipendiary magistrates in every district, made them the object of their vigilance and solicitude. So stringent was the practice, that the noble Lord the Member for Kings Lynn, when in office, thought it his duty to disallow a Jamaica immigration ordinance, which deviated, though slightly, from the prescribed model. In common justice to our own colonists and to the Indians themselves, we should be as strict and uncompromising in regard to France. But could the Government say this was possible? He might be told that the French would give up their own Passenger Act and adopt ours, and that our consuls might act as emigration officers in the ports of the French colonies. But was it probable that so jealous and sensitive a nation would allow the interference of foreign officials to be more than nominal? Again, he might be told that the authorities would guarantee their proper treatment, but who was to watch the authorities in a case in which the interest of the whole community would be on one side? He did not say that the emigrants would be ill-treated, yet it was but the other day that the Governor of St. Louis was surprised by the appearance of a French war steamer in hot pursuit of free immigrants escaped from Guadaloupe, and with an account of others having been drowned in the attempt. And for how long were these poor people to be indentured? It could not be for less than five years—a long time in the history of slavery; and were we prepared, in the event of any of the emigrants being ill-treated, or their liberty improperly curtailed, to insist upon their restoration? The example of Spain showed we were not. We knew from the report of our own Consul that slaves, at the rate of 40,000 a year, were introduced into Cuba, contrary to express treaty with Spain, for which we paid her, and yet we did not demand that they should be restored to liberty. Upon these grounds he wished to ask the Secretary of State for India whether Her Majesty's Government still contemplate legalizing the exportation of natives of British India as indentured labourers to French colonies?

SCOTCH EDUCATION.

QUESTION.

MR. BLACK asked the Vice-President of the Committee of the Privy Council for Education if, in preparing the Estimates for public education, there will be any objection to state separately the grants proposed for schools in Scotland, distinguishing the amounts proposed for schools connected with the Established Church, the Free Church, the Episcopal Church, the Roman Catholic Church, and the Ragged or Industrial Schools, instead of including them in one gross sum for public education in Great Britain.

Sir CHARLES WOOD said, that the question to which the hon. Member for Stockport (Mr. J. B. Smith) had called their attention was of great importance to the commerce and manufactures, as the opening up of the navigation of the river Godavery would be of great benefit in developing the resources of the country for a distance of 500 miles. The question, had not escaped the attention of the Government, for the letter of Captain Haig which had been referred to was a report which he (Sir Charles Wood) desired that officer, a gentleman of very great intelligence and well acquainted with the subject, to make, being anxious to see in a condensed shape the result of all the information obtained as to the practicability of opening out the river, great portion of which Captain Haig had himself surveyed. Since that Report had been made Captain Haig had been authorized to commence the works for the removal of the first barrier, provided an objection of a serious nature could be got over. The barrier first to be removed was in the Nizam's territory, who was to a certain extent an independent Prince, and it would be absurd to commence works in a territory not belonging to the Indian Government, and where that Government could not protect the persons employed. It was, therefore, necessary that measures should be first taken to remove the obstacles to the work arising from that circumstance. Directions had been given to the Indian Government to enter into communications with the Nizam for the purpose of obtaining the requisite command of the territory, and when that was accomplished measures would be taken for the removal of the first barrier, which would open the navigation for 250 miles. With respect to the question of the hon. and gallant Gentleman (Colonel Sykes) concerning the closing of the 5½ per cent loan, he had to say that, immediately after he became Secretary for India, he directed that no measures should be taken to raise any further loan there without the consent of the Home Government. However, having regard to the nature of the loan, the Government, on considering the question, doubted whether it would be consistent with good faith to close the 5½ per cent loan before the end of the Indian financial year, and, therefore, no directions had been issued to close it earlier than that period, unless the entire sum raised should have been paid before that time. Seeing that not quite £2,000,000 had been raised up to the present time, he did not think there was much chance of the entire sum of £5,000,000 being taken before the end of April, at which time the loan would cease. As to the piers on the west coast of India, for the embarkation of cotton, three would be constructed in the course of the ensuing year. To the other question of the hon. Gentleman he had already given an answer. He had stated that the arrangement as to the grant of batta to the troops of the Persian expedition was, that one-half of the charge was to be borne by India, and the other half by this country. He had, in consequence of the recommendation of the Governor-General, applied to the Treasury on the subject, but had not yet received an answer. The subject involved in the first question of the hon. Member for Dumfries (Mr. W. Ewart)—the constitution of the Legislative Council—was, no doubt, a matter of considerable importance; it had engaged, and it would continue to engage the attention of the Home Government, but it was involved in considerable difficulty. Representatives of Calcutta, settlers and Native Bengal merchants, might be introduced into the Legislative Council, but the important class of landowners far up the country would not really be represented by the Native merchants. As far as that class was concerned, the Indian official servants constituted a far better representation. He had no objection to a financial statement or approved estimates being published in India; and this was done the other day, the Indian Government having published the estimates for the ensuing year; but he had objected to the publication of the estimate actually given, as from not having been corrected here, it gave an inaccurate view of their financial state. With respect to the question of the hon. Member for Shoreham (Mr. Cave) respecting the exportation of natives of India to French colonies, he might state that when he came to the India Office he found that a treaty was being negotiated with the French for the purpose of allowing the exportation of coolie labourers to those colonies in the same manner as the exportation had been legalized in regard to the British colonies, it being hoped that by that means an end might be put to the system of slave trade—

for it amounted to that—which had been carried on upon the eastern coast of Africa to the French colonies. The question was not concluded, but he could assure the hon. Gentleman on the part of the Government that in any arrangements that might be made, every care would be taken to promote the comfort and health of the coolies.

MR. H. B. SHERIDAN said, he wished to ask the Secretary to the Treasury when "Models of gasholders measuring a cubic foot, and such multiples and decimal parts of the said cubic foot," "with proper balances, indices, and apparatus for testing the measurement and registration of meters," would be deposited at the office of the Controller General of the Exchequer, in pursuance of the terms of the third section of the Act 22 & 23 *Vict.* c. 66, commonly known as the Act for Regulating Measures used in Sales of Gas?

MR. LOWE said, that in answer to the question put by the hon. Member for Edinburgh (Mr. Black), he should be very happy if it were in his power to adopt the mode of making out the Education Estimates suggested by him, but he hoped to be able to show him that it was impossible to do so. The hon. Gentleman was aware that the Estimates for Education differed in some respects from other departments, The Government was in this condition. that they offered grants to various bodies on certain conditions, and it was in the power of the latter to accept whatever they pleased. The Estimates, therefore, had to be founded on the best conjecture that could be formed of the amount of money that would be accepted by the public. The accounts were at the same time exceedingly complicated, and it would be very difficult to frame them in the way specified by the hon. Gentleman. The Estimates were under eleven heads — such as for buildings, books, pupil teachers, schoolmasters, and the like, and putting the sums for each of these heads together they endeavoured to arrive at as correct an estimate as possible of what was likely to be required for the year. If the proposition of the hon. Gentleman were adopted, however, they would have to multiply these eleven heads by five, making in all fifty-five heads under the five distinct bodies among whom the grants were divided. That would not only make the matter more complicated, but it would expose the Estimate to a much greater risk than at present of being fallacious, because, when they estimated on a large scale, they were more likely to be accurate than when they made up a great number of small details. There was another reason against the proposition of the hon. Gentleman. The principle of the present system was, that each denomination, in receiving the public money for its own educational purposes, was content to waive its objections to all other denominations which it believed to be in error, receiving it too. It was a sort of truce, by which every particular denomination waived all objections to others getting the public money on consideration of receiving it for themselves. Now, if the proposition of the hon. Gentleman were adopted, it would be found that debates would take place on all the grants. It would be impossible to keep peace among the different bodies. They would have a regular hunt, each denomination turning out to hunt down the others. That would not be a desirable state of things. The hon. Member had asked for an account of the expenditure; but he would find that this was usually given in the tables annexed to the Estimates. He wished the hon. Member would distinguish between estimates and accounts. An account in the fullest detail would be willingly given, but he (Mr. Lowe) greatly objected to breaking up the Estimates into a number of small portions, merely for the purpose of giving an opportunity for a great number of debates on merely denominational questions. For these reasons he could not comply with the request of the hon. Gentleman.

MR. LAING observed, in reply to the question of the hon. Member for Dudley (Mr. Sheridan), the Act of Parliament to which he had referred imposed upon the Treasury duties which that department was unfitted to discharge. The object of the Act was to supply the public with a standard measure of the foot of gas, and the Treasury had called the Astronomer Royal to their assistance, and with that assistance a model gas-holder had been prepared as prescribed by the Act of Parliament, and it had been deposited in the office of the Exchequer. The Act further required that copies of the model should be sent to the Lord Mayors of London and Dublin and the Lord Provost of Edinburgh, and those copies had been sent. The whole duties thrown upon the Government had, therefore, been duly performed. He believed the Astronomer Royal was the only person who really understood the Act of Parliament, and he stated that it was very defective, and he doubted whether it would be of practical utility without further legislation. At present the Government had no power to compel private companies to avail themselves of the models provided, and therefore it would remain a good deal with the local authorities of the different towns as to how they would apply the measure and prevent fraud. The Astronomer Royal was devoting his attention to the subject, and he would shortly make a report to the House, and then it would be seen whether further legislation would be necessary.

Mr. E. P. BOUVERIE said, he did not wish to add another to the twenty speeches they had heard, but could not help calling attention to the example they had had of the moderation of hon. Members in making use of the privilege they had of putting questions and making speeches on the Motion for adjournment till Monday. They had been taken over the whole of the world, and had heard discussions on almost every conceivable subject. They began with an airing in the parks, and then took a sail down the river Godavery; from thence a journey to Morocco was deemed advisable, and then a trip to Jersey. Then, after travelling over a great part of the world, they amused themselves with discussing such matters as education estimates, exportation of coolies, and some thirteen or fourteen subjects of similar interest. He could not think this was a course of procedure calculated to add lustre or dignity to their proceedings. Friday was fixed for Orders of the Day; but these had been neglected in order that hon. Members might have an opportunity of bringing forward questions on which they happened to take an interest. Such a course of proceeding must be thought by any stranger who happened to be present unworthy of the first assembly in the world.

Mr. WILLIAMS said, if the Motion of the right hon. Gentleman had been carried, it would have been of the utmost possible convenience to the House in passing the Estimates. It had been rejected, but he would call upon the Government to go on with the Estimates on Mondays, and to give up their precedence on Fridays.

Motion *agreed to.*

House at its rising to adjourn till *Monday* next.

Mr. Laing

PROBATE AND ADMINISTRATION (INDIA) BILL.

SECOND READING.

Motion made and Question proposed, That the Bill be now read a Second Time.

Mr. CRAWFORD said, the object of the Bill was to give persons holding certain Indian securities in this country the power of taking out letters of administration, but he thought the Government had lost sight of the fact that there were notes issued in India upon which interest was received in this country, and it would be a great convenience to the holders of those securities if the same privilege were extended to them.

Colonel SYKES said, that if a person lent money at Bombay or Madras, and died possessed of property at Calcutta, administration granted at one place was of no effect in the other. Power ought to be granted by this Bill so that one administration should suffice, whether the property was in India or in England.

Sir CHARLES WOOD said, that the questions of details raised by the hon. Members could best be discussed in Committee on the Bill. In reply to the question relative to the loan, by the Act of 1858 a loan of £8,000,000 was authorized to be raised on debentures. By the Bill of last year power was given to raise £7,000,000 by way of debenture, of which £5,000,000 had been raised when he came into office. After he had assumed office, he proposed to raise £5,000,000 more by debenture or stock, and at the time he obtained that power he stated, that there was an unexercised power of raising £2,000,000 as well as the £5,000,000 he proposed to raise. Instead of raising the latter amount by debentures, he raised it by stock. That operation had succeeded better than anybody had expected. He postponed taking any steps with regard to the debentures until after that period. His object was to add to the stock and not to the debentures to the extent of the other sum of £2,000,000; it being acknowledged that the larger amount of stock the better, and his desire being not to add to the debenture debt. He had therefore issued debentures for £1,000,000 for a limited time, meaning to convert them into stock (which would be saleable as it was wanted) after the period of the debentures becoming payable. A second issue of debentures had taken place, which were not yet payable; but it would be satisfactory to the country to know that the western portion of the empire was about to make a considerable investment in the stock of the eastern portion of Her Majesty's dominions. He was happy to state that the Governor General of Canada had applied to him for upwards of a £1,000,000 Indian stock, to be appropriated for that colony. Independently of pecuniary considerations, it was a satisfactory thing that one portion of our colonial empire was prepared to take the surplus stock of the other. He had therefore willingly acceded to the request, and Canada had taken the whole of the first £1,000,000 issued on debentures, and a considerable amount of the second £1,000,000 of debentures, which would become payable in April. It was a gratifying circumstance that £1,300,000 of the second £2,000,000 of the Indian loan should be taken by the Canadian Government. The remainder would be available whenever it might be thought desirable that it should be taken by the public, for which there was no hurry. He was happy to say that the greater portion of Indian stock which had been created was taken, not by the great capitalists, but by persons of moderate means, and it had now passed into the category of permanent investments. That was the most satisfactory way in which the stock could be held, and it showed the confidence which was felt in the future of our Indian Empire.

Motion *agreed to.* Bill read 2°.

PETITIONS OF RIGHT BILL.

SECOND READING.

Order for Second Reading read.

MR. BOVILL moved that the Petitions of Right Bill be now read a Second Time.

SIR GEORGE LEWIS said, he regarded the measure, on the whole, as a very valuable one, and thought the hon. and learned Member deserved the thanks of the House for the care and attention he had bestowed on a subject of considerable obscurity, which did not lie within the usual reading of even an accomplished practitioner at the bar. There was, however, one point in the Bill he wished to bring under the notice of the House. Although the monarchy of Great Britain was a constitutional and limited one, still the law assumed that the Crown was actually sovereign and supreme, and that no subject could sue the Crown. That, however, was merely a technical view of the matter, and, practically, the Crown submitted to be sued, but not in the ordinary way. The subject must approach the Crown by the presentation of a Petition to the Home Office, which was referred to the Attorney General, who, if he approved it, wrote on it "Let right be done." Having received his sanction, the action, could be proceeded with in the ordinary way. In the measure before the House it was proposed that the reference in the first instance should be made, not to the Attorney General, but to the Lord Chancellor, for the purpose, he presumed, of having the permission given by a judicial officer. Now, there was no reason whatever why the application should be made to the chief of any court of law, and if the Lord Chancellor were fixed upon as referee this inconvenience would arise, that he might be called upon to hear as an appeal a suit which he sanctioned in the first instance. It appeared to him that the application had better be made, as at present, to the Home Secretary, and through him to the Attorney General, and he hoped, therefore, the hon. and learned Member would consent to modify his Bill with that view in Cammittee.

THE SOLICITOR GENERAL said, he could not but admit that the proceeding by Petition of Right was somewhat cumbrous, but he doubted whether, as had been stated, it amounted to a denial of justice. He was willing, however, to give his approval to the general principle of the Bill, although he concurred with the right hon. Baronet (Sir G. Lewis) in the belief that the petition should be referred, as at present, to the Attorney General, and not to the Lord Chancellor. The privileges which the Crown possessed, such as choosing the venue in any suit with a subject, fixing the time for the trial to take place, and so on, he thought ought to be retained. At least, that was a question which would require careful consideration in Committee.

MR. MONTAGUE SMITH remarked, that he saw no reason why an individual in a suit between himself and the Crown should not have the same right to obtain justice as in a suit with another subject, and therefore cordially supported the valuable measure of his hon. and learned Friend.

MR. BOVILL said, that there were not wanting precedents for proceeding directly against the Crown. In matters connected with India a subject could bring an action against the Government as represented by the Secretary of State for India, and in the same way a suit could be instituted in Scotland against the Crown in the person of the Lord Advocate. Again, great inconvenience in cases where the Crown had to be sued in connection with matters relating to the Crimeam war having arisen, the War Office, in the case of contractors, sanctioned actions against the Government in order to surmount the difficulty. He did not, however, propose to establish the power of bringing actions directly against the Crown. The form of a Petition of Right was an essential feature of the measure, and he had introduced provisions expressly to guard against frivolous and vexatious proceedings on the part of subjects. He had thought it much more desirable that the petition should be submitted to an independent judicial mind, than to a law officer of the Crown, who might afterwards be called on to take part in the trial. The Bill, as originally introduced, did not provide for a reference to the Lord Chancellor; but a clause was subsequently embodied in it making such a reference necessary in all cases—the object being that the Lord Chancellor, as the highest judicial officer of the Crown, should nominate the court in which petitions were to be tried, and exercise a control over the proceedings.

Sir GEORGE LEWIS said, in explanation, that his objection had not been answered by the hon. and learned Member. Under the present law there was no power of suing the Crown, except by a petition addressed to the Crown, and by previous consent given through the Attorney General to the institution of a civil suit against the Crown. The hon. and learned Member, by this Bill, said he maintained the Petition of Right; but he addressed the petition, not to the Crown, but to another quarter, and gave the Lord Chancellor, who was a judicial officer, the power of saying "Let right be done," instead of allowing that power to be exercised by the Attorney General. His (Sir G. Lewis's) objection to that was, that while retaining the form of the Petition of Right, the hon. and learned Member had substantially altered its character. He would suggest that when the Bill was in Committee it would be well to consider whether it would not be desirable to replace the name of the Attorney General for that of the Lord Chancellor.

Motion *agreed to.*

Bill read 2°.

NEWSPAPER, &c., BILL.

COMMITTEE.

On Motion that the House go into Committee on this Bill,

Mr. Bovill

Mr. SPOONER complained that the hon. Member who had charge of it (Mr. Ayrton) had never stated its objects, and he asked him to do so.

Mr. AYRTON said, in the last Session he had fully explained the objects contemplated by it; that he felt it altogether superfluous to repeat what he had then said. After having been amply discussed and considered it was passed by the House, but time did not admit of its being carried in the Lords. The first object of the measure was to repeal a statute which was passed under the threat of an invasion by France during a time of great tumult. The House, he thought, could hardly desire to continue the stringent provisions of an Act which was intended to give the Executive Government of that day additional powers of maintaining the peace of the country. It was necessary at that time, when an invasion was threatened, to take stringent measures to prevent correspondence with the enemy. Some classes of people, who were supposed to be mischievous, were required to register themselves, and so be brought immediately under the cognizance of the Government. Everything printed was registered under the eye of the Government, in order that no treason or sedition might be hatched. He trusted that society in this country at the present day was not to be considered in such a lamentable state as to render the continuance of such restrictions necessary. The Bill also sought to repeal a statute which provided that persons publishing newspapers should enter into recognizance for their good behaviour, as it were, and which did that in a manner, as he submitted, at variance with one of the first principles of law. Was it not monstrous, he asked, that, because a man undertook a laudable occupation, he was, at the very outset of it, to be treated as if he had been convicted of a crime? The Bill repealed a third statute which rather aggravated the evil to which he had just alluded by increasing the amount of the recognizances. That was the whole scope of the measure. The subject had been investigated both by the present and the late Government, and after consulting with the law officers of the Crown they came to the conclusion that all these were gratuitous and unnecessary restrictions, and ought to be dispensed with.

House in Committee.

Sir G. LEWIS said, that understanding the Bill was exactly in the form in which it passed last Session, he should advise the House to agree to it.

MR. SPOONER said, he had no objection to the Bill, but he thought it right to object to the passing of a mere piece of paper of which the House knew nothing.

Bill *considered* in Committee, and *reported* without Amendment; to be read 3ª on *Monday* next.

DUCHY OF CORNWALL (LIMITATION OF ACTIONS) BILL.

LEAVE. FIRST READING.

THE SOLICITOR GENERAL said, he had to move for leave to bring in a Bill for the Limitation of Actions and Suits by the Duke of Cornwall in relation to real property, and for authorizing certain leases of possessions of the Duchy. Some time previous to the year 1856 a question arose as between the Crown on the one hand, and the Duchy of Cornwall on the other, as to the property and rights in certain mines and minerals in the county of Cornwall lying between high and low watermark, on the shore of the sea, and under the beds of tidal streams or arms of the sea. The question being one of some importance, was referred to the decision of Sir John Patteson, one of the late Judges of the Court of Queen's Bench, and in 1856 he delivered his award and decided the question in favour of the Duchy. Another question of no moment, as to the title to minerals under the bed of the sea, was decided at the same time in favour of the Crown. Application was made in 1858 to confer on the award of Sir John Patteson the authority of Parliament and public law, and accordingly the Cornwall Submarine Act was passed, confirming that award. In the course of its passage through that House, however, it was suggested by Gentlemen connected with the county of Cornwall that unless a further provision was added at some period to the Bill, injustice might be done, arising from a doubt which existed in various places as to the real proprietorship of the property. It appeared that an idea had even been entertained that neither the Crown nor the Duchy were entitled to the mines and minerals in question, but that they were the property of the neighbouring landowners, and in many cases expenses had been incurred with reference to the improvement of property which the parties would entirely lose unless a provision were made to give them some advantage which they did not at present possess. It was therefore urged that as they were about conclusively to determine that the property was in the Duchy, the Act of George III., which imposed a limit of 60 years, upon the legal maxim, *Nullum tempus occurrit legi*, ought to be applied to the Duchy, and an assurance was given that on an early opportunity the consent of Parliament should be asked, to put the Duchy, in respect of *nullum tempus*, on the same footing as the Crown. In redemption of that assurance the present Bill was proposed. It contained two short clauses—one extending the *nullum tempus* Act to the Duchy, and the other empowering the council of His Royal Highness, during his minority, to make certain leases. The leasing clause was to prevent any loss falling on persons embarking their capital in mines in respect of which there might be a disputed title.

(Queen's *Consent* signified, on behalf of the Prince of Wales, as Duke of Cornwall).

Leave given;

Bill *ordered* to be brought in by the SOLICITOR GENERAL, Viscount PALMERSTON, Sir GEORGE LEWIS, and Sir WILLIAM DUNBAR.

Bill *presented*, and read 1°, and referred to the Examiners of Petitions for Private Bills.

ROMAN CATHOLIC CHAPLAINS IN IRISH WORKHOUSES.

CORRESPONDENCE MOVED FOR.

MR. HENNESSY, in the absence of the hon. and learned Member for Dundalk (Mr. Bowyer), said that he wished to move that the Return presented on the 17th day of August, 1857, in pursuance of an Order dated the 9th day of June, 1857, containing correspondence relating to the Roman Catholic chaplaincy of the workhouse of Bailieborough Union, be printed.

SIR GEORGE LEWIS said, he felt it his duty to oppose the Motion. The correspondence had been moved for three Sessions ago by an hon. Gentleman, who, however, abstained from moving that it should be printed. It was at that moment upon the table, and consisted of a mass of paper nearly one foot in thickness; but whether it would be desirable to print it was a point for the House to consider. The question under discussion was, he believed, whether the salary of a Roman Catholic chaplain to a workhouse should be £20 or £30. It was true that the cost of printing the Return would only be about £200; but as when it was printed few hon. Members, and certainly not he, for one, would read it, and as the hon. Member could see the Return in manuscript in the library of the House, he (Sir George Lewis) thought he was only acting in the interest of the public in proposing to negative the Motion of the hon. Gentleman.

Mr. HENNESSY observed, that since the Return had been ordered the Irish Bishops had communicated with the Government as to the salaries of Roman Catholic chaplains in workhouses; and the correspondence in question, although relating to an individual case, had a general interest.

Sir GEORGE LEWIS observed, that the correspondence referred to took place in 1857.

Motion *negatived.*

House adjourned at Nine o'clock, till Monday next.

HOUSE OF LORDS,

Monday, February 6, 1860.

Minutes.] Public Bills.—1ª Royal Naval School; Companies (1860).
2ª Court of Chancery.

COUNTY COURTS.

RETURNS MOVED FOR.

Lord BROUGHAM, in moving for Returns connected with County Courts, called the attention of the House and of his noble and learned Friend on the Woolsack to the enormous amount of business which was performed, and he believed satisfactorily performed, by the Judges of those Courts. From 1854 to 1857, three years, there had been an increase in the number of plaints from 536,000 to 744,000. The number of causes tried, and where the parties complaining obtained their purpose, either by a judgment or by the money having been paid into court, had increased from 250,000 to very nearly 400,000. The sums received had increased from £1,500,000 to nearly £2,000,000. The number of suits for sums between £20 and £50 constituted by far the larger proportion of this increase, and these were the causes in which the Superior Courts had concurrent jurisdiction in point of fact. For lower sums the number of causes had not increased in the same proportion, but still they had very largely increased. By the last Returns the number of causes actually tried, and where the parties had obtained the fruits of the trials, amounted to 400,000, and the sums actually received to £1,200,000. He had tried to discover how much of this was for causes under £20, and how much for causes between £20 and £50, and on no calculation that he could make did the amount received for the larger class of causes amount to a less sum than £200,000 of the £1,200,000. This was an important consideration with respect to the labours of the County Court Judges as compared with the Judges of the Superior Courts. There were ten circuits over England and Wales, and two in the metropolis, in the course of the year. The number of causes adjudicated at these circuits in the course of the year were about 1,200, but the amount covered by these causes he had no means of ascertaining; but they must be much less—greatly less—than the lower of the sums he had mentioned as adjudicated upon in the County Courts—the sum of £200,000; he had no doubt at all that they were very far below the larger sum. Under these circumstances he looked to his noble and learned Friend to assist him in his endeavours to extend the jurisdiction of these Courts still further, not only by adding equity jurisdiction to them, but also by extending their jurisdiction beyond the sum of £50. He would also wish to call the attention of his noble and learned Friend to the consideration that the labour of the County Court Judges had very greatly increased of late years; and it was said that they did not afford such relief to the Superior Courts as had been expected, and in consequence of changes in procedure the labour of the latter had increased, for no doubt the number of causes tried had diminished; the change which permitted two counsel to plead for each party had greatly increased the time occupied in the trial. The change, he believed, had tended greatly to the furtherance of justice and to the elucidation of the cause before the Court and jury, but it caused considerable delay. On the other hand, he considered that the alteration he introduced by his Bill of

1851, by which parties were allowed, and in some cases compelled, to give evidence in their own causes, had tended greatly to shorten the proceedings, to diminish the number of causes, and to lessen the time consumed in each case. The noble and learned Lord concluded by moving an Address for—

> "Return of the Total Number of Plaints entered in each County Court for Sums above £20 and not exceeding £50, from the 14th August, 1850 to the 31st December, 1857; and also a like Return of the Number of such Plaints in each Year from the 1st January 1858 to the 31st December 1858, and from the 1st January 1859 to the 31st December, 1859."

RIFLE VOLUNTEER CORPS.

QUESTION.

LORD VIVIAN rose to ask a question as to the intention of the Government with respect to the farther encouragement of Rifle and Artillery Volunteer corps. The noble Lord accompanied his question with certain remarks, which, from his Lordship speaking with his back to the gallery, were totally inaudible, though their purport may be gathered from the reply.

EARL DE GREY AND RIPON said, Her Majesty's Government fully concurred with his noble Friend in the high appreciation he entertained of the loyal and patriotic spirit which had prompted such large numbers of the community voluntarily to come forward and offer their services to Her Majesty in Rifle and Artillery corps. Those offers had been made under very remarkable circumstances. They had not been made, as in the time of the old Volunteers, under the immediate apprehension of war or invasion. They had been made calmly and deliberately, with the view to supplement the defences of the country, the necessity of which had been pressed on the public mind; and they had been made, too, in a manner which, so far, he thought, encouraged the hope that the Volunteer force would become in the course of time to a great extent a permanent institution of the country. But, in reference to the Question put by his noble Friend, it must be borne in mind that the nature of Volunteer corps, as they were now being raised, was essentially that they came forward and offered their unpaid, voluntary services to the country; and it would be inconsistent with their present character to become a charge on the public revenue. That, he believed, was the principle on which it was originally intended by the late Government that these corps should be established, and it was also the view of Her Majesty's present Government. Her Majesty's present Government, indeed, had gone beyond what was originally intended by the late Government with regard to the assistance to be rendered to those corps. At an early period after the present Government came into office, his right hon. Friend the Secretary of State for War intimated an intention on the part of the Government to supply rifles to 25 per cent of the effective volunteers. Since then the percentage had been gradually raised, until at the present time the possession of a rifle had been guaranteed to every effective member of a Volunteer corps. But when his noble Friend went further than that, and suggested that the Government should supply the volunteers with uniforms, his noble Friend asked the Government to do that which was inconsistent with the character of this force, which was a force that came forward offering voluntary services to the Crown, and to which the Government had thought it right to supply the arms necessary for its efficiency. He was unable to assure his noble Friend that Her Majesty's Government intended to supply clothing to the volunteers. It had appeared to his right hon. Friend the Secretary of State for War that a more material service would be rendered to the volunteers, and one more consistent with the origin of the force, if the Government were to assist them in making themselves efficient in their drill and military instruction. He was therefore authorized to state that the Government have it in contemplation to afford assistance in the way of obtaining the services of paid and efficient adjutants, which would be more valuable assistance than that of clothing the volunteers; because they will be then enabled to secure the services of military officers well and thoroughly instructed, and who will be able to conduct their drill on sound principles. Having regard to the position which this Volunteer movement had now assumed—embracing as it did, he was happy to be able to state, between 60,000 and 70,000 men at this time, and the number was increasing every day—the question now was, how such a force could be properly organized and instructed. For that purpose an Inspector of Volunteers, Colonel M'Murdo, an officer of experience, had already been appointed, who was to be assisted by six Assistant Inspectors, who would take different districts of the country, and visit the various corps, and superintend their organization from time to time. A plan was also now in contemplation for arranging the corps throughout the country into battalions — interfering, however, as little as possible with their special arrangements and local organizations,—each of which battalions would be provided with a military officer as adjutant. With regard to the Artillery Volunteers, his noble Friend advanced a further claim than he urged in the case of the Rifle Volunteers. For the Rifles his noble Friend was content to ask for clothing, targets, and ammunition; but for the Artillery Volunteers he claimed, in addition, that they should be paid for each day's drill. That certainly appeared to be inconsistent with the principles on which those corps were being raised, besides instituting a distinction of an individous character between Artillery and Rifle Volunteers. The Government already afforded valuable assistance to the Artillery Volunteers; they supplied them with guns complete, with instruction, and with ammunition; but to go beyond that, and pay them, seemed to him (Earl de Grey and Ripon) to be wholly inconsistent with the character of the force. Did his noble Friend suppose the Government would pay those men for their day's drill under the existing Act of Parliament, according to which any one of them might withdraw from the service after giving fourteen days' notice? Surely it was impossible to do that, seeing that such corps might at any time be dissolved after fourteen days' otice. He (Earl De Grey and Ripon) earnestly trusted that the measures which had been taken and were in contemplation by the Government were such as would give to this force a permanent character. It was highly desirable that these corps should become part of the military institutions of the country. Besides the interest which attached to the service of the Artillery and Rifle Volunteers, if they who joined these corps attended as far as might be to their military duties and training, he believed, from what he had seen and heard, that their efficiency might be raised to a very high pitch indeed under the voluntary system. Very many of the regiments formed within the last few months, by constant attention to drill had attained such a state of efficiency and aptitude as to excite the surprise and admiration of military men of high rank and experience who had seen them. He believed the same patriotic spirit in which the Volunteer Movement had originated would continue to maintain it and lead to its being eventually made a permanent institution of the country. He believed the measures taken, and to be taken, by the Government in aid of that result would be sufficient for the purpose, and were the only measures to which recourse could be had, consistently with the character of the force and the principle on which it had been formed. He trusted the large force which had been raised, and which was receiving fresh augmentation daily, would be found of the greatest utility, and go far to induce the feeling that we had a reserve in this country on which we might to a great extent rely for the protection of our shores in the event of their being threatened with danger, and which, in such times, might occupy our garrisons and enable us to set free our regular troops for service in the field.

The Earl of ELLENBOROUGH remarked, that no reply had been given with reference to the Government finding drill sergeants.

Lord WENSLEYDALE said, he had served in the Volunteers fifty years ago, and he was promoting the formation of a corps in his neighbourhood; but it was a great tax on them to pay the drill sergeants.

Earl DE GREY and RIPON said, it was not at present the intention of the Government to pay drill sergeants for every company of Volunteers. There was a very large number of companies throughout the country. The Government hoped, however, that when the Adjutants were generally appointed they would themselves be able to superintend the drill of each corps. It was intended that sergeants of the line, discharged with the consent of their commanding officers, should be allowed to reckon their time of service with Volunteer corps for pension at the rate of one month for every two months' service with the Volunteer corps.

THE COMMERCIAL TREATY WITH FRANCE.—QUESTION.

The Earl of DONOUGHMORE said, the greatest possible anxiety existed amongst commercial men to know the terms of the treaty which had lately been entered into by Her Majesty with the Emperor of the French. The treaty was ratified on Saturday last, and was to have been brought before the other House that evening with the Budget, but an unfortunate circumstance had prevented the Chancellor of the Exchequer making his financial statement. He, however, could not see why that circumstance should prevent the production of the treaty, and he hoped the noble Earl opposite (Earl Granville) would not object to lay it on their Lordships' table. But if any reason did exist for the non-production of the treaty at present, which he confessed he did not see, perhaps the noble Earl would state whether the summary of the treaty which had appeared in *L'Indépendance Belge*, and been republished by some London journals, gave, on the whole, a fair and correct representation of its provisions.

Earl GRANVILLE regretted that the noble Earl had not given earlier notice of his Question, as in that case he might have been pressed to give a satisfactory answer; but at present all he could state in answer was that, not being a subscriber to the *Indépendance Belge*, he could not say whether the *résumé* referred to was correct or not. The unfortunate indisposition of the Chancellor of the Exchequer having rendered it necessary to postpone the financial statement, it was thought best to defer the production of the treaty until the whole subject could be brought under the notice of Parliament.

The Earl of DERBY said, he could not acquiesce in the doctrine that it was necessary to postpone the production of an important paper because the Chancellor of the Exchequer was unable to make his financial statement. No doubt if it were produced beforehand it would take off the gloss from a portion of the facts which the right hon. Gentleman had to announce, but the public advantage in reference to the discussion upon the Budget itself, as well as the state of public affairs generally, were in favour of having so important a treaty laid on the table at the earliest possible period, in order that there might be ample time for the fullest consideration of it in all its bearings—financial, commercial, and political. He therefore hoped that if the treaty were in the possession of the Government, they would not wait until the Budget was brought forward before making it known to their Lordships.

Earl GRANVILLE said, however desirable it might be that the treaty should be considered without delay, not only in its commercial, but in its political aspect, it was also clearly very desirable that the public should be enabled to judge of all the facts laid before them at one and the same time.

Lord MONTEAGLE thought that whatever information they got with regard to the treaty should be complete, and not in a shape which would only puzzle and mislead.

House adjourned at Six o'clock,
till To-morrow half-past
Ten o'clock.

HOUSE OF COMMONS,

Monday, February 6, 1860.

Minutes.] Public Bills.—1° Registration of Births, &c., (Scotland).
2° Prisons (Scotland) Acts Continuance.
3° Newspapers, &c.

POSTPONEMENT OF THE FINANCIAL STATEMENT.

Viscount PALMERSTON: I take the earliest opportunity of appealing to the indulgence of the House, and to advert to the course of business with respect to the Financial Statement. The House is probably aware that in consequence of the unfortunate indisposition of my right hon. Friend the Chancellor of the Exchequer, he is unable to bring it forward to-night as he had intended to do. I trust that there is good reason for hoping and believing that on Friday night he will be in a condition to make his statement to the House. That statement will probably involve a considerable length of speech, and it will be desirable for my right hon. Friend to have the interval between this and then in which to regain his powers. I shall not have occasion, therefore, to ask the House to depart from its usual course of business on Thursday. Friday being our own natural day, my right hon. Friend will, I trust, make his statement on that day. I beg accordingly to give notice that on Friday night the Chancellor of the Exchequer will make his financial statement to the House.

Mr. DISRAELI: I am sure we have all heard with universal regret the cause of the delay. I wish to ask the noble Viscount whether the commercial treaty with France, if it is ratified, will be laid on the table previous to the financial statement on Friday?

Viscount PALMERSTON: It is the intention of my noble Friend the Secretary of State for Foreign Affairs to lay the Treaty on the table on Friday.

Mr. BAXTER wished to ask the noble Viscount when it was proposed to take the debate on the Financial Statement and Treaty?

Viscount PALMERSTON: My right hon. Friend the Chancellor of the Exchequer will make his statement on Friday, and it will then be for the House to decide, according to its pleasure, when the discussion arising from it shall take place.

ST. GEORGE'S-IN-THE-EAST.

QUESTION.

Mr. BYNG called the attention of the Secretary of State for the Home Department to the outrages which had taken place on the previous day in the parish church of St. George's-in-the-East, and asked, Whether it was the right hon. Baronet's intention, either by legislative enactment or by giving more explicit directions to the police, to prevent, if possible, the repetition of such scenes in future?

Sir GEORGE LEWIS: Before I answer the question of my hon. Friend, I must demur to the phraseology which he employs in designating the scandalous scenes which occur on the Sundays in the church of St. George's-in-the-East by the name of outrages. There is nothing, so far as the matter has been reported to me—and I have received to-day reports of what took place at the several services yesterday—which amounts to what is ordinarily understood as an "outrage," that is to say, a forcible breach of the peace. There is certainly one sense of the word "outrage," which may be applied to what is undoubtedly an offence against the decorum and propriety of public worship. But the House is aware that the law does not arm the police with a power of summary interference in case of a noisy disturbance, or an interruption of silence and order during public worship. I have taken the steps which appeared to me necessary for maintaining the public peace; and as far as I could collect the feeling of the House upon a former evening, there appeared to be many Members who thought I had gone even further than I was justified in going for the purpose of preventing disturbances. The steps which I have taken and which have been taken by Sir Richard Mayne, the Chief Commissioner of Police, appear to me adequate for the purpose of preserving public order and preventing breaches of the public peace. Further than that I am not prepared to go; and I can only express my regret that the mode of performing Divine worship at St. George's-in-the-East, which the incumbent thinks fit to adopt, should be such as to create so much popular excitement.

THE STADE DUES.

QUESTION.

Mr. J. L. RICARDO asked the Secretary of State for Foreign Affairs, What course the Government have taken in reference to the Stade Dues, and how far they have acted in accordance with the Report of the Committee appointed in the last Parliament to consider the subject?

Lord JOHN RUSSELL: In answer to the hon. Gentleman I beg to state that I found that an opinion upon this subject had been given by the law officers of the late Government, I thought it proper, however, that the matter should be further investigated, and I submitted the question to the present Law Officers of the Crown. Their report, which is a very learned and able one, is to the effect that the only practical mode of dealing with the Stade Dues is to negotiate with a view to compensation being given for their remission. I have accordingly proposed to the Hanoverian Government that the treaty, which will expire in the course of a month, should be renewed for a few months longer, with the view of negotiating, in conjunction with the other States interested in the question, for the abolition of the dues on the ground of redemption.

SCHOOL SHIPS.

QUESTION.

Mr. HORSFALL asked the Secretary to the Admiralty, Whether it was the intention of the Government to carry out the recommendation of the Manning Commission, as to placing twelve School Ships at the principal Commercial Ports; and if so, the probable time that will elapse before the scheme may be in operation?

Lord CLARENCE PAGET: The hon. Gentleman is probably aware that the Commissioners for Manning the Navy recommended two distinct schemes for the education of boys. The first was that 2,000 boys should be brought up in training ships for the navy, all of them to belong to the navy. The second was, that there should be another class of boys which should be educated, partly at the public expense, and partly at their own expense; and that for them an additional number of training ships should be provided. The Admiralty have taken a very large sum in the Estimates I have just laid upon the table for the general schemes of the Royal Commission; but we found that a very great expenditure would be incurred in preparing training ships for the Royal Naval Volunteers, and also for the boys included in the first scheme, that the Admiralty think it would not be wise, at present, to hold out any hopes that ships will be prepared, during the ensuing financial year, for carrying further the scheme of the Commissioners in this respect; but I can assure the hon. Gentleman that we are fully alive to the importance of that matter, and we shall be very glad at some future period to take up this scheme of the Commissioners.

EDUCATION IN SCOTLAND.

QUESTION.

MR. CAIRD asked the Lord Advocate, Whether it is the intention of Government to introduce any measure this Session respecting Education in Scotland?

THE LORD ADVOCATE said, that it was his intention to submit to the Government a measure for the purpose of regulating or abolishing tests in parochial schools in Scotland.

CORONERS' FEES.—QUESTION.

MR. COBBETT asked the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to introduce any measure during the present Session to alter the Law as regards the payment of Coroners' Fees and Expenses.

SIR GEORGE LEWIS said, there was considerable uncertainty and inconvenience in the present state of the law with respect to the payment of those fees and expenses, on account of the conflicts between county magistrates and coroners as to the fees and expenses of the latter. The county magistrates frequently disallowed the expenses, and there was no appeal to any third power. The Secretary of State was often applied to, but had no jurisdiction in the matter. It was his intention, under these circumstances, to bring in a Bill for the purpose of giving to the coroners an appeal to the Court of Queen's Bench in disputed cases respecting the payment of fees and expenses. He hoped that before long that power of appeal would lead to a decision of all the principal points in dispute, and if the law laid down by the Court were not satisfactory to the House, an amending measure might then be introduced.

GOVERNOR OF THE CAPE OF GOOD HOPE.—QUESTION.

MR. ARTHUR MILLS asked the Under-Secretary of State for the Colonies, Whether there is any objection to lay on the Table of the House the Correspondence which has taken place between the Colonial Office and Sir George Grey, respecting his recall from the Cape of Good Hope, and his subsequent return to the Government of that Colony?

MR. CHICHESTER FORTESCUE said, the Secretary of State had no intention to volunteer the production of these papers, but if any hon. Gentleman moved for them he should make no objection to produce them.

IRISH ECCLESIASTICAL COMMISSION.

QUESTION.

MR. VANCE asked the Chief Secretary for Ireland, Whether it is the intention of Her Majesty's Government to bring in any Bill during the present Session for the better regulation of the Irish Ecclesiastical Commission.

MR. CARDWELL said, a Bill had been drawn by the Commissioners and was then in his hand; and when he had an opportunity to introduce any Bills on the subject of Ireland he would state the course which he intended to pursue with regard to it. He was not prepared, at present, to give any notice of Irish measures, except a measure on the subject of the tenure of land in that country.

PROBATE AND ADMINISTRATION (INDIA) BILL.—COMMITTEE.

House in Committee, according to Order.

(In the Committee.)

Clause 1.

In reply to Mr. GREGSON,

SIR CHARLES WOOD said, the first clause of the Bill was not limited to notes registered and transferable, but applied also to "enfaced notes" which continued to be held by the proprietors, and were presented periodically for the half-year's interest. Also, that the clause did not include notes carrying coupons; but he had no objection so to alter it as to place the holders of them in the same position as the holders of "enfaced notes," provided the holders of notes with coupons attached would consent to allow themselves to be placed in the same position as the holders of "enfaced notes," that is, to receive their interest only by drafts from the India House.

Clause *agreed to*, as were the remaining clauses.

House resumed.

Bill *reported*.

PRISONS (SCOTLAND) ACTS CONTINUANCE BILL.

SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE said, the Bill was only intended to be in force for a year, to enable the proceedings that were going on under the old Act to be completed. Next Session he intended to bring in a Bill to place the management of the prisons of Scotland on an entirely new footing. But it was absolutely necessary, in order to enable some money to be raised, to proceed with this Bill.

MR. CAIRD gave notice of his intention to propose some Amendments in Committee.

Bill read 2°.

REGISTRATION OF BIRTHS, ETC. (SCOTLAND) BILL,

LEAVE. FIRST READING.

SIR WILLIAM DUNBAR moved for leave to bring in a Bill.

> "To amend two Acts of the seventeenth and eighteenth years, and of the eighteenth year, of Her present Majesty, relating to the Registration of Births, Deaths, and Marriages in Scotland, and also an Act of the nineteenth and twentieth years of the same reign, relating to the Law of Marriage in Scotland."

After stating the provisions of the Acts of 1854 and 1855, the hon. Gentleman said that time and experience had developed deficiencies and suggested improvements in those measures, and hence the necessity for the present Bill. As the measure was one entirely of detail he would defer any further explanation until the Bill was in the hands of Members.

Sir Charles Wood

Leave given;

Bill *ordered* to be brought in by Sir WILLIAM DUNBAR, Sir GEORGE LEWIS, and the LORD ADVOCATE.

Bill *presented* and read 1°.

House adjourned at a Quarter after Five o'clock.

HOUSE OF LORDS,

Tuesday, February 7, 1860.

MINUTES.] PUBLIC BILLS.—1° Newspapers, &c.

THE BILLS FOR THE CONSOLIDATION OF THE CRIMINAL LAW.

EXPLANATION.

LORD LYNDHURST said, he wished to call the attention of his noble and learned Friend on the woolsack to certain Bills for the improvement of the Criminal Law which his noble and learned Friend had laid on the table a few days ago. He found that those Bills were not confined to the consolidation of the Criminal Law, but that they extended to its amendment. The noble and learned Lord, when he laid those Bills on the table, said he had not read them.

THE LORD CHANCELLOR: Oh, no I said no such thing.

LORD LYNDHURST certainly understood his noble and learned Friend to have said so; but if his noble and learned Friend had read the Bills, then it became of still more consequence that he should call his attention to the subject. He found in looking at one of these Bills, that in one of the sections, the crime of wilfully setting fire to premises was to be punished with seven years' penal servitude; but in a section or two further on, he found that the attempt to set fire to premises—the attempt only—was to be punished with a sentence of fourteen years' penal servitude; and with this apparent inconsistency he thought it his duty to call the attention of his noble and learned Friend to the subject before the Bills were brought forward for a second reading, as he placed every confidence in the accuracy of his noble and learned Friend.

THE LORD CHANCELLOR said, if his noble and learned Friend had done him the favour, with his usual courtesy, to give him notice of this question, he might have been prepared to give him an answer. As it was, the question came on him totally by surprise. But he could assure his noble and learned Friend that he had totally misunderstood what passed on a former occasion if he supposed that he had not read any of the Bills. What he then said was this, that infinite pains had been taken with the preparation of the Bills, which were intended not only to consolidate the statutes as they stood on the statute-book, but moreover tended to assimilate the law of Ireland with that of England. He stated that, he could not pledge himself that he had read every word of all the Bills, but that he had bestowed upon them great labour. He could inform his noble and learned Friend that he had spent hours and hours on the consideration of these Bills with Mr. Greaves, than whom there was not a more able and painstaking lawyer, and with Mr. Pigott, who represented Ireland. It might be that what his noble and learned Friend pointed out was an inconsistency, but that was no objection to the course he had himself suggested when the subject was last before them—that the Bills after being read a second time should be referred to a Select Committee. His noble and learned Friend would then have an opportunity of pointing out any inaccuracies he might have detected.

LORD LYNDHURST read the clauses already alluded to, and said he should have thought his noble and learned Friend, who had spent so many hours in drawing the Bills, would have thanked him for pointing out to him an apparent inconsistency which he had discovered on first reading the Bills.

THE LORD CHANCELLOR said, he was not prepared at that moment to explain what his noble and learned Friend had referred to, nor was it to be expected that he should. If his noble and learned Friend had done him the favour to have informed him that he should call his attention to the subject, he thought that, with the assistance of his learned Friend, Mr. Greaves, he should have been able to show his noble and learned Friend that he was entirely under a mistake.

ST. GEORGE'S-IN-THE-EAST.

QUESTION.

THE EARL OF DERBY: My Lords, I should be very sorry if it were supposed that I am about, for more than a few moments, by the question which I am about to put to my noble Friend opposite, to take up your Lordships' time, or delay you from the consideration of the important and interesting question which the noble Marquess (the Marquess of Normanby) is about to bring before you; and it is the less necessary that I should do so because the circumstances to which I am about to call your attention have unhappily attained so great a degree of notoriety and scandal that there is no need for me to enter upon them in any detail. But I am sure that my noble Friend opposite (Earl Granville), will be glad to have the earliest possible opportunity to correct in his place in Parliament what I am satisfied must be a misrepresentation of what is reported to have lately fallen from one of his colleagues, while referring to this subject elsewhere, when a similar question was put to him. I may say at the outset, that I have no feeling whatever in common with those clergymen who are bent on introducing into the ancient, simple, and commonly received forms of public worship of the Church of England novelties that are unpalatable to the great bulk of their congregations, or who persist in forcing on their unwilling parishioners forms of worship which may perhaps not be illegal in themselves, and which, if they were ever in former times sanctioned by the Church, have long since fallen into disuse—forms which they may consider to add to the solemnities of public worship, but which, I am sure, none of them can consider essential in the eyes of Almighty God. I cannot, my Lords, imagine how any right-feeling and right-minded clergyman can persist, for such an object as this, to incur the fearful responsibility of driving from the Church of their fathers, —perhaps to a Dissenting chapel but perhaps worse, driving away from any place of religious worship—a large proportion of those of whose spiritual welfare he, as their pastor, must one day give account. I must also say that I can make great allowance for the feelings of those congregations who, finding themselves debarred by the introduction of these rash novelties in services and forms—be they right or be they wrong is not the question here—I say I can make great allowance for the feelings of those who, finding themselves thus debarred from the church where they have been accustomed to worship, feel themselves aggrieved and irritated. But, whatever may be the course pursued in St. George's-in-the-East and elsewhere, I feel sure your Lordships will agree with me that this affords no palliation—I will not say no excuse, but no palliation even—for the scandalous and disgraceful scenes which, Sunday after Sunday, take place in the parish church of St. George's. I have been assured, my Lords, since I gave notice of this question, by two of the clergymen of this church, that whatever may have been the objections of the parishioners to the services on former occasions, there have been, during the last few Sunday evening services, when the most disgraceful rioting has prevailed, no deviation whatever in any one respect from that which is universally practised in our cathedral services—that full choral service which passes unblamed in Westminster and St. Paul's. Now, my Lords, I go further than I have yet gone, and I say I do not think the full choral service as practised in our cathedrals is fitted for our ordinary parochial services; and if the chants and anthems which are practised in our cathedrals were introduced into every parish church I should prefer to attend in some other place where the services were conducted in a simpler and what appears to me in a more devotional form. But I know that, on the other hand, to some persons the services performed in this manner are eminently attractive, and that they are regarded by them as helps to devotion. I have further been informed that in this parish of St. George's the service was introduced at the desire of a considerable number of the parishioners; that they have been conducted for fifteen years without the slightest remonstrance, until unfortunately in the month of May last, a difference of opinion arose—of the merits of which I wish to say nothing—with respect to the introduction of a clergyman into the parish as a lecturer, who held opinions belonging to a very different section of the Church from that to which the rector belonged. From that time the parish has been in continuous conflict. I should have thought myself, that in a parish church, where there are two services conducted according to the usual form, and the third only is conducted according to the full choral or cathedral service, there was ample room for a compromise if the parties could be brought to join in a course so desirable. But whether the services be or be not as I have described them, or whether these forms be more or less offensive to the congregation, I say again, that the proceedings which have lately taken place reflect the utmost disgrace on all concerned in them. Your Lordships have all seen in the daily papers accounts of the disgraceful riots which take place there Sunday after Sunday—how the service of God is interrupted by whistling, by singing, by banging of doors, by loud coughing, by catcalls, by throwing hassocks and other articles of church furniture at the altar, by the singing of songs and by other scandalous proceedings, by which the congregation seek to testify their objection to the religious forms and ceremonies observed in the worship. But, my Lords, to say for a single moment that this objection is any palliation for these disgraceful proceedings, or that they are in the slightest degree connected with religious feeling, is to express what to me appears little short of blasphemy. It is, perhaps, true that these parties are encouraged by others who themselves shrink from taking a prominent part in the riots; but it is certain that the congregations for the last few Sundays have for the most part been composed of a mob of the lowest character, who have no reverence for a place of worship, or for the Being who is adored there; who are actuated by a pure love of mischief, and who carry out their wishes in the most disgraceful manner. I need not enter further into a description of those scenes, as your Lordships have seen the accounts of them that have been published in the newspapers. I have only to add further that one of the clergymen who performed the services, and with whom I had no previous acquaintance, called on me and stated that, in addition to the statements which had been given in the newspapers on Monday morning, he had himself been assaulted and severely struck; and that during the performance of the services he was struck in the face with peas discharged from peashooters from different parts of the church. I am certain—at least I am all but certain—that my noble Friend will not say that these riots cannot be put down; I think he will not say—as must have been an erroneous report of what was said elsewhere—that these proceedings are not to be characterized as "outrages"—that the Secretary of State has done all that was in his power to put down these riots; that he has even gone farther than some persons thought he ought to go, and that he is not disposed to take any ulterior steps in the matter; I shall not be told that Sir Richard Mayne had done all he could to preserve order, and I shall not be told, in conclusion, that my noble Friend regrets that the proceedings of the clergy connected with the church have led to this unhappy state of things. That was said to be the substance of an answer given to a question on the same subject "elsewhere." I think we may be sure that that answer will not be given here. My Lords, my Question is whether the Government have taken into their serious consideration the scandalous outrages that have taken place in the church of St. George's-in-the-East. Next, I wish to know if they have inquired into the state of the law, and have ascertained whether the law is sufficient as it stands to put an end to scenes so disgraceful? If the law is sufficient to put an end to them I am sure my noble Friend will not dispute that it is the duty of the Executive Government to put that law in force. If, on the one hand, their inquiries satisfy them that there is no power of restraining a clergyman from a mode of conducting the service offensive to the parishioners; or if, on the other hand, the law is not sufficiently powerful to prevent or control an outburst of popular feeling such as has been manifested in the parish in question, then I submit it is the duty of the Government to consider in what manner the law can be strengthened so as to give the Executive sufficient power to deal with such cases. But, if those proceedings are allowed to go on with impunity, they may be expected to become more scandalous day after day. Magistrates before whom offenders are brought are compelled, in the present state of the law, to discharge them, and the police apparently take no adequate part in the preservation of order, though they would undoubtedly act if such scenes occurred in a theatre, in a Mormon chapel, or in Hyde Park. I do not understand that the police have not the power to act in such cases; and if they have the power, I want to know why they have not been ordered to take such steps as appeared necessary to prevent a recurrence of such scandalous outrages. I submit it is the duty of the Government to interpose their authority with the view to put an end to these disgraceful brawls; and I hope my noble Friends will state on their part that they are prepared to exercise their authority for that purpose, or, if that power be unequal to the emergency, that they are prepared to invoke the assistance and sanction of Parliament in devising some adequate remedy. The noble Earl then put the Question of which he had given notice, What course Her Majesty's Government intend to adopt with respect to the proceedings in the Church of St. George's-in-the-East?

EARL GRANVILLE: My Lords, I agree in great part with the observations made by the noble Earl, especially as to the extreme indiscretion of introducing novel ceremonials into the mode of conducting Divine worship in parochial churches. Those observations appear to me so pertinent that I have great hope that the manner in which he has put the matter to your Lordships will have the proper effect on the few clergymen to whom they apply. I quite concur with the noble Earl as to the great scandal attaching to the proceedings which have taken place in the church of St. George's-in-the-East. There is no doubt that the opposition to these novelties originated with parishioners; but many of the persons who go there for the purpose of making a disturbance do not reside in the parish, but would seem, nevertheless, to a certain degree, to be encouraged by the sympathy of the parishioners. With regard to the police, it is extremely difficult to define their duty under such circumstances, not only in a legal point of view, but as to the mode in which they should discharge it. The information I have is, that they have attended at the church several weeks running in order to keep the peace, and strict injunctions were issued to them to prevent any disturbance, and where they could not interfere they were to take down the names of persons, and so on. But the result is not satisfactory. When the disturbances consisted of shuffling of feet, slamming of doors, and making various other noises, it was impossible for the police to act. I should be sorry to take upon myself to lay down the exact state of the law. On the last two Sundays the disturbances have been of a different character, and the police were called upon to interfere; but when they went to the door the churchwarden told them it was not necessary for them to enter. Your Lordships will have seen from the detailed reports in the newspapers that persons implicated in the disturbances on the evening of Sunday last have been discharged from the want of tangible evidence. The magistrate (Mr. Yardley) on that occasion laid down the law in a very clear and lucid manner, and said if the authorities could point out the persons who had created a disturbance he could deal with them, and would punish them most severely. The police will have, as they hitherto have had, orders to give every assistance in their power to prevent a repetition of the disturbances, and, failing in that, to bring the offenders before a magistrate.

THE EARL OF DERBY: The noble Earl has not stated whether in the opinion of Her Majesty's Government the state of the law is sufficient to effectually repress such disturbances.

EARL GRANVILLE said, according to the law laid down by the magistrate yesterday, if the authorities could point out the offender the law was sufficient to punish him.

LORD BROUGHAM: The real difficulty is, that what has taken place in this church does not amount to a breach of the peace. Certain cries were uttered that were most reprehensible and disgusting, undoubtedly; these tended to interrupt the service, and are an ecclesiastical offence —that is to say, "brawling"—and may be visited with ecclesiastical censure. But that is not enough—there has been something more than these cries and brawlings in the church. My noble Friend (the Earl of Derby) has stated that a distinct breach of the peace has been committed and a clergyman been assaulted. There is another difficulty. The persons who promote these disturbances have selected boys and children, and made them their tools in creating a noise, and the magistrate has a difficulty in visiting those children who have not committed an assault or riot with the necessary punishment. We are told by my noble Friend opposite (Earl Granville) that the police, when they offered to enter the church, were informed by the churchwarden that their presence was unnecessary. I strongly recommend that, without asking the opinion of the churchwarden, and without asking his leave—for he has no right to refuse entrance—the police should enter the church, take their position in different parts of it, and if there were riots at once interfere. They might, moreover, discover who were the real agitators who made the children their tools; for although the churchwarden might not be able to detect the instigators of the disorders, the more practised eye of the policeman will probably be more successful. I will only repeat what my noble Friend has said so much better than I said yesterday, as to the utter abhorrence and disgust which I feel with regard to these proceedings. A great outrage has been committed in this church. There may be a difference of opinion, as my noble Friend described it, as to the conduct of the clergyman. He may have been well advised, or he may have been ill-advised, in the manner in which the service is performed. We have no right to visit with our censure conscientious differences of opinion from ourselves, whether those differences relate to matters of doctrine, or to mere matters of discipline, or to mere ceremonials. Although I may hold an opinion upon the subject myself I have no right to say that my brother is wrong who thinks that the performance of Divine service should be accompanied by certain changes of posture, by certain genuflections, or by certain turnings towards the altar. That may, for aught I know, be a ground for conscientious differences of opinion between one clergyman and another, or between a clergyman and his parishioners; but of this I am perfectly clear, that those differences of opinion, whether as to dogma or discipline, or mere ceremonial, are not to be decided by a mob —perhaps an infuriated mob—administering no law, but creating riots and disorders simply because they favour one party rather than the other. I hope and trust that we shall speedily see an end put to these proceedings, and if it should be found that there is a difficulty in obtaining the effectual assistance of the police that my right rev. Friend opposite (the Bishop of London) will see the propriety of shutting up the church of St. George's altogether— at least, for a time.

THE BISHOP OF LONDON: The noble and learned Lord has stated that unless there be a breach of the peace the law has no power in this case. I think your Lordships ought not to adopt that view of the matter, because there are undoubtedly two distinct laws which have been violated here, and according to which the offenders may be punished. One of these is the statute of the 1 *William & Mary*, cap. 18, sec. 18, whereby a person disturbing any minister in the discharge of his duty in a church may be taken before the nearest justice of the peace, to whom he must produce sureties of £50 that he will stand his trial before the next quarter sessions. The other law is that of the 1 *Queen Mary*, cap. 3, sec. 2 and 6, whereby a person so interrupting the service may immediately be taken before the nearest magistrate, and I believe the penalty which may be inflicted in that case is three months' imprisonment. There are these plain modes of dealing with such offenders, besides the one which the noble and learned Lord has pointed out, of their being prosecuted in the Ecclesiastical Court for brawling. But the difficulty in this case has not arisen from the want of law, but from the impossibility as it would appear—though I cannot understand where the impossibility lies—in distinctly identifying the offenders. I was surprised to hear the noble and learned Lord state that the churchwarden requested the police not to enter the church. I presume, if he did so in this instance, that it was simply for the reason that he himself had captured several offenders whom he handed over to the police at the door of the church to be taken before the magistrate next morning. But when they came before the magistrate there was no evidence that they were the particular offenders who ought to have been arrested. I do earnestly trust, then, that steps will be taken to place somewhere such persons as will be able to see who are the real offenders, and bring them to justice under the existing law, when, I feel confident, the magistrates will not hesitate to make a very severe example of them. My noble and learned Friend has requested me, in the event of other measures failing, at once to close the church. Your Lordships are aware that that is a course which has already been taken by me, and I was greatly in hopes that the period for reflection which the closing of the church gave to all parties would have resulted in a cessation of those disgraceful proceedings. I have no hesitation in expressing my belief that if both parties had been willing at that time to place the matter in my hands that would have been the result. I do not desire to magnify my office; but I do not even now despair, and if the clergy of that church will do—what I feel confident I would do, if I were in their place, request me, their superior officer, to take the whole matter into my hands, and declare that they are willing to abide by my decision with regard to what ought to be the services in that church, I believe that we could easily put an end to these distressing scenes.

RUMOURED ANNEXATION OF SAVOY TO FRANCE.

ADDRESS MOVED.

THE MARQUESS OF NORMANBY (who was very indistinctly heard), in rising to move the Address of which he had given notice respecting the supposed project for the transference of Savoy and Nice from Sardinia to France, said that their Lordships would hardly be surprised that he should revert so soon to the very important subject which he brought under their consideration on a former evening. In order to account for his so doing he must, in the first place, recur to the emphatic statement of the noble Earl opposite (Earl Granville), that Her Majesty's Government had conveyed to the Government of France in firm but temperate language the objections which they entertained to the plan which was supposed to be under consideration for the annexation of Savoy and Nice to the French empire. But with a view clearly to ascertain the actual position of the affair it was important that we should be informed when this declaration had been conveyed, and whether anything had occurred since to mitigate the satisfaction which Her Majesty's Government had derived from the first reception of their objections. He was surprised, however, to find the Secretary of State for Foreign Affairs in "another place" had given a somewhat confused account as to the date of this action of the British Government. Lord John Russell was reported to have said the other day,—

> "In the beginning of July, in consequence of a despatch from Mr. Harris, the British Minister in Switzerland, Count Walewski was asked by Lord Cowley whether there was any truth in the rumour that there was a project on foot for the annexation of Savoy to the empire of France. Some conversation passed between them, and Count Walewski's remarks were not explicit on the subject on which Lord Cowley asked for information. Some time after this Count Walewski assured the Government that there was no intention on the part of the Emperor of the French to propose the annexation in question. On the former occasion Lord Cowley stated that such a proposal would be viewed with disapprobation by Her Majesty's Government, and the language he held was approved by Her Majesty's Government. On the second occasion Her Majesty's Government directed a despatch to the British Ambassador in Paris, expressing the satisfaction with which Her Majesty's Government had received the assurance that no such project was in contemplation."

Your Lordships will perceive that allusion here is made to two distinct communications with the French Government. The first not being satisfactory as not being explicit. In another report the noble Lord is stated to have said, "Count Walewski not being satisfactory on the point of territorial limits." The two communications appeared both to have taken place in the month of July, but the second sometime after the first. In reading this statement, he (the Marquess of Normanby) was impressed by the belief that he had heard something of the same kind before. He did not, however, pursue the inquiry further until he saw it stated in a semi-official French print that Lord John Russell must have been inaccurate as to the time when and the circumstances under which such an assurance was given. He therefore turned to the invaluable pages of *Hansard,* and found that Lord John Russell, after reading a telegram on the 12th of July announcing the peace, said—

> "I may state further, because there has been a rumour for some weeks past that whenever peace came to be signed, and Lombardy should be ceded to Sardinia, France would ask, as compensation for her expenses in the war, to have Savoy ceded to her. That I am happy to be able to inform the House that the Emperor of the French has made no demand of that kind, and that there is every reason to suppose that he does not intend to make any addition whatever to the territory of France. This is most gratifying, because any addition to the territory of France, however insignificant, following on the war, could not fail to rouse the suspicions and jealousies of Europe."—[3 *Hansard,* cliv. 1052.]

Now this is so far inconsistent with the more recent statement that it appears both communications must have taken place before the 12th of July, as the noble Lord could not on that day have alluded to the first as "gratifying," which he has since then termed not sufficiently explicit to be satisfactory. Of course every Minister was liable to mistakes in points of detail, but this quotation became of importance in the face of the statement in the French semi-official newspaper, that Lord John Russell was in error as to the time when this assurance was given and the circumstances attending it. He (the Marquess of Normanby) did not wish to press this further, except to suggest that, believing thoroughly the assurance of his noble Friend opposite (Earl Granville), he thought it important for their Lordships to join him in co-operating with the Government in this matter in the line which they had traced out. Wishing to carry their Lordships with him as much as possible in his present Motion, he had avoided introducing into it, and would endeavour to avoid the mention, of anything which might cast blame upon the Government. There were people, he knew, who, now that this question had become a matter of general conversation and discussion throughout Europe, wished that the statement made last July should be repeated; there might be reasons why the Government should decline to make any such statement; but, at any rate, the question had assumed a much more serious shape since last July. In alluding to what appeared in the newspapers respecting it, it was necessary to remind their Lordships of the system on which the present French Government was carried with reference to the press. On the one hand, he felt quite sure that upon such a subject as this the publication of anything which might by possibility displease the Emperor was discouraged; and they also knew that not one word which was absolutely displeasing to His Majesty was allowed to appear at all. It was not surprising, therefore, if some serious interpretation were put upon the fact that during the last few days the Government of Piedmont had been directly lectured in the French press for daring to allow their local officers to interfere in any matter with what the writer was pleased to call "the popular demonstrations in Savoy." "We" regard this conduct, it was said, as intolerable. Now, who was meant by the "we" here employed? Did not everybody know that in that plurality the head of the Government in France must be included? Would anybody else dare to speak in his august name? Remembering this, he (the Marquess of Normanby) owned that he was not much consoled by what had been put forward by the publishing secretary of the French Government, M. Grandguillot. In an article published in the *Constitutionnel* this gentleman stated that this question of annexation arose from the development of public opinion, founded on the inexorable logic of facts. Now, when the development of public opinion was introduced in connection with the ruler of 600,000 or 700,000 armed men, it was sufficiently formidable. In the same way the logic of facts became formidable too, and not the less so because it was perfectly unintelligible. So many contradictions were to be met with at every stage of this question that he was almost afraid to repeat what every one assured him was beyond the possibility of doubt. Nobody upon the Continent would believe that there was no treaty, no engagement, no compact between the Emperor of the French and the person acting on behalf of the King of Sardinia; and yet he (the Marquess of Normanby) owned that he could not put implicit faith in that general belief, because he found the following in a letter written before the commencement of the war by the very acute diplomatist who represented this country in Paris. Writing to the Earl of Malmesbury on the 18th of March, Lord Cowley says:—

> "The impression left upon my mind after a lengthened conversation is, that the Emperor is desirous of maintaining peace; that His Majesty is not ready for war, which is, perhaps, the best proof of his pacific intentions; that he has no other engagement with Sardinia than to go to her assistance if she is attacked by Austria; that he does not contemplate any modifications of the treaties of 1815."

Now, as this was a statement made by the Emperor to Lord Cowley, far be it from him (the Marquess of Normanby) to contradict anything His Majesty had said. He would suggest, however, that the Emperor would give much more satisfaction to his faithful Ally on this side of the water if he would state positively, through one of those channels of which the French Government was wont to avail itself, that neither before nor since the war had there been any engagements of the kind referred to. In considering the chances of success in effecting this annexation, much, of course, depended upon the actual state of public opinion throughout Savoy and Nice at this moment. He had taken pains to arrive at some conclusion on this point, but owned that he had been unable to do so satisfactorily to himself. At the same time there were some facts that were obvious to everybody. For instance, a great change had occurred since 1848 in the feelings of the people of Savoy towards the King of Sardinia. At that time any proposal to sever their allegiance met with the spontaneous resistance of a united people. They were frugal in their habits; they were devoted to an ancient dynasty; they were very observant of all their religious duties, and the precepts of Christianity with them, as much as with any other people in the world, were the rule of their daily lives. But a great change had since occurred there. In the first place, the excessive taxation imposed upon a poor though frugal people had produced much discontent; then, a peasantry attached beyond all others to their birthplace had been transported across the Alps to fight in a war in which they had no interest; the gentry had been drawn away from those local duties which they were in the habit of discharging in perfect agreement and concord with the peasantry to listen to debates in a language which they did not understand. These were practical grievances which might naturally have modified the loyalty existing up to the time he had mentioned, and if any demonstrations had occurred in favour of annexation with France during the municipal elections at Chambery or on any other occasion, those who took part in them were probably inclined to encounter unknown and therefore unfelt evils, rather than endure the positive grievances of which they now complained. That this was so might be inferred from the circumstance that no adverse demonstration had been noticed, and from the manner in which the municipal elections at Chambery had been conducted, and commented upon by the semi-official French press. There had appeared in the newspapers a letter from a remarkable person, a member of the Sardinian Chambers (the Marquess Costa and Beauregard), who was well acquainted with the people of Savoy, well known as one of the leaders of what was called the Conservative party, and most decidedly opposed to the war. This gentleman stated in answer to the imputation—for so he called it—that he had been to France as part of a deputation in favour of the annexation of Savoy to that country, that he felt for the grievances which his country had to complain of against the present Government of Piedmont, but that he firmly maintained the allegiance which his fathers had ever owed to the King of Sardinia. That also was the sentiment of the great majority of the Conservative party of Savoy; and he (the Marquess of Normanby) hoped that, upon every account, the King of Sardinia would adhere with fidelity to those who were so devoted to him and his House, that he would extend to them that justice which he himself expected from the Emperor of the French, and that in the case of any country with which he might be temporarily connected, the popular vote would be regarded as the expression of the popular will, and that he would take that there, as in Savoy, it should be perfectly free and unbiassed, independent of any attempt at foreign control, including his own. This question was greatly complicated by the present unsettled state of all the other communities of Italy; and in a strategical point of view the annexation of Savoy to France would be most objectionable even for the safety of Sardinia itself. Could it be possible in such an event for a King of Sardinia, within forty miles of the French frontier, open and undefended, to preserve himself in Turin? He would have at once to transfer his capital to Milan; and their Lordships would at once see that it would not be for his advantage to commence his defence on what had been hitherto called the Austrian side of the Ticino. But where, except in

Piedmont, could the King of Sardinia look for that loyal attachment which would be his best support against foreign attack. Already, even in Milan, things were in a most alarming state. Robberies, accompanied by assassination, were nightly committed there; the garrison had been under arms and consigned to their barracks on two or three occasions, and exactly the same annoyances which used to be applied by the ladies of Milan to the Austrian officers were now applied to the Piedmontese officers, and that dissatisfaction on the part of Lombardy with the union of the Provinces was fast assuming the proportions it acquired in 1848. What was the cause of this? The cause was that the people had experienced no benefit from their annexation, but, on the contrary, were greatly aggrieved by the excessive taxation, which was 15 per cent more than during the Austrian rule. The French newspapers had very much alluded to what they represented to be the grateful feeling of the people of Savoy to France; but what happened in 1796, after four years of French occupation? There had then as now been an alliance between France and Sardinia against Austria. General Bonaparte, having flattered Sardinia into making common cause with him, returned to France and left the King to his fate; what that fate was to be, the following proclamation by the French General at Turin would show:—

> "The French Government, to facilitate peace and the triumph of the great army, was obliged provisionally to consider Kings as the representatives of their subjects. This supposition was necessary to carry on negotiations, but is now evidently circumscribed and limited. To protect the feeble is one mode of annihilating them. The alliance of the King of Sardinia with the French Republic was, in fact, the moral abdication of her sovereignty."

Immediately afterwards the citadal of Turin was seized and occupied by French troops, and in a few months the ancient head of the house of Savoy sought refuge in the Island of Sardinia, where he was protected by an English fleet. The allegation of the old sympathies of Savoy for France was most absurd; but with respect to Nice there was not even one solitary pretence for this rumoured act of intended spoliation. He would not at that moment stop to inquire into the importance to either country of the noble harbour of Villafranca, one of the finest in the Mediterranean. He was not one of those who were not anxious to do complete justice to the Emperor of the French. He was anxious that we should continue on the best possible terms with France. Nothing could be further from his mind than a desire to provoke a difference of any kind; but when questions were raised which directly affected the balance of power in Europe, we ought to understand to what extent the parties to the treaties which regulated the present settlement of Europe would agree to any modification of them. Even at the time of the revolution in France, when the popular impulse was so great, the French Government declared that, however much they disapproved the treaties of 1815, they were determined to adopt them as accomplished facts, not to be altered without the common consent of all the Powers. If such was the feeling in France in 1848, we had some reason to hope that at least an equal regard for the obligation of treaties would be evinced by one whom he should be glad to call our intimate and loyal Ally. He might be permitted, in conclusion, to say a word on the question of nationality. It behoved every settled Government in Europe to withhold its assent from the new and dangerous doctrine of the right of a people, on the ground of nationality, to transfer their allegiance from one Sovereign to another. He hoped, at all events, that so elastic a doctrine—a doctrine which threatened the security of all Governments—would receive no encouragement from their Lordships, or from those intrusted with the administration of our public affairs. Having, he trusted, clearly shown that his object was not to make an attack upon the Government, but rather to afford them an opportunity of stating those views upon the subject of the annexation of Savoy which he was bound to say they had very early if not very forcibly expressed, and leaving the matter to be dealt with by their Lordships in whatever manner they might deem consistent with their duty, he begged to move that an humble Address be presented to Her Majesty,

> "To represent to Her Majesty that this House has been informed that Her Majesty's Government has made known to the Government of France the Objections entertained by Her Majesty's Government to the Annexation of Savoy and Nice, which has been reported to be in contemplation.
>
> "To thank Her Majesty for having conveyed that Opinion to the Government of France, and to pray that Her Majesty will be graciously pleased to direct Her Government to use their best Endeavours to avert the Transfer of the above named territories to the French Empire."

EARL GRANVILLE: My Lords, the noble Marquess at the commencement of his speech seemed to complain of the answer which I gave to his question last week on the subject of Savoy. That answer was perfectly correct, and, although my noble Friend the Secretary for Foreign Affairs gave some further explanations on a subsequent occasion in the other House, his statement was not at variance with, though going rather beyond, the answer which I returned in the first instance to the noble Marquess. You are aware from what has appeared in the printed despatches, that during the Administration of the noble Earl opposite (the Earl of Derby) some intelligence had been received respecting a treaty between France and Sardinia which contained a clause affecting Savoy. Lord Cowley was requested by the Earl of Malmesbury to ascertain whether or not the Report which had reached our Government was accurate, and he was assured by Count Walewski that no treaty between France and Sardinia was in existence, though it might be considered necessary to make an offensive and defensive one. Count Walewski made no allusion to the question of territorial aggrandizement, and the subject was dropped. I stated last week the steps which the present Government had taken on this subject last year, and may state to you Lordships that they have continued making friendly communications to the Governments of France and Sardinia with respect to the Report of a proposed annexation of Savoy to the French Empire. We have been told by the Imperial Government that there is no question at present of the annexation of Savoy; that one of a great many points discussed before the war was the annexation of Savoy, under certain contingencies; but those contingencies not having occurred, there is at this moment no question of annexation. The French Government adds, at the same time, that, in the event of Sardinia, with the addition of Lombardy and other provinces, becoming a powerful Italian State, they will feel themselves at liberty to consider for their own security, what conditions they should attach to the sanction they might give to such an arrangement. From Turin the answer we have received is, that there is no engagement whatever between France and Sardinia respecting the annexation of Savoy; that it is not the intention of the King of Sardinia to yield, sell, or exchange Savoy; that if the Savoyards have grievances to allege, they possess the constitutional right of petitioning the Sardinian Parliament; that their petitions will be respectfully considered, and their just complaints will be removed by appropriate legislative measures sanctioned by the Crown. I imagine every one of your Lordships must admit that it is undoubtedly the duty of the Government of this country, on all judicious occasions, to speak to other Governments in a perfectly open manner upon all subjects which concern its interests. Even if this were not so, there are at this moment circumstances arising from the coincidence of our policy upon the Italian question, and from the prospect which now opens of extending the commercial intercourse between this country and France, under the more liberal commercial policy now inaugurated by the Emperor of the French, which would greatly facilitate any friendly representations we might make to either of the parties on this subject. What would render them still more easy in regard to this question of Savoy is, that England, so far as she is directly concerned, has no interest in the matter of the annexation, seeing that it does not make any great difference to this country, as England, whether or not France acquires upon her southern frontier territory giving her certain strategical advantages. But indirectly she has, with all other Powers, an interest in the question; and what is of paramount interest to England is the interests of Europe as a whole. In this sense it is her interest to do everything she can to promote peace, to maintain the balance of power, and to prevent the commission of acts by any nation, particularly by any of the great Powers, which may create alarm and shake the public confidence in the maintenance of peace. Therefore I think it would have been most unfriendly of Her Majesty's Government if they had not laid before that of France all the objections which, in an European sense, would arise to the aggrandisement of the French territory which was involved in the supposed scheme. It is hardly necessary to dwell upon those objections to your Lordships. No doubt France, occupying so magnificent a geographical position as she does, and having so gallant a people, who have so frequently and so recently shown in so conspicuous a manner how able they are to defend themselves upon all occasions, cannot pretend to be jealous of a country like Piedmont, even though her power should be increased by an accession of territory and subjects in Italy. On the other hand, there can be no question that the extension of the frontier of France to the Alps would very much alter the arrangements for the preservation of the balance of European power. If France goes to the Alps now there is no good reason why she should not at a subsequent period go to the Rhine. Were this not so, however, it is clear that the annexation of Savoy to France would give rise to great European difficulty. The arguments of the noble Marquess were perfectly consistent upon this point, and no doubt therefore any such attempt would excite in the mind of Europe generally deep interest, and well-grounded alarm. The enemies of the Emperor of the French at the commencement of the late war endeavoured to make it appear that he had undertaken that war from motives of personal ambition and territorial aggrandisement; and I have no doubt your Lordships well remember the manner in which the Emperor disclaimed the imputation. Among the most noble words ever uttered by a great Sovereign at the head of a victorious army were those used by the Emperor of the French at Milan, when he told the Italians that his and their enemies had endeavoured to spread the belief, that he had undertaken the war for the aggrandizement of France and not for their advantage; that, although there might be some persons who were ignorant of the public opinion of Europe, he was not one of them, and that moral influence was of more advantage to a great nation than were barren conquests, and he declared that any alteration of the territorial arrangements of France as settled by the Treaty of Vienna, would be dangerous to the peace of Europe. These were noble words; and for the Emperor now to place it in the power of those enemies, by any act of his to represent his policy as contrary to that declaration would obviously be most injurious to his reputation, and most prejudicial to his interests. I will not trouble your Lordships with any reference to what the noble Marquess has said about the duty of the British Government to make friendly representations to the Government of France on this subject, because what they have done is a sufficient confirmation. In our communications with the French Government we have gone into the question more fully than it is necessary to discuss it to your Lordships, and we have done so in the confidence that our observations would be received with a feeling as friendly as that by which they were dictated. I beg your Lordships clearly to understand that our policy is not that of nationalities, alluded to by the noble Marquess, nor is it our policy to separate ourselves from other European Powers. Upon the Italian question we are at this moment in direct and friendly communication with France, Sardinia, and Austria, and we shall be happy to communicate with any other nations who feel an interest in the settlement of that question as affecting either Italy or Europe. The policy of the British Government is not to advocate or insist upon any particular mode of carving out Italy; we do not say that the central Provinces must be joined to Sardinia; we do not assert that there may not be a central Italian kingdom. If the great majority of the people of Tuscany are in favour of the Grand Dukes, let them show and assert their opinions, and it will not be for England to object to the restoration of their old sovereigns. Our simple policy—that which we have been urging upon other Powers, and in regard to which we have been met very cordially by France, and as cordially as we could expect by Austria—is to avoid any armed interference in the affairs of the Peninsula, and to secure that the Italians shall be left to themselves to judge what is good for themselves, and in what mode their ideas of liberty and independence can best be carried out. This Motion itself has been framed in very courteous terms, and, as stated by the noble Marquess, is intended to co-operate with and strengthen Her Majesty's Government. I am of opinion that it would not have that effect. Your Lordships are perfectly well aware that at this moment the enemies to the present commercial policy of France are trying to raise a cry that the religion and commerce of that country are being sacrificed to English interests, and they would probably make use of the agreeing to such an Address as this as a means of exciting an anti-English feeling, in order to strengthen them in their opposition; and under these circumstances I do not think that it would assist Her Majesty's Government that the Motion made by the noble Marquis, who has to-night spoken of the Emperor with great respect, but who at the same time holds very peculiar and very strong opinions upon continental politics, should be forced upon them; especially when they declare their intention upon all suitable occasions to give their advice and exert their influence to prevent that which the noble Marquess, in common with all your Lordships, deprecates. I quite acquit the noble Marquess of having intended that the Government or your Lordships should pledge themselves to war or eventualities of any description in resisting the alleged scheme. But, even in its more limited sense, inasmuch as the result would surely be to cause misrepresentation in France as to their intentions, I think the Motion would rather weaken than strengthen the Government, and therefore I hope that the noble Marquess will not think it necessary to press it to a division.

EARL GREY: My Lords, I think that the House is much obliged to the noble Marquess for bringing this subject forward. It seems to me to be impossible to overestimate its importance, and I confess that I should have heard with great pleasure a different conclusion to the speech of my noble Friend who has just sat down. I should like to have heard him state that Her Majesty's Government would agree to the Address proposed. The statement which he has just made affords the clearest proof of the necessity for this Motion; because I think your Lordships will agree with me that it is difficult to conceive anything more alarming than what has been communicated to us by my noble Friend. Nothing can well be more unsatisfactory than that which he describes to have been the language of the French Government to our own on this subject, coupled with that which has been used in the semi-official newspapers of France. It is, indeed, difficult to conceive, when we consider that language, that the scheme of the annexation of Savoy to France has not gone further than we, till lately, have believed. That annexation would be so pregnant with evil to this country and to Europe that it becomes Her Majesty's Government to use their best endeavours to avert it. I quite agree with my noble Friend that, as far as we are at present informed of the facts, no man in this House can wish that war should be resorted to to prevent such an arrangement from being effected; if unhappily it should have been agreed upon by the two parties most directly interested in it. But there is a great deal short of war which may be done by a nation to prevent the adoption of measures which are injurious to its interests and to those of the world; and I can conceive no case which calls for more energetic remonstrance on the part of Her Majesty's Government than the annexation which is supposed to be in contemplation. I do not pretend to say that the annexation of Savoy to France would materially alter the balance of power in Europe. Whatever may be the obvious objections to this extension of the frontiers of France, still, when we look at what the power of that great empire is at present, I cannot think that the addition of Savoy of itself would throw so great an additional weight into the scale as to be of any very serious importance. Nor do I believe that the honour of this country is involved in preventing the arrangement if the two parties more immediately interested should agree to it. But, although it may not in its direct consequences be so injurious as to induce this country to resist it by an appeal to force, still I think, if we look at the subject closely, we shall be convinced that few events would be more injurious both to this country and to Europe than the proposed annexation; as well from its indirect consequences as from the principle which it would tend to establish if it were to be carried into effect on the grounds that have been put forward in support of it. My Lords, in considering this question we cannot lose sight of the reasons that have been urged in its favour by the journals in France, which have an importance that does not usually belong to newspapers, owing to the countenance they receive from the Imperial Government of France. Now, what are those reasons? My noble Friend has already referred to that most extraordinary article which appeared in the *Patrie* a few days ago, and which I venture to say must have astounded every one of your Lordships who read it. That article states that two measures cannot be applied to Savoy and to Italy; and that it is intolerable that the Government of Sardinia should interfere with the manifestation of the wishes of the Savoyards. I think that every one of your Lordships concurs in the principle that no nation ought to be compelled by foreign force to submit to a Government to which it is averse. The passage in the Queen's Speech, in which that principle was enunciated with regard to Italy, received, I believe, the unanimous approval of your Lordships. But, my Lords, it would indeed be to push that principle to a new and somewhat dangerous length if it is to be assumed, not only that a nation which is *de facto* in the enjoyment of self-government is not to be coerced by the arms of a foreign Power to change its Government, but that you are to go beyond that plain and simple rule, and to say that even where a settled and long-established Government exists—where a people are living contentedly and peaceably under the rulers who have for centuries reigned over them, a few agitators are to be permitted to declare that the opinion of the country is the other way; that it wishes to shake off the authority to which it is by law subject; and that it is intolerable in the Government to adopt any means of counteracting the efforts of those who seek to subvert it. Why, if this rule of international right and wrong is to be recognized, we must be supposed to have acted most unwarrantably in the year 1848, when we would not suffer certain persons to put the question to the people of Ireland whether or not that country should continue to form a part of the British Empire. Is it to be held as an indication that the people of Savoy are hostile to the existing rule, that a few individuals get up demonstrations against the Government; and is it to be maintained that the Government, instead of putting these persons down by the strong hand, must allow them to have their own way, and then have the question of the continuance of the existing authority submitted to the vote? I venture to say, if that principle is to be established, that no Government in Europe is safe for a day. Apply that principle to France itself? How would the present Emperor receive the proposal that it should be again submitted to the universal vote of the people of France whether they would have an Empire, a Red Republic, or an Orleanist, or a Legitimist dynasty? I am sure that anybody putting forward such a proposal against the settled Government in France would meet with very prompt repression. Further, we are told that the Alps are the natural boundary of France, and that the Savoyards are united to the French people by a community of language. Do these pleas alter the case or diminish the danger? My Lords, we cannot help seeing whither such principles as these lead. Do not the majority of the people of Belgium speak French as well as the inhabitants of Savoy? If such grounds as these are to be assigned for the desire of unjust territorial acquisition on the part of France, what security has Europe that other aggressions of the same kind may not be attempted? It appears to me, therefore, that the proposal for joining Savoy to France, under present circumstances, is one which this country has a right to view with the greatest apprehension and alarm, and I certainly should have hoped that this House might be induced to agree, without a division, to the Address which the noble Marquess has moved. I am the last person to suggest that the Motion should be pressed contrary to the desire of Her Majesty's Government. I am persuaded that if it were so pressed, even though it were carried, it would do more harm than good; and for this simple reason—that it would make it appear that there exists a difference of opinion in your Lordships' House, when I believe no such difference really exists. I believe we are all united in condemning and reprobating the scheme which is supposed to be in agitation. If, therefore, we were to come to a division on the question—whichever way it ended—it would make it appear that a very considerable number of your Lordships dissented from what I think is our unanimous opinion. But it would be a very different matter if Her Majesty's Government could be induced to concur in this Motion. I cannot help feeling that at this moment a unanimous expression of the sentiments of this House would have great influence on the opinion of France and of the world. Powerful as France may be, I do not believe that she would despise such a manifestation of opinion, backed as it would be by the views of every other country in Europe. I would therefore earnestly entreat my noble Friend who spoke last (Earl Granville) seriously to consider this subject. I would especially ask him what motive he can have for resisting this Motion. My noble Friend who brought it forward stated most distinctly that he did so without in any way implying the most distant censure on Her Majesty's Government. On the contrary, his first words were those of thanks to the Government for the course which they have taken. The only object of the Motion is to strengthen their hands in pursuing the line of policy which, if I understood my noble Friend aright, it is their intention, of their own accord, to follow. The single objection which, as I gathered from my noble Friend, they have to this Motion, is the fear that it might be misinterpreted in France. My Lords, I cannot believe that there is any ground for such a fear; I cannot suppose that the Emperor of the French would see anything unfriendly towards himself in our expressing our opinion against the measure which he is supposed to contemplate. On the contrary, I think if the opinion of this House and the country were placed before the Emperor in language firm, and at the same time amicable, it would be calculated to produce considerable effect—because, it must surely be the interest of the Emperor to attend to our remonstrances. What, let me ask, can France gain by this comparatively insignificant addition to her territory to compensate her for the loss of confidence and the loss of character which such a measure must entail? My noble Friend has already adverted to the commercial treaty recently signed between this country and France. We are told that the Emperor of the French is about to adopt a liberal commercial policy, in which this treaty is the first step. But, can a liberal commercial policy produce its proper fruits unless there is commercial and political confidence in the continuance of peace? Confidence is the very breath of life by which trade and industry are maintained; and how can that confidence in the permanence of peace exist for a day in Europe if this annexation of Savoy to France is to be carried into effect, in a manner, and upon principles which hold out to all Europe the prospect of further and indefinite changes that cannot possibly be accomplished without provoking all the horrors of war? I say that this annexation would produce a shock to confidence, which in France and in Europe would be felt by trade and industry for years to come. And has not the Emperor himself the deepest interest (if he has a due concern for his own character) in abstaining from carrying this project into effect? We all know that statements have been made in the newspapers that this annexation is only the execution of a design long entertained though studiously concealed. We know that it has been asserted—I trust falsely—that this would be merely the carrying into effect of a secret stipulation entered into between Sardinia and France some considerable time before the breaking out of the late war, by which Sardinia was to be put in possession of a great increase of territory in Italy, in return for which France was to obtain Savoy and Nice. Now, my Lords, if that were true—and I trust most sincerely that it is not—it would be impossible to find terms sufficiently strong to describe the iniquity and the immorality of the two parties concerned. When we remember the language that was used in France before the breaking out of the war, the solemn protestations of her desire, up to the last moment, to preserve peace, her asseverations, even after the war had made some progress, that she had no selfish object in view, and had no intention of promoting her territorial aggrandisement, can we believe that all these solemn asseverations were made at the same time that there existed a private stipulation for dividing the prey, entered into before the quarrel was picked, through which the booty was to be obtained? If such a compact were entered into between France and Sardinia, I say it would be difficult to find in the annals of the world a case of more flagrant iniquity. I hope these things are not true. They have seemed to me so bad that I have tried as much as possible to reject the belief that such things can really be true. I still do so; but I cannot deny that those who affirm them are able to appeal to strong circumstantial evidence in favour of their assertions. I hope that, in spite of appearances, the fact is not as stated; but if, in addition to the circumstantial evidence we already have in support of these allegations, we should have the additional pregnant fact that this design of joining Savoy to France is carried into effect, it will be impossible, however anxious we may be to do so, longer to retain our incredulity. If the Emperor of the French has a due regard to his own honour and character, he will be grateful if this country should come forward in a calm and friendly spirit to urge him to abstain from that, which I cannot describe otherwise than as a great crime against the civilized world. My Lords, I have taken the first opportunity that presented itself to press upon my noble Friends on the Government bench my sense of the great importance of this question. I have done so from no hostile feeling, and with an earnest desire to avoid any remark of an invidious character on their conduct in relation to this matter; but with all my desire to avoid even an approach to censure, I am compelled to express my regret that my noble Friend and Her Majesty's Government have omitted some clearer expression of the opinion I am convinced they must entertain on this subject. It must have struck all your Lordships who take a view similar to my own as to the importance of this question of the proposed annexation, that the language of my noble Friend and that of the Secretary of State for Foreign Affairs, as reported to have been used by him in "another place," have been singularly mild to say the least, considering the gravity of the case. I think it is specially important that Her Majesty's Government should at this moment give cordial expression to what I believe are the opinions of every Englishman on this subject. My noble Friend adverted to the commercial treaty with France. Now, I think that before that treaty was signed—before Her Majesty's Government consented to give to the Government of France so signal a mark of their friendship and good will—they ought to have required from the French Emperor, in some authentic and formal shape, a distinct disavowal of his entertaining any such designs with regard to Savoy as have been imputed to him. I deeply regret that the treaty was signed without having some such disavowal as that; but then the omission makes it the more important that we should now take some measures to obtain it; and, if in accordance with the unanimous vote of this House, and I hope of the other House of Parliament also, Her Majesty's Government should even now ask for such a disavowal, I am persuaded that it will not be withheld. I do not ask your Lordships to agree to the Motion if my noble Friend opposes it, but I hope that my noble Friend himself will see the propriety of adopting it.

THE EARL OF SHAFTESBURY: My Lords, I have all along shared in the deep and anxious feeling entertained by the whole people of this country in favour of Italian liberty, and in the wish entertained by all parties that the Italians should rise to everything that is honourable, free, and great; but I fear that if the matter now under discussion be allowed to find its consummation in the way in which it is said to be desired by France, we shall see the great question of Italian liberty mixed up with elements that must hereafter be productive of the greatest mischief to Europe, and that will cast a deep and indelible stain both upon the Emperor of the French and the King of Sardinia. I gathered from my noble Friend that this matter is not yet consummated—is still under consideration, and that, therefore, there is still time for this and the other House of Parliament, and the whole people of England, to declare their unanimous and decided opinion regarding it. I judge that the Emperor of the French is still endeavouring to carry out this object, and that the Sardinian Government are bringing forward as many arguments and as much influence as they can to prevent it. If so, now is the time to declare our opinion, and to do what we can to obtain justice for the weaker side in this contest. There can be no doubt that a great stain will be inflicted on all those engaged in this transaction should it be carried into effect. Such a result I should deeply regret. I am anxious for the honour of the French Emperor; but if he persist in this demand for the annexation of Savoy, how will he reconcile it with the words he uttered at Milan—those words with which he endeavoured to conciliate the opinions of Europe—and which I agreed with my noble Friend (Earl Granville) are among the most noble words that ever fell from the lips of man. We have been told that France goes to war for an idea; but in this case the abstract and sublime have been brought down to something that is concrete and commercial. Instead of standing by a mere idea, the French Emperor requires additional territory and additional influence, and the rights and interests of nations are merged in dynastic enterprises. Sardinia cannot come out unscathed from such a project unless she resist the attempt to the full extent of her moral power—and I will not hesitate to say to the full extent of her physical power also. That she should do rather than submit to the degradation. And even Italy herself will be in some measure to blame, because she will secure advantages to herself at the expense of the hereditary rights of another people. Indeed the elements of mischief in this matter are both abundant and dangerous. Are we to see French influence substituted for that of Austria in Italy? It is true that French influence would be exercised in a more careful, delicate, and astute manner than that of Austria—no doubt the policy of France would be more artful; but the dominion will be the same, and the independence of Italy will be placed in equal jeopardy. Then, are we to see the frontier of France advance until it comes in contact with the republic of Geneva? Does not this scheme affect the independence of Switzerland? Are we to believe that the acquisition of Savoy and Nice, and the beautiful port of Villafranca is not an important step towards realizing the French policy of turning the Mediterranean into a French lake? Then, coincident with this state of things, there is the revival of the wild scheme of the Suez Canal, which may be, commercially, the most absurd thing ever propounded, but considered politically has a very different meaning. There would be a French settlement established, and one more French port acquired on that side of the Mediterranean. But, my Lords, I look with far more apprehension on this new principle which is now to be laid down for the government of nations. We have heard much about natural boundaries, and have been told that Savoy has been claimed because rightly it belongs to France; but we are now, according to the new doctrine which has been propounded, to claim as a right conterminous nations speaking the same language. In that case the smaller nation speaking the language of the greater must invariably be absorbed, though not perhaps at first by open and direct violence, but rather by diplomatic trickery. I do not hesitate to say that if this principle is to be recognized and practically adopted in any single instance, all Europe, to use a common but significant expression, will be submitting to one of the greatest humbugs ever perpetrated on mankind. We are told that at a recent public meeting held at Chambery, a strong opinion was expressed in favour of annexation. But let me remind your Lordships that it is very possible for great personages to coerce priests in one country, and to coax them in another. But there has been another meeting at Chambery, at which a diametrically opposite feeling was expressed. Who is to decide? It is suggested in the French press that even the King of Sardinia is not to be at liberty to employ his own agents in the maintenance of his own and his people's rights. The case of Central Italy is not analogous. There we have the plain fact before us that the country is without a ruler. And the people of Central Italy have a perfect right to declare under what governor they will serve. But is that the case with the Savoyards? Have the Savoyards thrown off their allegiance to their rightful Sovereign? Are they in open rebellion? No. Their country is an integral part of the kingdom of Sardinia, and only by the whole mass of the people of Sardinia can the question be decided, whether Savoy is, or is not to be separated from the parent State. But, observe what a future is being opened up under this new policy! Take the case of Geneva. If this new principle be good, that conterminous nations speaking the same language are to be annexed to the greater nation, provided only there be an expression of sympathy on the part of the people, can any person who has lately been in Geneva doubt that an expression of sympathy might with great facility be got up there in favour of annexation with France? If this principle be good, see how essily the whole system of Europe may be broken up. I want to know, for instance; why Germany should not demand the Baltic provinces from Russia; and why Russia—who, as we well know, is not reluctant to put such principles in motion—should be hindred from claiming the Slavonic provinces of Austria. Once let such a principle be recognized, and everything will be broken up; all things will be at sea; and all to gratify the ambition and the policy of one man, who thinks he has new schemes to propound, but whose object is to break up the whole European system established on the treaties of 1815. But a new inducement has been held out by the French Government to induce Sardinia to consent to this proposition. We are told that the French Government will be content with annexing part and surrendering part to the Swiss Republic. Is this to be done without the consent of the people? Is such a proposition to be entertained in the present day? Is it not a revival of the wild principles that led to the partition of Poland, from the effects of which the nations of Europe are still writhing? If annexation is to take place—which God forbid!—let Savoy be annexed bodily to the Republic of Switzerland—the country that has the deepest interest in the peace of Europe, in the maintenance of treaties, and in the liberty of all nations. But, God forbid that anything of the kind should take place. I believe that nothing could be more prejudicial to the state of Europe, or more disastrous to the future peace of the world and the progress of civilization. These are the general and detailed arguments against such a measure; but it rests on great and broad principles that far exceed in importance any arguments founded on details which can be urged against it. To the latest hour of my life I will protest—and in doing so I am sure I speak the sentiments of the great mass of my countrymen — against handing over a nation that enjoys free institutions to a Government under a despotic dynasty; and against handing over a free people bound hand and foot to a country where they can enjoy no free expression of opinion, or, if guaranteed that expression of opinion, can exercise no power in giving it practical effect. I protest against a country where religious liberty is proclaimed, being handed over to a nation where religious liberty, if proclaimed, is often violated; and I protest also against the policy of treating nations like flocks of sheep, and making them, regardless of their consent, the subjects of barter and exchange. We, in this country, have long protested against the traffic in human flesh. I equally protest against any traffic in human or national rights. I implore the Government, in the name of all the great principles cherished by the people of England, to use every effort in their power to place before the Emperor of the French the fearful consequences of such a measure as this — to appeal to his judgment, to his sagacity, and to his better feelings, and I doubt not that, if they do so, he will be brought to a wise conclusion. But, be that as it may, let the Government go forth, representing the deep sense of the people of this country, acting on the convictions of justice and the rights of nations, and I doubt not that then we shall succeed in the object we now have in view, and beat back, by the unanimous voice of the people of England, the consummation of this most pernicious and disgraceful project.

THE DUKE OF NEWCASTLE:—I shall not, for more than a few moments, stand between the noble Earl (the Earl of Derby, who rose at the same time) and your Lordships. I do not rise for the purpose of interfering with the future progress of this discussion, but chiefly to implore your Lordships not to be led away by the tone which my noble Friend has just imparted to the debate. We are accustomed frequently to hear honest and honourable sentiments fall from the noble Earl expressed in very fervid language. He is accustomed to deal in a similar manner with domestic topics, in which the mischief done, if any, can be comparatively small compared with that which may arise from such language upon a question like that now before your Lordships. I cannot help thinking that the tendency of my noble Friend's language, and the tone he has given to this debate, are calculated to frustrate the object which we all have in view. Hoping that these questions are likely to receive a peaceful solution, I deprecate such expressions as he has used in reference to some of the countries concerned. Even were it justifiable, it is not dignified; but I appeal to him whether he was justified in using one phrase—namely, that in which he called upon Sardinia to oppose not merely with her moral influence, but with her physical power, the measure now under discussion. I apprehend that if such language coming from a Member of your Lordships' House, is adopted by the House, it will amount to a declaration that your Lordships would approve of resort to war; and I say it would not be just or honourable to call on Sardinia to enter on a war with this object unless we were fully prepared, under all conditions and under all circumstances, to assist her. My noble Friend followed two noble Lords who have spoken upon this question in a different tone, although they have had the same object as he has. I can assure your Lordships that while listening to the speech of the noble Marquess (the Marquess of Normanby), and not less so to that of the noble Earl (Earl Grey), the Government have not felt any objection to the discussion of this subject by independent Peers, and if we do resist the Motion, it is merely because we are convinced that its adoption would, instead of assisting the efforts of Government, materially tend to thwart them; but if such would be the result of the Motion, to how far greater extent must it be the consequence of such speeches as that of the noble Earl who spoke last? I was distressed to hear one expression that fell from the noble Earl (Earl Grey) who complained of the mild language held upon this subject by my noble Friend the President of the Council in this, and the noble Lord the Secretary for Foreign Affairs in the other House of Parliament. If the noble Earl had deprecated, not the mild language of Her Majesty's Ministers, but their weak conduct, I could have felt that he had indeed something to complain of. But I apprehend it is the conduct of wise and good Ministers not to indulge in violent language, but to express themselve in mild and respectful terms when addressing other Governments, to use such language as they would desire to have held towards them by foreign Governments; and while offering firm remonstrances, to do so in terms respectful and considerate towards the Government to which they are addressed. I am quite sure that if the language of Her Majesty's Ministers had at all approached or resembled that we have just heard, one of two events would have happened—a war, or the annexation, which we all deprecate, would have been carried out. We know, and must bear in mind, that all that is said here is read across the water, and we should not forget what we felt under similar circumstances. Have we forgotten the just anger that was exhibited when men, far less responsible to the Government, filling less important positions than Members of the Legislature, held such violent language with regard to us, how great was our indignation, and that the country was almost ready to take up arms to avenge itself? I do most earnestly deprecate language which tends to cause irritation on the other side of the Channel, and I feel a confident hope that if the matter be left in the hands of the Government, and they are allowed to carry on the negotiation in a firm but respectful and conciliatory spirit, we have a good prospect of attaining our object. But if noble Peers come forward to support the Government by violent speeches, there can be little doubt that the annexation which we all desire to prevent will be carried out. The noble Earl who spoke previously (Earl Grey) put the question of English interests upon a proper basis, not as a separate interest, but a European one, in which England was jointly concerned with other Powers, and, following out the principle, I believe your Lordships cannot doubt that the Government has from the first done all in its power by representations, both to France and Sardinia, to prevent that which we all deprecate, and, if permitted, will continue to do so in the same spirit which has hitherto guided it.

LORD BROUGHAM:—My Lords, I wish to make the few observations which I have to offer to your Lordships before the noble Earl near me (the Earl of Derby) rises to address you, because of the part I have always taken in all questions relating to Italy. In the first place, allow me to say I entirely approve of, and was much gratified by the statement of the noble Earl the President of the Council. I view with much satisfaction the statement which my noble Friend made in regard to the communications received from France and sent to France, and I will add that I entirely object, as much as my noble Friend the noble Marquess and the noble Earl object, to what is called the annexation of Savoy and Nice to the French Empire. My objection rests upon the grounds stated by my noble Friends, and it is not merely because of the comparatively trifling addition, whether territorial or strategical, which such an annexation would give to the French Empire, but because of the breach of principle there would be in the departure from the settlement of Europe, and the prospect of what may follow—of what may, without any unreasonable alarm or without any stretch of imagination, be done by other Governments, or even what might be done by our nearest neighbour. We must consider what every man in the north of Europe will feel if this annexation takes place, after all the declarations which have been made, and after all the abstinence which had been described as the governing principle of the French Emperor. If after the Italian war, so professed to have been undertaken, this annexation takes place, where is it to stop? Where is the principle of boundaries to stop? What becomes of the boundary of the Rhine? I need go no further; but will there be a security against any further alteration or distribution of power in Germany as well as on the Rhine? But it appears to me that your Lordships are all of the same opinion on this subjêct. I see no difference, except in the mode of expressing ourselves. If I were asked, I should say that I object to the language which my noble Friend near me (the Earl of Shaftesbury) has used, particularly that which he has applied to Sardinia—not the language of deprecation against Sardinia, but in his words of encouragement to that Power to go to war to prevent this annexation, the use of what he called physical force. But I do agree with my noble Friend in one principle he has enunciated. I agree that there can be nothing more atrocious than the handing over, against their will, the people of one country to another Government—the people of a free country, with free institutions, to a Power partaking of despotic. This was the crime, greatest ever committed by nations, the partition of Poland; nothing then can be worse than such a forcible transfer. But I will go further, and I object to the handing over of one country to another, even if not contrary to the wishes of the people. I agree with my noble Friends, that there can be nothing more clear than the principle laid down on the first night of the Session namely, that the Italians ought to be allowed to manage their own affairs, to settle their own form of Government, and to choose the persons to execute it without any foreign interference whatever. Everything should be done by themselves, without the interference of France, Austria, or Sardinia. Such interference is to be entirely deprecated. Still, I think that foreign interference may be used—not by force—but asserted in another form. I agree that the people of a country are themselves to regulate their own affairs in all respects—that the people of the Duchies and all the several Italian Powers have a right to throw off their rulers—which they have done—to refuse to take them back—which they do not seem likely to do—and that they ought to manage their own concerns as regards the forms of government, or to institute new forms of government, whether they be monarchical, republican, or a mixture of the two, and the choice of rulers by whom their Government is to be administered. All that is their own affair, and no other Power has a right to interfere. But it is quite another thing even when the people of a country are unanimously desirous of annexing themselves to another Power—and here it is said on one side that the Savoyards desire annexation, and on the other that they object to it; but assuming that they are in favour of annexation, it is quite another thing if that change gives the other Powers of Europe reason to apprehend an alteration. I will not use the phrase so much abused of the balance of Power, but the distribution of territory. Then the principle of non-interference stops, and it becomes a question for the other Powers to entertain in regard to the distribution of Power in Europe. Now that, I contend, is quite consistent with the great doctrine of allowing the independence of Italy, and of allowing the Italians to arrange their internal affairs without foreign interference. But the practical question before the House is this: How are your Lordships to deal with the Motion before you? And I confess that, although I feel as anxious as any one to obtain the opinion of your Lordships upon this question, I should deprecate a course which would lead to the idea that there was any division of opinion, or which would show an indication that the great principles were not fully and unanimously approved of. Even suppose the Motion of my noble Friend is carried unanimously. I concur with the noble Duke opposite (the Duke of Newcastle) that this also would be inauspicious, that it would tend very much to obstruct the friendly communications and shake the friendly feeling between this country and France. And if it is rejected it might go forth that the adversaries of the Government of the Emperor had been defeated. In any case the Motion is calculated to disturb the good understanding between the two countries, and interfere with arrangements that are most important to the prospects of peace, and I therefore advise the noble Marquess not to press that Motion to a division.

THE EARL OF DERBY: My Lords, when I rose a short time since it was not for the purpose of continuing to any length the present debate, or rather what has been not so much a debate as a conversation of the utmost importance; and in which, with regard to the main principle involved in the Motion of the noble Marquess, there has not been, so far as I have observed, the slightest difference of opinion expressed by any one Member of this House. Undoubtedly, various noble Lords have expressed with more or less force the views they entertain of the supposed policy or scheme for the annexation of Savoy to France. The noble Earl (the Earl of Shaftesbury), who always speaks with considerable power, in alluding to this annexation, appeared to think that the measure has been finally determined on; while my noble and learned Friend, who has just sat down, spoke of the arrangements with respect to this matter as still trembling in the balance. [Lord BROUGHAM explained that what he spoke of as still trembling in the balance was the commercial treaty with France.] The only thing with which I have felt disappointed in the course of this debate is that in the address of the noble Earl the President of the Council, while he described the advice—the undoubtedly friendly advice, offered in firm and temperate language—Her Majesty's Government has tendered to the Government of France, he did not add that the advice so tendered has been accepted as conclusive and satisfactory, and that there is no reason for apprehending that the project, so fraught with evil and mischief to all concerned in it, is likely to be carried into effect. The noble Earl (the Earl of Shaftesbury) has pointed out, in the strong and forcible language he generally employs, the dangerous consequences arising from the present state of the affairs of Italy, and the dangerous consequences of substituting French for Italian influence in the Northern Provinces. Certainly, my Lords, that influence will be enormously augmented if the power of France is increased by the cession to it of the Province of Savoy, a measure that will leave open to France the gates of Italy. I must take the liberty of saying that when the late Government was using its utmost endeavours to persuade the several powers not to enter into that unhappy war, it especially pointed out the consequences that Sardinia and Savoy would have to apprehend from an alliance with France, should there be an actual outbreak of hostilities. These consequences are now, perhaps, more clearly seen than they were at that time; and, however difficult it may be to effect it, I hope that the unanimous opinion of Europe, firmly and temperately expressed, may succeed in preventing a measure that can only lead to interminable complications or consequences yet more dangerous. In the course of this debate I think there has been much that must be gratifying to Her Majesty's Government. I do not agree with the observation that has been made that the adoption of the Motion would be disadvantageous to the general peace and good understanding existing between the two countries. I am certain that if it is rejected because there is a difference of opinion between the noble Marquess and Her Majesty's Ministers on the question as to whether the grounds laid down by the noble Marquess are not constitutional principles or sound international principles, that its rejection would be a singular evil. However that may be, making all allowance for the language which has been used by my noble Friend, Her Majesty's Government will be among the first to admit that the present discussion has exhibited a strong and unanimous feeling on the part of every Member of the British House of Peers, that must be a strong element in the preservation of the peace of Europe and the continuance of a good understanding with that Power whose conduct has been most strongly commented on. My Lords, it is not necessary to discuss the evils and dangers that will arise from the annexation of Savoy to France. They are admitted by all parties; one noble Lord has gone beyond another in the earnestness with which he has pointed out the dangers and evils which must result from the sanction of Europe being given to it. But let me express to all concerned my conviction that the two parties who will suffer most in character and honour by such an annexation will be the two Powers between whom the supposed compact has been made. It has already been pointed out that, by consenting to such an act, the French Emperor will contradict the liberal sentiments he uttered at Milan, and belie the whole course he has pursued since he ascended the throne of France. On every occasion he has studiously declared, and his actions have never yet been in contradiction to it, that whatever he might think, that whatever France might think, of the treaties of 1815, he did not intend to infringe them, but that he recognized them as part of the international law of Europe. From that declaration the conduct of the French Emperor has never swerved. What course he might have pursued, had not Austria precipitated the war in Italy, it is now impossible to say; how far he might have been involved with Sardinia it is impossible to discuss. But the precipitation of Austria, after the declaration of the Emperor that, as long as she continued within her own dominions, he was determined to give no material assistance to Sardinia, commenced the war by the invasion of her neighbour's territory, from that moment, whatever the provocation she received, she precluded herself from calling on Europe to maintain her territorial rights as fixed by the treaties of 1815. But, my Lords, if any Power will suffer more than another, more even than France, and incur an indelible disgrace by giving up Savoy, that Power is Sardinia. She claimed to be the champion and vindicator of the liberty of Italy; she always declared that she entered into the war without any motive of self-aggrandisement, animated solely by a desire to achieve freedom for Italy, thinking nothing of herself. I can hardly understand the language of the noble Earl (Earl Granville) to-night, when he admitted that previous to the war there was some negotiation between France and Sardinia on the subject of a possible annexation of Savoy on certain conditions or contingencies. Now, if such negotiations ever did take place, I confess it is difficult to give credit to the declaration that Sardinia engaged in the war without any previous idea of an increase of territory. You are aware, my Lords, that by a special treaty—the Treaty of Turin—to the provisions of which, I believe, the assent of the other Powers of Europe was obtained, Switzerland and Piedmont reciprocally bound themselves under no circumstances and upon no conditions to cede to any other Power the territory in question, and Piedmont, having accepted that territory, not simply by way of exchange or with the object of promoting the peace of Europe, but by way of affording mutual security as between Switzerland and herself, would, in my opinion, be guilty, not only of a violation of the general law of Europe, but of an infraction of those specific engagements she has contracted with that Power, whose independence and neutrality is the very key-stone of the peace of Europe. I am not, however, prepared to attribute to Sardinia conduct at once so discreditable and so inconsistent with the professions which she has made. I trust, on the contrary, that she will have the firmness to say to France—"This is a question with respect to which I am unable to comply with your wishes. I am bound, not alone by the general law of Europe and the treaties of 1815, but by a specific engagement into which I have entered with Switzerland, never to yield up to a third Power this particular territory." Could France, my Lords, in opposition to such a plea as that, by force and without the consent of Piedmont, take possession of Savoy? If she did seize upon that province, must it not be either by resorting to an act of the most unscrupulous violence—an act of which I am far from suspecting that she would be guilty—or as the result of the base and unprincipled connivance of the King of Sardinia, who would thus be despoiling his dominions of that portion of them which furnishes its best troops to his army and the most loyal and attached subjects to his throne? I do not, indeed think, my Lords, that the question is one in dealing with which it becomes this country to use the language of menace. I am, nevertheless, of opinion that it does befit England, as one of the great Powers of Europe, and by the free expression of the sentiments of this, the highest Assembly of a free nation, to have it placed upon record that the unanimous verdict of the Members of that Assembly is, that such conduct on the part of France as I have described would be inconsistent with the due maintenance of the treaties of 1815—that they deem it important, even in the interests of France herself, that she should do nothing to shake that confidence which it is so desirable should be established throughout Europe, and without the establishment of which no good security for the permanent peace of the Continent can be afforded. It is not, my Lords, the armed force of France, great as that undoubtedly is—it is not the important fact that the great resources of that great country are wielded by one absolute and despotic authority—it is not these combined circumstances which create apprehension. No, it is this which causes alarm—that she has never yet been able to succeed in inspiring Europe with perfect confidence in the steadiness of her policy, or in the pacific character of her intentions. Let her, then, show but the slightest design to annex to her own a territory, small in extent, but great in strategic importance; let her but exhibit the smallest indication, now that she has so far succeeded in expelling Austrian influence from Italy, to perpetuate her own domination in that country by means of large standing armies—maintained I know not for what purpose—and I speak not now of the French garrison at Rome—let her, in short, but evince the most trifling disposition to transfer to herself the authority which Sardinia at present possesses over Savoy, thus securing for herself a passage into Italy, and obtaining a resting-place whence her armies may overrun the territories of an ally whose dominions she has been the means of aggrandizing—but under such circumstances of aggrandizing, I would say, to the danger of that Ally—let France, I repeat, my Lords, but pursue such a course of policy as that, and then, indeed, confidence—which is a plant of slow growth, especially among nations—can hardly be expected to be re-established between the powerful French Empire and the rest of Europe, which is looking on and watching her movements, in an attitude of anxious and suspicious hostility. I must, at the same time, observe, my Lords, that a great opportunity is now afforded to the Emperor of the French to maintain unimpaired his character for scrupulous adherence to the principles of good faith. Let him, then, declare that he concurs with Her Majesty's Government in the view which they take of the evils which would be likely to flow, not merely from this annexation of Savoy to France, but from any infraction of those territorial limits which have been so long established, and that he desires the maintenance of the balance of power and the peace of Europe. Let him prove to the world that he went to war—as he declared it to be his intention to do—for the liberation of Italy from foreign control, and not with the view to wield himself that power the exercise of which he condemned in another; let him show that he respects England, and that right of self-government and independent action which we freely recognized in the case of that mighty Empire over which he reigns by the choice of its people; let him make it plain to Europe that neither upon the side of the Rhine nor the Alps is he to be tempted, by any vain idea as to what may seem to him the natural boundaries of France, to depart from those just principles which are far more potent than any natural limits whatsoever; let him frankly and avowedly take that course not under menace, for menace no nation would venture to offer him; but acting on the friendly representations of a country with which it is his boast that he is on terms of close intimacy and alliance, whose policy he declares to be identical with his own, and with which he does not hesitate to announce that he acts hand in hand and side by side. Let him, my Lords, I repeat, pursue that course; let him proclaim to the world that no violation of the existing boundaries of Europe is to be apprehended at his hands, and that he has given England the most solemn assurances that, in common with her, he will proceed upon the principle of absolute and entire non-interference with the affairs of other countries. If he so acts, then indeed, my Lords, will he have nobly availed himself of the opportunity which is now presented to him of reaping that best and most priceless fruit of the victories which he has won—the establishment over the minds of his fellow men of that moral authority which, unlike his great military power, is only to be attained by unswerving good faith, by scrupulous integrity, and by a strict adherence to the obligations of treaties and the rights of nations.

THE EARL OF SHAFTESBURY expressed his regret that in the course of his speech in referring to the policy which contended that this country and Sardinia ought to pursue in reference to the question under the notice of the House, he should have used the phrase "physical power," to which the noble Duke opposite (the Duke of Newcastle) had alluded.

LORD STRATFORD DE REDCLIFFE said, the remarks which had just fallen from the noble Earl (the Earl of Derby), who had spoken in terms so eloquent on the important subject under discussion, rendered him desirous to address a few observations with respect to it to the House. The noble Earl had stated that every noble Lord who had taken part in the discussion had in reality given expression to the same sentiments, modified although those sentiments might be by the form in which they were conveyed. It had so happened, however, that, with the exception of the noble Marquess by whom the debate had been opened, no noble Lord practically connected with the diplomatic service had ventured to address the House upon a question which in so eminent a degree came within the sphere of that department. As one, therefore, who had some experience in diplomatic affairs, he might perhaps be permitted to lay before their Lordships very briefly the views with respect to the present Motion which he entertained. He should, then, in the first place, observe that he entirely concurred with the noble Earl opposite (the Earl of Derby) in the opinion that it was for the interest of Europe at large that we should enter our protest against the addition of Savoy to the territories of the French Emperor, for it was impossible with justice to say that France by obtaining possession of that province and Nice would not be furnished with additional power of extending her influence over Italy; and although it might be said that England had no special interest in the latter country beyond that which related to her commerce, yet it was of the utmost importance that foreign influence should not be employed there in a manner prejudicial to us, especially if that influence were to proceed from a quarter which afforded indication of a readiness to pursue a policy unfavourable to this country—a policy on which he hoped the present Emperor of the French would never act, although it must be borne in mind that such had been the traditional policy of the French nation from the earliest times. He alluded to that policy which France had long been desirous of carrying out, which would convert the Mediterranean into a French lake. With regard to the territorial transfer now said to be contemplated, in proportion as it might be inexpedient to hazard the peace of this country and of Europe by our opposition to that transfer, so it was incumbent on Parliament at the proper time to express its opinions on the subject, and thus afford to the Government a support which would enable them when the time came to act up to their declarations. These declarations, though not quite so strong and so emphatic as had just been heard from other parts of the House, made it evident that the Government perceived the danger to which this annexation might lead, and felt themselves bound to take whatever measures could in prudence be suggested to prevent it. It could not be denied that, in addition to the increased influence which would accrue to her in Italy, France would derive from the acquisition of Savoy and Nice advantages infinitely superior to those which we had lately been accused of aiming at. What importance, for example, was attached by some of our neighbours to that miserable island at the entrance of the Red Sea, and what irritation had been produced by our supposed desire of acquiring it! The possession of Perim was, indeed, of little importance as compared with the possession of Savoy and Nice; but even these considerations, important as they were, became comparatively trivial by the side of the questions of general policy which had just been so eloquently commented upon by the noble Earl (the Earl of Derby). It was in this point of view that the strange and pernicious principles which had lately been put forward across the Channel were chiefly to be regarded. We had certainly no right to attribute these principles to the constituted authorities of France; yet they bore about them some marks of recognition by the authorities, and could not, therefore, be divested of importance. When their Lordships remembered these things, he could not help thinking that the Motions of the noble Marquess and the discussion which it had evoked were such as to inspire the strongest feelings of satisfaction; and he must therefore add his testimony to that of others as to the service rendered by the noble Marquess to this House and to the country by bringing the question forward. In the debate which had taken place he had heard nothing inconsistent with the language which a great assembly like this was entitled and was, indeed, bound to use. It seemed to him that just in proportion as they were called upon to do everything which might prevent the country from being plunged into war, so it became a more urgent duty on the part of Parliament to express a strong opinion when principles were enunciated which struck at the roots of all international obligations and of all international confidence. On such an occasion surely it was in the province of this House and of Parliament to meet such principles by a counter declaration, which should operate upon other countries, and, perhaps, thereby be the means of checking designs which it would be necessary to oppose even at the hazard of war. In the course of this debate a just tribute had been paid to the honour and the consistency of the great man now at the head of the French Empire. As far as the direct relations between the two countries were concerned this tribute was no doubt just and well-founded. But at the same time no one could help observing that during the last few years there had been certain transactions, by the side, so to speak, of the direct and public relations between the two countries, which had excited astonishment combined with some degree of distrust, not only here, but throughout Europe. When these matters were brought before Parliament, and opinions were frankly interchanged there respecting them, he thought their Lordships had a right to expect that instead of being treated as causes of offence or of quarrel by other Powers, these opinions should, on the contrary, be regarded as arising from a just sense of duty not only towards our own country, but towards Europe at large, and from a sincere desire for the continuance of that peace which was of so much importance to us and the whole world. This free expression of opinion on all subjects affecting our Foreign relations was not only of value in preventing bloodshed, but in extending also those great commercial interests which strengthened the friendship of nations; and he hoped that the present discussion would so be regarded, and would not fail of that happy effect.

The Marquess of NORMANBY, in reply, said he was surprised to find that the Government made any difficulty in assenting to his Motion. It was not his intention to resist the appeal made to him by his noble Friend opposite, who said it would be inconvenient that the Motion should be pressed. But, although he was willing to withdraw it, he wished it to be understood that, his noble Friend excepted, every one who had spoken in this debate had assented not only to the principle which he had put forward, but to the expediency of giving expression to the unanimous assent of the House by adopting the Address he had moved; but by not pressing it he meant to leave upon Her Majesty's Ministers the responsibility of carrying out the views of the House in the way they thought most likely to be successful. It had been stated that if Savoy were annexed to France it would be by the decision of the people. He hoped their unbiassed decision was here meant, and that their opinions would be elicited without any foreign pressure. But he begged at the same time distinctly to be understood as not agreeing to withdraw his Motion for the reasons given by his noble and learned Friend (Lord Brougham), that its adoption might endanger the success of the Commercial Treaty. The prospect of such a result would not alarm him at all. But if his noble and learned Friend were still in the House, he would tell him what he had often heard was said in Paris within the last few days as to the reason why England would not strongly resist this measure. The phrase used might be best translated, because "England has sold her birthright for a mess of pottage."

Motion (by leave of the House) *withdrawn.*

House adjourned at half-past Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 7, 1859.

MINUTES.]—NEW MEMBER SWORN.—For Forfarshire, Right hon. Charles Carnegie.

PUBLIC BILLS.—1° Marriages (England and Ireland); Charitable Uses; Window Cleaning; Bleaching and Dyeing Works.

2° Tramways (Ireland).

FRIDAY ADJOURNMENTS.

MR. STEUART gave notice of a Motion for Thursday next,

> "That it would tend to the regularity of Debate, on the Motion for Adjournment on Fridays, if the Clerk were instructed to place in their order on the paper, one after another, all questions to be addressed to each particular Member of the Government; and if Mr. Speaker were to call on honourable Members in such order, and the Member of the Government to reply, so that each subject might be closed before a different one taken up; and that the Clerk be so instructed accordingly."

COMMERCIAL TREATY WITH FRANCE.

QUESTION.

MR. SEYMOUR FITZGERALD said, he understood the noble Lord at the head of the Government to state on the previous evening, that the noble Lord the Secretary of State for Foreign Affairs would lay the Commercial Treaty with France, which had been lately ratified, on the table of the House on Friday. Since that time what appeared to be the contents of the Treaty had been published in a foreign journal, and had been copied into the London newspapers. After what had fallen from the noble Lord, he would not urge the immediate production of the Treaty, were it not that while the possession of no information on the subject might be inconvenient to those engaged in trade with France, the possession of information, imperfect and, perhaps, more or less inaccurate, would be likely to lead to very serious inconvenience indeed. He would, therefore, like to ask the noble Lord, Whether he can inform the House, whether the version of the Treaty given in the morning journals, and by them universally accepted as accurate, is substantially accurate or not?

LORD JOHN RUSSELL: I cannot say that I read with any attention the report of the Treaty given in the papers. No doubt it is partially accurate, but I do not think a Commercial Treaty of that kind, containing many complicated provisions, can be properly understood by the House and by the country unless they were in possession of the Treaty itself. I propose to lay it on the table, by Her Majesty's command, on Friday next.

THE PATENT FOR PRINTING BIBLES, &c.

QUESTION.

MR. BLACK said, he rose to ask the Secretary of State for the Home Department if the Patent of the Queen's Printers for printing Bibles and Acts of Parliament has been renewed, and, if so, what are the terms on which it has been renewed; and, if the Patent has not been renewed, on what conditions are Bibles and Acts of Parliament now printed?

SIR GEORGE LEWIS said, that the Select Committee which was appointed by the House to inquire into the propriety of renewing the Patent of the Queen's Printer with regard to the printing of Bibles and Prayer Books, not having been able to complete its inquiries last Session, had recommended the appointment of a similar Committee this Session, and the temporary renewal to the Queen's Printer in the meantime of the Patent for printing Bibles and Prayer Books for a limited period. The Patent had therefore been renewed for the object stated, during Her Majesty's pleasure. With regard to the printing of Acts of Parliament and public Proclamations the Patent had not been renewed, but an arrangement had been made by which the Queen's Printer was to print them for the public at a reduced rate.

MR. BLACK: Would the right hon. Baronet have any objection to produce the Minute?

SIR GEORGE LEWIS said, he was not aware that there was any Minute, but he had no objection to produce any documents on the subject.

AFFAIRS OF ITALY—QUESTION.

LORD CLAUD HAMILTON said, he would beg to ask the Secretary of State for Foreign Affairs if it is true that Lord Cowley has been instructed to communicate to the French Government a project for the definitive settlement of the Italian question; and, if so, whether he has any objection to commuicate the details of that project to the House?

LORD JOHN RUSSELL: Sir, it will be necessary for me, in order to give satisfaction to the noble Lord, to enter into some account of what has lately taken place. At present I cannot produce the papers because negotiations are still pending which, however, may soon be in such a state that I shall be at liberty to lay them on the table. What has passed is this:—The House is aware from Her Majesty's Speech that Her Majesty was invited to take part in a Conference or Congress respecting the affairs of Italy. At a certain period when it was expected the Congress was to meet, we received intimation from the French Government that it was adjourned *sine die*, but that we should be informed if there was any intention of its assembling hereafter. It was said that the delay, or rather the entire postponement, of the Congress was owing to the publication of an anonymous pamphlet at Paris. Be that as it may, Her Majesty's Government felt that it was a very serious condition of affairs if, that the Italians, who had hitherto been waiting in expectation that Italian affairs would be solved by the Congress, should have no regular Government and no apparent means of terminating the condition of uncertainty in which they were placed. Her Majesty's Government, therefore, made propositions to the Governments of France and Austria, with a view to the definitive solution of the Italian question. Those proposals were contained in a despatch to Earl Cowley, dated, I think, the 14th of January. The first proposal was that, as the rivalry of France and Austria had led to great evils in Italy and great danger to Europe, those two Powers should agree not to interfere in future by force in the internal affairs of the Italian Peninsula without the consent of the five great Powers. By the second proposition it was proposed that the French troops should, at a convenient time and with all proper precautions, withdraw from Lombardy and Rome. By the third proposition it was proposed that the Governments of Europe should not interfere in the internal Government of Venetia—that no proposition should be made to qualify the internal Government of Venetia by the Emperor of Austria. To these three proposals the Government of France, with certain modifications as to the time and season for withdrawing their troops, gave their ready consent. Upon the fourth proposition they begged time to consider, and time to communicate with the Government of Austria. The fourth proposition was to the effect that the King of Sardinia should be asked not to send any troops into Central Italy until there should be, by a new election and a new vote of the States and Provinces of Central Italy, a clear and unbiassed declaration of their wishes with respect to their future destiny—that if that wish should be in favour of annexation to Sardinia, then the restriction to which it was proposed to ask the King of Sardinia to submit should be removed, and no objection made to his introducing troops into the provinces of Central Italy—meaning, of course, those provinces which have declared they will no longer be governed by their late rulers. The French Government has accordingly communicated with the Government of Austria upon that subject, but no official communication of the decision of Austria has yet been received. This very morning I received a despatch from our Ambassador at Vienna, to the effect, that Count Rechberg promised to take the Emperor of Austria's orders, but that he could not give an official answer without receiving the Emperor's instructions and commands. With respect to ourselves, the Austrian Government, on receiving the communication of the three propositions to which they were asked to consent, made objection that it was not in conformity with their views and opinions as to the rights of sovereignty to make any absolute engagements with regard to non-intervention. With regard to the fourth proposition, although they could not acknowledge the state of things which has arisen in Central Italy from an insurrection, at the same time Count Rechberg declared to Lord Augustus Loftus in Vienna, and Count Apponyi has declared to me in London, that the Austrian Government have no intention whatever to interfere in the affairs of Italy; that they are not going to send any forces beyond their own frontiers; and that they shall confine themselves strictly to the defence of their own possessions, which are declared by treaty to be part of the dominions of the Emperor of Austria. These declarations, combined with the willingness of the French Government to entertain the three first proposals, give great hope that we shall arrive, by these means, at a settlement of Italy which, although not immediately acknowledged by all the Powers of Europe, will at the same time be a pacific settlement, and prevent a renewal of war. Immediately after communicating with the Governments of France and Austria, I directed communications of the same proposals to Prussia and Russia for their information and subsequent decision. With regard to Russia, I have not received any answer whatever. The Prussian Government has not made any objection to the proposals, but delays making a definite answer until the opinions of France and Austria have been ascertained. This is exactly the substance of what has hitherto passed. The noble Lord will see that these are rather the beginning of negotiations, and I cannot at present be authorized by Her Majesty to place the papers on the table of the House.

THE ADMIRALTY.—QUESTION.

MR. KINNAIRD said, he would beg to ask the Secretary of the Admiralty what steps the Board of Admiralty have taken, or are about to take, to carry out the recommendations contained in the Report of the Committee of Inquiry on the Economy of Her Majesty's Dock-yards, presided over by Admiral Smart, and in the Report of the Committee on Steam Machinery, presided over by Admiral Ramsay ?

LORD CLARENCE PAGET said, the Admiralty had under their serious consideration the Report of the two Committees to which the hon. Member referred. They had been able to carry out various recommendations, but with regard to one of the most important they had thought it right to call for the opinions of the principal officers of Somerset House, as well as the superintendents of the dockyards. The observations of those officers he hoped to be able to lay on the table the next day. The Duke of Somerset had given the greatest consideration to the recommendations of the Committees, and had drawn up a memorandum, which had been laid before the Board of Admiralty. He also hoped to lay that paper, with a board minute attached, on the table at the same time. The Committee on the dockyards recommended that there should be laid before Parliament statements of the annual cost of all ships of Her Majesty's navy. He hoped to be able to lay on the table that return, which he thought was of some interest, in a few days. But he was bound to state with candour that the return was not so perfect as he should wish it to be. It was, however, a novelty, and the details of the expenditure upon the different ships had not perhaps been kept in as satisfactory a manner as they ought to have been. When the hon. Member for Newcastle brought forward his Motion for inquiry into the shipbuilding of the Admiralty, he should be able to go more fully into the subject.

SIR JOHN PAKINGTON asked, whether the references to the officers at Somerset House, and the memorandum of the Duke of Somerset, related to the Reports of both the Committees ?

LORD CLARENCE PAGET said, that the observations of the officers of Somerset House referred to the Report of the Dockyards Committee only, but the memorandum of the Duke of Somerset related principally to the Report of the Dockyard Committee, but had also reference to that of the Committee on Steam Machinery.

DIVORCE AND MATRIMONIAL CAUSES COURT.

LEAVE. MOTION NEGATIVED.

LORD JOHN MANNERS said, he rose to move for leave to introduce a Bill to enable the Court for Divorce and Matrimonial Causes to hold its sittings with closed doors. He had hoped that the notoriety of the evil to which he had to direct the attention of the House, and the fact that the remedy he was about to propose was identical with one which had been proposed by her Majesty's Government last year, would have rendered it unnecessary for them to enter into any discussion at that stage of the question. But, as the hon. and learned Member for Marylebone (Mr. E. James) had given notice of his intention to oppose the introduction of the Bill, he (Lord J. Manners) felt it necessary to preface his Motion by a few observations, and to describe the remedy he proposed. But at the outset he might say that it was not his desire in any way to re-open the discussions which had preceded the establishment of that Court. For good or evil that institution was now the law of the land, and whatever his opinion might be, he did not propose to say a word on its effect upon public morality or domestic purity. The evil for which he was then anxious to provide a remedy was one which appeared to him to be purely accidental, and quite unnecessary as a concomitant of the Act of Parliament which established that tribunal. It would be in the recollection of the House that in the course of the debates which had preceded the passing of that measure great stress had been laid on the good which would result to the community at large from the suppression of those painful and indecent details which used occasionally to transpire in what were called *crim. con.* actions and petitions for divorce to the House of Lords; but he would ask the House whether any change for the better had really taken place in that respect, and whether they could now place in the hands of their children, or of other members of their families, the daily records that were published of the proceedings in the new court with any greater security that their eyes would not light upon whole columns of indecency and moral filth than they could have done before that change in the law had been effected? The reverse was the case, and the question had now come to this issue—a man must either abstain, during the sitting of the Divorce Court, from taking in the daily papers, or consent to place in the hands of his wife and children details of the most indecent and abominable nature. It was a heathen moralist of corrupted Rome that exclaimed—

> "Nil dictu fœdum visuque, hæc limina tangat,
> Intra quæ puer est.
> Maxima debetur pueris reverentia."

And acting upon that principle, the Legislature some three years ago, at the instance of the present Lord Chancellor, passed a law which had for its object the closing of those fountains of moral pollution which were calculated to corrupt the youth of this metropolis; but it was his (Lord John Manners') deliberate conviction that during the last autumn and winter the evils resulting from the publicity of the proceedings of the Divorce Court were far more widely spread than had been those which had resulted from the indecent publications of Holywell Street. And for this reason: the man who entered that place and purchased one of those publications did so with his eyes open; but in the instance of the Divorce Court, wherever the English language was read or understood, details equally corrupt and disgusting were by a sort of unfortunate fatality spread broad-cast before the public eye. Hence had arisen the feeling in the public mind to which he asked the House to pay respectful deference. But the evil of which he complained did not end here. Last year the Attorney General directed the attention of the House to another and incidental evil attending the publicity of these transactions. He was no lawyer, but he thought, nevertheless, he should be able in a few sentences to remind the House of the importance of that particular aspect of the question to which the Attorney General had alluded. The Attorney General painted in strong, but by no means in too strong colours, the evils which would result if, by the rejection of the clause then before the House, they virtually compelled the Court to conduct all its proceedings with open doors. That learned Gentleman entreated the House to consider whether for the sake of justice itself the greatest evil would not ensue from enforcing publicity, and pointed out how a young and innocent and pure-minded woman might be compelled, by this system of enforced publicity, to come before the Court, crowded as it generally was with the most abandoned of both sexes, and before the recording pens of the representatives of the public press, to give evidence of a most painful and excruciating character. The Attorney General suggested whether it was not likely, rather than submit to so terrible an ordeal, that in many cases the innocent victim would not shrink from asking for that relief and justice to which she was by law entitled. He left it to those who presided over and who practised in that Court to say whether since the Attorney General had made that appeal the anticipations of the learned Gentleman had not been fully realized. He (Lord J. Manners) had been told that they had been so, and therefore the case he had urged primarily on the ground of public decency and domestic purity had become infinitely stronger; and he felt armed with an additional argument in favour of the measure he proposed to introduce, namely, that of simple justice to those unhappy individuals. The remedy he proposed to apply to the evils of which he complained, and to which he did not wish further to allude, was of an obvious character. It was not his intention to give a single instance of the indecency of those publications, nor to condescend to the mention of any one particular report. The facts to which he had referred were known to every Member of that House, and the evil of which he complained was patent on the surface. The remedy he proposed for this notorious evil was simply that already suggested by the able Judge who presided over the court in question, sanctioned by the highest authorities in the House of Lords, and recommended by the ablest lawyers in the Upper House—a proposition which had been urged upon the attention and consideration of that House by the learned Attorney General himself. That remedy was simply to grant to the Divorce Court the privilege of conducting its proceedings with closed doors whenever in its discretion it seemed fitting to it to do so. Such a privilege had been exercised by the Ecclesiastical Court and the House of Lords, when between them they managed the divorce business of the country. It was at present possessed by the Courts of Chancery and by the analogous courts of Scotland, France, and other countries, and according to universal testimony, it might be safely entrusted to the discretion of the eminent Judges that presided over the Divorce Court. That being the simple remedy proposed for the evil referred to, he was at a loss to see how his proposal could be so objectionable as to procure for it the unusual honour of being opposed at that stage. He might be told of the well known adage that "Publicity was the soul of justice." To that maxim he respectfully bowed. He was willing to admit its truth, which indeed was obvious. But he would meet it with another maxim, equally obvious and of equal acceptation "There is no rule without an exception." Now, he thought the exception in the present case was founded on the paramount interest of public decency and domestic morality. He was not going beyond the mark when he said that nine-tenths of the statute laws of the land were in reality exceptions to general and well-received principles. Take the case upon which such public interest was manifested at present, they were all most anxious for, and in expectation of, the perfect, speedy, and he hoped lasting, restoration to health of the Chancellor of the Exchequer, in order that the right hon. Gentleman might, on Friday next, be able to explain to the House those reasons that had induced Her Majesty's Government to depart from the well-known and received maxim of political economy in the negotiation of a treaty of commerce with the Emperor of the French. If hon. Members, too, would cast their eyes upon the paper of the House for that night they would find mention made of three Bills for the enactment of provisions in direct violation of certain well-received principles of political economy. The exceptional legislation three years ago with the view of putting a stop to the indecent publications of Holywell Street was also in direct violation of a well-received principle. No doubt it was then exclaimed that "an Englishman's house was his castle." Notwithstanding the recognition of this popular maxim, however, the House departed from the rule and permitted an exception in the paramount interest of decency and public morality. Well, he simply asked the House to adopt a similar course now. Perhaps it might be said that the remedy was unnecessary, since it was already in the power of the Court to close the doors; but whatever might have been the case previously that argument could no longer be used after the introduction of the Bill of last year, which showed that the presiding Judge, the legal authorities of the House of Lords, and the law officers were of opinion that he did not possess the power of closing the doors of the court until the Legislature gave it by statute. No one, he thought, would contend that this power might not be exercised as advantageously for the public interests by the Judges of this court as it had heretofore been exercised in the Courts of Chancery; and if such a discretion were permitted, to whom could its exercise more properly be intrusted than to that distinguished man who presided over the Court of Probate and Divorce? In bringing forward this Bill he was actuated by no indirect wish either to damage or to prop up the new system of divorce by law. He scorned the motives which had been imputed to him, and he attributed no unworthy objects to others. The evil, he contended, was patent, flagrant, and increasing; the remedy was simple, obvious, and innocuous; and it came before them recommended by the heads of the law, and by the very founders and framers of that Court in which he proposed that it should be put into operation. If there were those who believed that any other remedy was capable of being applied to this admitted evil, let them propose their plan, and he would most cheerfully support it; but meanwhile, he entreated the House not to withhold its sanction from the introduction of a measure directed to so desirable an end, and recommended by so great a weight of authority. With these few observations he begged leave to move for leave to introduce the Bill of which he had given notice.

Motion made and Question proposed,—

"That leave be given to bring in a Bill to enable the Court for Divorce and Matrimonial Causes to hold its Sittings with closed doors."

MR. EDWIN JAMES said, his reason for taking the rather unusual course of resisting the introduction of the Bill was, that the matter had been fully discussed and decided in the last Session of Parliament. The Divorce Court Bill came down with a clause introduced by the Lord Chancellor, with the object of accomplishing that which was proposed by the present measure. It was supported to some extent by the Attorney General; but the feeling of the House had so strongly manifested itself against closing the doors of this court that the clause was rejected without a division. After this express decision, he believed the House would now declare its opinion that the present Bill was inexpedient and unnecessary. He imputed no motives whatever to the noble Lord; he believed that he was actuated alone by the sincere desire of suppressing what he considered indecent reports of the proceedings in that court; but he hoped to show the House in a few sentences that such a course would be highly injudicious. The noble Lord had referred to the practice of the Ecclesiastical Courts and the Court of Chancery; but if ever the Court of Divorce—which as at present administered enjoyed the sanction and confidence of the public—were to adopt the same rules for the administration of its business as the old Ecclesiastical Courts to which reference had been made, it would soon fall into utter contempt and disrepute. The Lord Chancellor, it was true, equally with the Judge of the Divorce Court, had power, with the consent of counsel acting for both parties, to retire into a private room and hear the case, if he thought proper to do so; but he entertained great doubt whether the Lord Chancellor could close his court against the public, and he believed that if a case of trespass were brought by any person who had been excluded, it would be established by the constituted authorities that the Court of Chancery was a public court, and the Lord Chancellor had no right to close it. The notion that closed doors would effect the object the noble Lord had in view was quite delusive. Why, if it were known that a sort of mysterious Court was sitting at Westminster Hall, whose avenues were unapproachable to the public, and that cases were going on there which might not be reported, a prurient curiosity would at once be engendered, and they would have all sorts of erroneous reports furnished either by reporters in wigs and gowns or by attorneys or their clerks; and a morbid desire to procure them would be evidenced on the part of the public. Was the noble Lord, who had cited no instance which occurred since last Session in support of his argument, prepared to extend the principle of his Bill to the Police Courts, and other courts of criminal jurisdiction in this country? Yet a charge of perjury had arisen out of proceedings in a suit before the Divorce Court, which it became requisite to try before one of the criminal tribunals, and the details of which occupied day after day the columns of the public journals. The better course, he believed, was to repose confidence in the taste and good sense of the press, which, since the decision in August, had not abused the power of publishing cases from that court. Hon. Members who had acted as counsel in cases of this nature would bear him out in the statement, that since that period cases had occurred involving details of the most filthy or disgusting character, and yet no such details had been given to the public. These cases might be safely left to the judgment of the press, for if there existed a prurient desire on the part of the public to have these details, they would be furnished in a much more objectionable way than at present. The debates in that House were at one period forbidden to be published; and Dr. Johnson told the translator of *Demosthenes* that he got from the door-keepers and uniformly published imaginary debates; and that he always took care that "those dogs of Whigs" always got the worse of it. The noble Lord was of opinion that by the reports which appeared from the Divorce Court a public scandal was occasioned; but he considered that a vital principle was at stake in the matter, and that although the maxim might be trite it was still as true as when Bentham wrote it, that publicity was vital to the administration of English justice, and to the confidence which the people of England reposed in it. He should therefore conclude by moving, as an Amendment, the Previous Question.

Whereupon *Previous Question* put—"That that Question be now put."

MR. ROEBUCK said, a remark had once been made by Swift, which the present Motion of the noble Lord fully verified. This was, that "the nicest persons had the nastiest ideas." The proposition of the noble Lord seemed to have originated in the same state of feeling that possessed the American lady whose sense of modesty was so wonderfully acute as to be offended by the naked legs of her pianoforte. If the noble Lord had taken into account the end which was sought to be attained by the Divorce Court, he would, he thought, have arrived at a different conclusion. That Court had been created for a mixed object; it affected not merely private rights and obligations, but also public obligations. It not only determined whether a man should be divorced from his wife, but it went further, and declared why he should be divorced, and by that means it affected public morality. If the Court was shut up, one of these great means of operating upon the public morality would be utterly taken away. He was aware that it had been said that the English notion of morality was confined to picking a pocket and seducing another man's wife. But there were other things which he read daily in the papers by which he was much more affected. He constantly saw in the reports of the Police Courts that men were brought up for thrashing their wives, almost beating out their eyes, and nearly taking away their lives. These things went on from day to day, and disgraced the people of England in the eyes of Europe and of the world; but no one got up and said that they ought not to be made public. Another great object which had been effected by the publicity of proceedings in the Divorce Court was the dispelling of the idea that immoral practices were confined to the upper and lowest classes of society; and it had been shown that among the middle class what was particularly recognized by Englishmen as immorality was as rife as in any other, and he thought this a very great benefit; he hated shams, and he believed the morality of the middle class to be as great a sham as had ever existed. There ought, then, to be a degree of healthy hardihood in a man's character which would enable him to bear this exposure. The noble Lord had stated that it was impossible to put a newspaper into the hands of one's wife or daughter since the establishment of the Divorce Court. This statement he denied altogether; and he maintained that nothing had been more creditable than the conduct of the public press on this question. They had the most filthy details before them—aye, and from the middle class too, and they had not shocked any decent man's or woman's mind by what they had disclosed. Were they to live in a fool's paradise? Was it right that the middle class should continue to appear as models of angelic purity, when they were as earthly and immoral as any other class? No; let truth be told. The noble Lord stated that the Judges of the criminal courts had the power of shutting out women and children. Yes; but how was it done? In a criminal case, the Judge has the depositions before him, and knows what is going to be proved is of a character that women and children had better not hear. The Judge of the Divorce Court could not do this; and, as a Judge, would act only on his individual caprice, and he would ask the House whether it could expect from a court of justice the advantages it was intended to produce, if it was left to the caprice of the Judge to decide what was fit to be made public? When the name of Sir C. Cresswell was mentioned, no one was more ready than he (Mr. Roebuck) to bear testimony to his merits; but though the law would be everlasting, the Judges would change. Each Judge would act on his own opinion; one might exclude the public, the next might take a different view of the case. Then they might have a prurient Judge—there were such things—who might delight to make jokes before his Court that he would not dare to utter if the press was present. Even now, with the control of the press, he could put his finger on Judges whose jokes did no honour to an English court of justice. One great use of a court of justice was to serve as a guide to the morality of the people. The people would be shut out from one of the best schools for teaching morality, and their imaginations would picture the secret proceedings a thousand times worse than anything the public was likely to read. The Motion of the noble Lord, therefore, though made with the best possible intentions—hell was paved with them—would do the greatest possible mischief, and he should oppose it.

LORD ROBERT CECIL said, the hon. and learned Gentleman had argued the question as if obscene publications could do no harm to public morals. [Mr. ROEBUCK: No.] He could not now take that line of argument, the House having three years ago passed a statute prohibiting the sale of such publications. In the works prescribed by that statute there was nothing that equalled in grossness the reports of the Divorce Court that appeared in some of the newspapers. He admitted this reproach did not apply to the respectable journals; but there was a class of newspapers that derived their most attractive matter from the Divorce Court. It was stated that the Lord Chancellor and other Judges could hear cases in their private rooms with closed doors, but by a decision of Sir Cresswell Cresswell that was no longer possible in his Court. He had chosen to decide, because this House had rejected a clause giving him power to exclude reporters from his Court, that therefore it was not competent for him to exercise the power possessed by the other Judges of hearing cases in a private room. The Divorce Court, therefore, no longer possessed the power of the other Courts. The argument had been urged that it would be a grievance to the public if publicity were not given to the proceedings of these Courts; but it should be remembered that publicity was a grievance to the suitors. The most refined as well as the lowest of women might be concerned in cases of this nature, and to women of every class of society the publicity to which their cases were exposed acted, in many instances, as an absolute denial of justice. The tendency of all recent legislation had been to make justice easy to be obtained by every one, as in the creation of County Courts. If the Legislature had done so much where only money was concerned, it was the more bound to do something for the class of cases that affected public morality and decency. By the old system the evidence in such cases was given in writing, not *vivâ voce.* Notwithstanding the insinuation of the hon. and learned Gentleman, he should support the Motion of the noble Lord, trusting that the House would act in the decision of the question with a due regard to the interests of decency and purity.

Sir GEORGE LEWIS: Sir, the most convenient course when there is any doubt as to the provisions of a Bill is to agree to the Motion for its introduction, in order that those provisions may be afterwards explained by the hon. Member who wishes to bring the subject under the consideration of the House. In this instance, however, I am bound to say the noble Lord has treated the question as if he were debating the Bill on the seconding reading. He has made a speech of a somewhat controversial nature, and he has removed all doubt as to the nature of the measure which he seeks to introduce by saying that it was a repetition of the proposal made last Session. Therefore, not entertaining any doubt as to the vote which I should give on the second reading, I am prepared, though contrary to what I consider to be the most convenient practice of the House, to vote in favour of the Amendment of the hon. and learned Member for Marylebone. Now, Sir, I will proceed to discuss this question as if the question before us were the second reading of the Bill. The proposal of the noble Lord is in fact to bring in a Bill, the effect of which would be to create a *privilegium* with respect to the Court of Divorce. He does not propose to alter the general law of the country with regard to trials in which indecent matter, matter which is unfit for general perusal, may be given in evidence before the Court, commented upon by the counsel, or stated in his charge by the Judge to the jury. He does not propose to introduce a general measure including every civil court, every criminal court, and the preliminary proceedings before magistrates, but he proposes to establish a separate rule with reference to the Divorce Court. Well, now, Sir, my objection to this Bill rests upon its being a peculiar and discriminating measure. If the noble Lord had proposed a general measure with respect to all courts, I might have been disposed at all events to go to a second reading of the Bill; but it appears to me that unless he is prepared to lay down a universal rule there is the gravest objection to the singling out of the Court of Divorce as a subject of exceptional legislation. On what ground does the noble Lord rest this exceptional—this differential measure, if I may so term it? It may, perhaps, be argued that trials in which highly indecorous and obscene matter is introduced do not come before our criminal courts. Now it must be a matter of notoriety that cases far more gross in their literal description occur in the administration of the criminal law than occur before the Court of Divorce. I do not wish to pain the House by a more minute allusion to such cases, but it is notorious they do occur. Now what is the course which the Judges pursue on such occasions? They order the women and children out of court, and that, I presume, is in accordance with the law of the country. I presume that a woman who was ordered out of court under such circumstances would have no action of trespass. But there is no attempt to drive reporters out of court under such circumstances, or to carry on the proceedings with closed doors, which is what the noble Lord proposes shall be done in the Divorce Court. The Lord Chancellor, I think, sometimes retires into a private room, and hears counsel there, the public being altogether excluded; but those cases are purely exceptional; and I believe that the exclusion takes place not because there is anything to shock public decency, but because the private interests of the parties render such an arrangement desirable. Such a power is undoubtedly exercised, but it is rarely exercised by the Lord Chancellor. Now, Sir, under these circumstances it does not appear to me that a sufficient case has been made out for subjecting the Court of Divorce to special legislation. We know that when cases similar to those now tried in the Court of Divorce came before the House of Lords and before the Ecclesiastical Courts they were reported at great length —the cases tried in the House of Lords especially, which sometimes had lengthened interrogatories introduced into them by some noble Lords, and the evidence was duly reported in the newspapers. I do not remember, however, that any Peers of Parliament ever had such a regard for public decency as to insist on the examinations taking place with closed doors, although, be it borne in mind, it would have been competent to the House of Lords, without any special legislation, to exclude strangers during the reception of the evidence on a private Bill. Nevertheless I am not aware that any of the noble Lords who have had so much experience in the administration of justice ever resorted to that contrivance for the purpose of preventing the publication of that class of cases. Under these circumstances, and not thinking it necessary for the protection of public morality to subject the Divorce Court to this special legislation, I shall vote for the Amendment. I cannot conceive that there is any reason for doubting that the ordinary law and the ordinary practice of newspapers with respect to the publication of details of this kind will afford less protection to the public interest in the case of the Divorce Court than in the case of other courts.

MR. MALINS said, he did not deny the existence of the evil for which the noble Lord (Lord J. Manners) sought to provide a remedy, but he could not on that account consent to arm the Judge of the Divorce Court with a power which he regarded as unconstitutional, and which he believed would be found to be detrimental to the public interest. The noble Lord, in dealing with the subject, had made some observations which showed that he laboured under an erroneous impression with respect to the practice of the Court of Chancery, for it was only in certain cases, such as those affecting the relations between guardian and ward, parent and child, husband and wife, and then only when no question of a dissolution of the marriage tie was involved, that the Lord Chancellor disposed of cases in private; taking that course, it should be remembered, not because of the injury which a hearing with open doors might do the public morals, but out of regard to the feelings and interests of the parties themselves and their families. In the case of the suits which came before the Divorce Court, however, the matter was entirely different, for they involved not only questions bearing upon family relations, but questions deeply affecting the public whose interest it was to know what the causes were which had led to so important a social disruption as the breaking of the marriage tie. Let him for a moment suppose that such a step could be taken without the knowledge of the public, where, then, he should like to know, would any adequate safeguard against collusion between the husband and wife desirous of a separation from one another be found? He should, moreover, wish to be informed in whom the discretion as to whether a particular case should be heard in public or with closed doors, was to be vested? Was it to be a point on which the parties to the suit might themselves decide? If so, it would often happen that the wishes of the different parties would clash, inasmuch as the offending wife or husband, as it might be, would naturally seek for that secrecy which the innocent petitioner or respondent would as naturally desire to avoid. He might, however, be told that the Judge was the person to whom was to be committed the authority to hear a cause in private or not, as he might think fit; but to the proposal to confer such a discretion upon our Judges he could only say that while they themselves would be the very last persons to wish for such a power, which was of a character much too arbitrary to be intrusted to the hands of any public functionary, however high, he believed its exercise would have the effect of removing that check upon the violation of the marriage vows which the fear of publicity now supplied. Entertaining these opinions and a strong repugnance to the principles of the Bill, he should vote for the Amendment.

MR. MACAULAY said, that from the observations which had fallen from the right hon. Gentleman the Secretary of

State for the Home Department, it was to be inferred that he could hardly be aware that the reason why the clause—having a similar object as that which the Bill of the noble Lord proposed to effect — had not been pressed to a division when it came down from the House of Lords last Session was, that it was so worded as not to meet the interests and take into account the feelings of parties to the suit and their families, but was based solely upon the ground of the shock to public decency which the publication of the evidence in trials in the Divorce Court involved. The noble Lord, on the other hand, asked permission to introduce this Bill on the ground of the interest of suitors, not in all cases, but in instances in which suitors would otherwise be practically deterred from seeking a remedy unless this restriction on the publicity of proceedings were imposed. It so happened that since the House last discussed the question the Court had, on two occasions, thought fit to deny to itself the right of proceeding with closed doors. The first was a case in which the wife charged cruelty against her husband under circumstances peculiarly revolting; and the second was one in which the wife sought to annul the marriage on a ground which had already been hinted at, and when for the first time in this country, and the first time in Christendom, a modest woman was placed in the witness-box and obliged in presence of the public to speak to details to which he could only darkly allude. That was not a question of indecency or adultery, or in which any of those details occurred which issued in pamphlets from Holywell Street and were published so largely in penny papers ; it was one of a totally different nature, which it was impossible to contend could not be safely conducted in private by such Judges as now presided in the court. All he said was that under certain circumstances, subject to whatever restrictions Parliament might impose, the Judges of this court should have the power of deciding that particular cases should be heard without an audience. The hon. and learned Member for Sheffield had asked how the Judges were to distinguish the cases which ought to be heard in private ; but the hon. and learned Member must have forgotten that every material fact must be stated on the face of the petition and pleadings, and the Judge had therefore the full means of knowing whether the details would be not only painful to hear and improper to read, but whether the enforcement of a public hearing of these matters would be destructive to the interests of families who were parties to the suit. He did not, of course, know what shape the Bill might assume on the second reading ; but be felt confident that any Bill with such a general object as he had described might readily be moulded into a form by which substantial justice would be done without any of those mischiefs which had been anticipated as the possible result. He regretted that the hon. and learned Attorney General was not in his place that evening. He had read his speech on this question when formerly before the House, as conclusive in favour of some legislation on the subject. It was an unanswerable argument in favour of a power being given to this Court to close its doors in certain cases. He therefore protested against the rejection of the noble Lord's Motion ; he should most certainly give him his support.

Lord JOHN MANNERS replied : The hon. and learned Member for Marylebone (Mr. E. James) in his opening statement remarked that this proposal had already been discussed and decided in the House of Commons. No doubt the Attorney General had made a most gallant defence in favour of this clause, and afterwards withdrew it. But he (Lord J. Manners) believed that if the House of Commons had really been present in body on that occasion, as it was now, the Attorney General would never have yielded to metropolitan pressure as he had done on the eleventh of August last year. He felt great difficulty in answering the observations of the hon. and learned Member for Sheffield (Mr. Roebuck), for he could hardly put himself in the mental position of a man who could regard and describe the Court of Divorce as it then existed as a great school of morality. He (Lord J. Manners) would ask the hon. Member when he next spoke on the subject to define what, in his opinion, was the greatest school of immorality. He was at a loss to see how the hon. Gentleman could say that the disclosures in that court could tend in any degree to the promotion of morality. The right hon. Gentleman the Home Secretary had given the House several reasons against this clause, which, whatever force they might have now, had surely as much force last July and August, when he was a consenting Member of the Government to bring in this clause, in favour of which he could say nothing now. But where was the right hon. Gentleman when the Lord Chancellor and other Members of the Government carried the clause in the other House, and the hon. and learned Attorney General so ably advocated it in the House of Commons. Had anything occurred since that time to make the Bill less useful now than it was then, or did the House not know that from one end of the country to the other there was a universal wish that some such measure should be adopted? The hon. and learned Member for Wallingford (Mr. Mallins) said there were far more indecent cases tried before the criminal courts than in the Divorce Court; but he forgot that, whereas in those courts these cases were the exception, the Divorce Court was occupied almost exclusively with cases of this sort. He understood there was now upwards of 600 cases waiting to be tried before this court, while in the other courts such cases came few and far between. He had brought forward this Motion solely in view of public morality and decency, and he trusted that what the House and the Government thought advisable and necessary last year would not be thought unnecessary or unadvisable now.

The House *divided*:—Ayes 83; Noes 268: Majority 185.

BLEACHING AND DYEING WORKS.

LEAVE. FIRST READING.

MR. CROOK said, he rose to move for leave to bring in a Bill to place the employment of Women, Young Persons, and Children in Bleaching and Dyeing Works under the regulations of the Factories Acts. He thought every hon. Member must admit that the Factories Actw as an unmixed benefit to every class connected with it, and the employment of women and children in bleaching and dyeing works was of very much the same character as in factories. He would not go into the question further than by stating that the evidence which had been collected by the Commission and also by Committees of that House, completely established the justice of the measure. The Committee had recommended that there should be a voluntary arrangement, but that recommendation had not been acted upon, and the evils were still in so unmitigated a form that he must ask leave to introduce the Bill.

SIR GEORGE LEWIS observed, that if he were to take the same course upon this Bill as he had taken on the measure of the noble Lord opposite, he would not have consented to this Motion, because a Bill certainly similar in its object had been condemned by a Committee of that House. But this measure concerned a very large body of persons, and there were, he understood, some of the provisions in the proposed measure, new. For these reasons he would not oppose the introduction of the Bill, it being distinctly understood that he reserved to himself full power of dissenting to an extension of the Act to bleaching and dyeing works.

LORD JOHN MANNERS said, it was not correct to say that the Select Committee referred to by the right hon. Gentleman, and of which he (Lord J. Manners) had been a Member, had condemned this or any other Bill having a similar object. What the Committee did was this: they recommended that time should be given to the masters to see whether they could not themselves do something to arrange the disputes between themselves and the employed. Two years had elapsed since that recommendation was given. He had not heard that the masters had during that period done anything in the matter; and under these circumstances he was glad to find that the Bill before the House would be allowed to come on for a second reading in order that the House might have an opportunity of learning how things stood.

MR. TURNER said, he was of opinion that the hon. Gentleman the Member for Bolton had shown rather more pertinacity than sound judgment in now asking leave to introduce the Bill. Several attempts had been made at this sort of legislation, which had proved ineffectual, and had been negatived in that House by large majorities. The subject indeed had been before them for the last ten or twelve years, and the only Bill that reached a second reading was negatived by 169 to 65. The Committee appointed in 1857 reported that it was not a fit subject for legislation; and the introduction of the last Bill on the question was negatived by 138 to 30. He would not object to the first reading, but would give every subsequent stage his most decided opposition. Masters, in their own interests and in the interests of their workpeople, had endeavoured to carry out every possible improvement in this trade.

Leave given.

"Bill to place the employment of Women, Young Persons, and Children in Bleaching and Dyeing Works under the regulations of the Factories Acts, *ordered* to be brought in by Mr. CROOK and Lord ASHLEY.

Bill *presented,* and read 1°. To be read 2° on Tuesday, 6th March, and to be *printed.*

CHARITABLE USES.

LEAVE. FIRST READING.

MR. HADFIELD said, he rose to move for eave to bring in a Bill to amend the law relative to the conveyance of land for charitable uses. This Bill was in substance approved of by the highest authorities and by hon. Members on both sides of the House. It was not for the purpose of enabling persons to devise property by will in weak moments and in their dying hours, but simply to enable conveyances to be taken for various charitable purposes, schools, and places of worship. There were at least 30,000 of such institutions in the country, all of which were affected by the mortmain laws, and some of which in consequence existed upon uncertain title.

Leave given;

"Bill to amend the Law relating to the Conveyance of Land for Charitable Uses, *ordered* to be brought in by Mr. HADFIELD and Mr. MALINS."

Bill *presented,* and read 1°. To be read 2° on Wednesday, 15th February, and to be *printed.*

MARRIAGES (ENGLAND AND IRELAND) BILL.

LEAVE. FIRST READING.

MR. MELLOR moved for leave to bring in a Bill to amend the Acts relating to marriages in England and Ireland, and extending certain provisions thereof to persons professing with the Society of Friends, called Quakers. The hon. and learned Gentleman said that the object of the Bill was to extend privileges hitherto enjoyed by members of the Society of Friends to persons holding the same views and desirous of being married according to their usage. When the Bill was printed and laid upon the table it would, he thought, be found to be one to which no hon. Member could have any objection.

Leave given;

"Bill to amend the Acts relating to Marriages in England and Ireland, and extending certain provisions thereof to Persons professing with the Society of Friends called Quakers, *ordered* to be brought in by Mr. MELLOR and Mr. BRIGHT."

Bill *presented,* and read 1°. To be read 2° on Monday next, and to be *printed.*

THE JERSEY COMMISSION.

RETURN MOVED FOR.

MR. HADFIELD said, that not being satisfied with a reply to a question addressed by him to the Home Secretary a night or two since, he rose to move for a return showing the names of the Commissioners, Secretary, and of all other Persons employed on the Jersey Commission, and in what capacity they are employed; of the number of days on which the Commissioners met, distinguishing those days on which they met in Jersey, from those on which they met in London; of the entire expense of the Commission in detail up to the present time.

SIR GEORGE LEWIS said, the Commission was issued while the Administration of the Earl of Derby was in power, and Her Majesty's present advisers had no share in recommending its appointment. He would take it for granted that, as it was issued in consequence of an address from the House, it was issued with sufficient reason; but he submitted that it was not usual to impute dereliction of duty or unnecessary delay, without some proof, or to cast the censure which this return seemed to apply to the Commissioners. When the Miscellaneous Estimates were presented there would be a complete account of the expenses, and that would be the proper time to object to them. He did not see that any advantage would be gained by this return; and therefore, if it were pressed to a division, he should feel it his duty to vote against it.

MR. W. WILLIAMS said, the Secretary of State appeared to draw a distinction between the appointment of Commissions by the late and by the present Governments; but it should be remembered that all such appointments were really the acts of the House. It was most important that the House should know what the Commission had done, and he was very much surprised at the opposition offered by the right hon. Baronet.

Motion, by leave, *withdrawn.*

PACKET AND TELEGRAPH CONTRACTS.

APPOINTMENT OF COMMITTEE.

MR. LAING said, that in the absence of the Chancellor of the Exchequer, he wished to move the appointment of the Select Committee on Packet and Telegraphic Contracts. It was his belief that no opposition would be made to the Motion.

MR. SPOONER said, he must object to the appointment of the Committee, in the absence of the hon. Member for Berkshire (Captain Vernon), who had postponed his Motion on this subject, on the understanding that this Motion also would be postponed.

MR. LAING explained, that the hon. and gallant Gentleman's notice related to a substantive Motion ; it was not an Amendment ; and the hon. and gallant Gentleman had not himself hinted to the Government the slightest desire to have the nomination of the Committee postponed.

SIR GEORGE LEWIS said, he also must deny that there was any such understanding. The two Motions had no connection with each other. The hon. and gallant Gentleman's Motion referred to the proceedings of the Committee of last year, and this was for the re-appointment of another Committee this Session on the same subject.

The appointment of the Committee was then agreed to, and the following Members nominated to serve on it ;—Sir FRANCIS BARING, Sir STAFFORD NORTHCOTE, Mr. HENRY HERBERT, Mr. CORRY, Mr. SCHOLEFIELD, Sir HENRY WILLOUGHBY, Mr. DUNLOP, Captain LEICESTER VERNON, Mr. BAXTER, Captain GLADSTONE, Mr. HUBBARD, Mr. ROBERT CRAWFORD, Mr. HOPE, Mr. LAING, Mr. BAZLEY, Sir EDWARD GROGAN, Mr. HOWES, Mr. EDWARD ELLICE, and Colonel GREVILLE.

House adjourned shortly after a quarter past Seven o'clock.

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HOUSE OF LORDS,

Wednesday, February 8, 1860.

Their Lordships met, and having gone through the business on the Paper,

House adjourned at Four o'clock, till To-morrow, half past Four o'clock.

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HOUSE OF COMMONS,

Wednesday, February 8, 1860.

MINUTES.] NEW WRITS ISSUED.—For Hertford Borough, *v.* The Right hon. William Francis Cowper, First Commissioner of Works ; for Gateshead, *v.* William Hutt, esquire, Vice President of the Committee of Privy Council for Trade.

PUBLIC BILLS.—1° Masters and Operatives ; Law of Property ; Endowed Schools (No. 2).

2° Church Rates Abolition ; Public Improvements.

ABOLITION OF CHURCH RATES BILL.

SECOND READING.

Order for Second Reading read.

SIR JOHN TRELAWNY said, he rose to move the second reading of the Church Rates Abolition Bill. In dealing with this subject, he thought every hon. Member, whether on one side of the House or the other, ought to show great moderation, and remember that they were considering a religious question of vital importance to earnest men, and one closely connected, it was alleged, with the interests of the poor. He felt that he could not on this occasion dismiss a subject of such intricacy and difficulty with a few cursory remarks, but was bound to advert in detail to the arguments which ought to be considered before they came to a conclusion upon it. The weight of authority, he believed, was decidedly in favour of a settlement of this question. It was now more than twenty years since Sir Robert Peel declared that not another year, not six months, should be allowed to pass without a settlement; and about the same period the noble Lord at the head of the late Government (the Earl of Derby) admitted that in church rates Dissenters had a serious and substantial grievance. Then there was the opinion of the Royal Commission which in 1849 reported that as the law stood it was "vague, defective, and unjust," and that it placed the greatest difficulty in the way of adopting a "sound parochial system;" and the opinion of Dr. Lushington, who asserted that church rates had "created" more "feuds" than any other "subject" he had known. He might also claim the authority of the whole House as in favour of a settlement, seeing that it had in two Parliaments pronounced in favour of the abolition of church rates. Even the party who opposed his measure expressed a decided opinion that the question must be dealt with, and the late Government actually brought in a Bill which purported to give exemption to Dissenters. The principle, therefore, that the present state of things required alteration had been generally admitted; and, whatever certain archdeacons might think, something must be done to allay the irritation which prevailed. It was not a matter which could be left to right itself. Since last Session an ex-

Judge (Sir John Coleridge), in speaking upon this subject, had thought it consistent with his knowledge of the law and facts of the case to assert that the present law in regard to church rates provided a fixed, legal and permanent fund for the sustentation of churches, which ought not to be lightly surrendered for something which was precarious. He put it to the House whether that could be called a fair statement of the condition of church rates, which had been pronounced "vague, defective, and unjust" by a Commission, among the members of which were Bishops, Peers, and Ministers of the Crown? A great deal had been said by the supporters of the existing system about church rates being the inheritance of the poor; but he thought, if hon. Members would consider what benefit the poor really derived from that fund, in how many cases not a third of the church was set apart for the poor as it ought to be, in the case especially of certain district churches under Act of Parliament (as was shown by Archdeacon Rushton's evidence before the Lords' Committee on means of Religious Instruction), and how great a deficiency of church accommodation existed in Liverpool, Bradford, and numerous other large towns, (space being required for 614,000 persons in London alone) and this, in spite of large pecuniary resources which Her Majesty's Commissioners assert to exist, they would be convinced that a more unfortunate, ill-advised, and indiscreet observation could not be made on that side of the question. A noble Lord in "another place" had spoken of the intimate association of the interests of the poor with the maintenance of church rates. Yet that noble Lord was a member of the Government that suggested and adopted the total abolition of the assessment which in Ireland was the equivalent of church rates in England, and formed the fixed and permanent fund for the sustentation of churches in that country. The noble Lord was a large landowner in Ireland, but he never heard him complain at that time about depriving the poor of Ireland of their inheritance. It was no doubt very true that at the time when a fourth of the tithe in Ireland was given up in 1833 and vestry cess abolished, the other three-fourths of tithe were not worth two years' purchase; but the fact must not be overlooked that the fourth went into the pockets of Irish landlords, and thus saved the remainder. What he asked was that the same thing should be done in England; and was he (considering how the Church property in England has been managed and the people unsupplied with accommodation while funds were available) to be met with arguments about the inheritance of the poor? He suspected that hon. Gentlemen would by no means like on the present occasion to press such an argument to its full consequences. A noble Lord (Lord St. Leonards) who had been Chancellor in Ireland, had also recently made a statement of his opinion, which he (Sir J. Trelawny) thought it would be right to read to the House. The noble Lord contended that "no man held any species of property, the enjoyment of which was more sacredly guarded by the law than the obligation to pay church rates. By the law of England church rates were a charge on land." The opinion, however, of almost every other legal authority was that church rates were not a charge upon land at all, but upon occupiers in regard to land. (*Opposition cheers.*) Hon. Gentlemen need not cheer too soon. The very phrase in respect of land showed the injustice of the case, for why should church rates not be a charge on persons in respect of other property. In some cases customs exist to rate personally—in Boston to rate ships. And before the Court of Delegates—when it was observed that Rundell and Brydge might as well be rated—the answer was "and so you may," and Dr. Lushington seemed to think that a very difficult question might thus be raised. As a proof that it is the person and not the property which is liable, it is only necessary to cite the decision where a chancel was in disrepair (the chancel being repaired by owners of glebe), that you may proceed against the person but not the property. The land was taken merely as a test of the ability to pay the charge. In early times there was practically no other property but land. If there had been, to all intents and purposes it would have been liable. It was a mere accident that land only paid, and every other Judge but those he had quoted was of opinion that the church rate was not a charge upon land at all. The difference between tithe and church rate was very great. In the case of tithe there was a remedy against the property. They could levy a distress, or actually seize the land for non-payment of tithe; but in the case of church rate, the only proceeding to enforce it (except in cases of small sums under Acts of Parliament) was against the person by means of the Ecclesiastical Courts, and that proceeding was almost sure to fail. Dr. Lushington said it was quite clear that these remedies, in the long run, would be very likely to fail, because the processes had been nearly obsolete for the last 400 years, and no one would think in these days of carrying them out in all their rigour, although they might have been tolerated at a period when the whole people belonged to one denomination. Among other reasons why Parliament ought to deal with this question at once was, the difficulty with regard to some churches, the congregations of which were not satisfied with the practices of their clergy. He had no wish to introduce a discussion as to who was right and who was wrong, or to defend those who had taken a violent course. On the contrary, he thought people who created disturbances in a church were deserving the greatest reprobation. At the same time, they could not blink the fact that objections were made to the practices of some of the clergy, and therefore it was their duty to strengthen, if they could, the hands of the laity, rather than deliver them over to the clergy, to maintain services with which they could not agree. As there was no effective synodical action, it was a fair question whether some control over those who were appointed to the livings should not be given; and in that view he was borne out by what fell from the Bishop of London. A witness was asked by the House of Lords Committee whether or not a clergyman, in the event of the voluntary principle being adopted, would not depend on his own popularity? The answer was that he would. The Bishop of London then asked, would not that have a certain influence over the patron in not nominating persons who might not give satisfaction to the congregation? It appeared to him a very pertinent question, and supported his argument that the laity should have some control over the practices of the clergy. If hon. Gentlemen agreed in that proposition, they ought to vote for the second reading of this Bill. He had not dealt with the theoretical question, whether parishes were not bound to repair their churches. He had simply proposed the abolition of church rates [*Cheers*]. Hon. Gentlemen might cheer, but let them consider whether the moral duty would not be more likely to be discharged if the theoretical obligation remained, however imperfect and defective in practice. The landowners could still give the sum which they believed they gained by the abolition of church rates. All he proposed to take away was the power to enforce church rates. Under the present law, if people chose to exert their power, church rates were practically extinct. The use of technical objections to items might be used to the extent of making the forms of process illusory. Among the many advantages of his measure was the relief it would give to magistrates, who had, especially in the recent Market Harborough case, where they tried to make the law, paid heavy compensation after appeal to the Queen's Bench. It was only necessary for a person, when summoned, to say, "I dispute the validity of this rate," and the magistrates were bound, on Dr. Lushington's authority, to dismiss the case. Those few words put an end completely to the proceedings, and obliged the parties who wished to enforce the rates to have recourse to the obsolete machinery of the Ecclesiastical Court. There were 500 summonses recently issued in the City for non-payment of church rates. The objection was taken, and the whole were dismissed. Another reason why the question ought to be settled was the injustice of rating small occupiers who, since the passing of the Small Tenements Act, had lost by a recent decision their votes. So here there was a new form of taxation without representation. The only franchise is that settled by the 58 *Geo.* III. which is a poor rate one, and by the Small Tenements Act the landlord votes instead of the occupier. The recent disturbance in Edinburgh, though not about church rates, showed that if church rates were enforced by proceedings in the Ecclesiastical Courts, and two years' imprisonment inflicted, as it might be, in extreme cases, on significavit for contempt to the Court of Chancery in respect of sums over a certain amount, there would be great excitement, resistance to the law, and breach of the peace. The decision of the House of Lords that there must be a majority to make a church rate, had entirely altered the character of the rate, and it could no longer be contended that there was an absolute liability. As the knowledge of the exact state of the law became more widely diffused, all sorts of difficulties and technicalities would be taken advantage of. Neither the owners of property which was unoccupied, nor executors, were liable to church rates, on the principle that he only is liable who gets the benefit; and yet it was often coolly assumed by his opponents that the liability was absolute. He wished the House to consider the facts of the case. He found, by a return, that the whole amount of church rates was £263,709 14*s.* 9*d.*

Mr. WALPOLE: That return applies only to 10,000 parishes.

Sir JOHN TRELAWNY said, he had added the original amount returned to that which appeared by the supplemental paper, and, with the income from voluntary contributions and endowments, the total was about £600,000. But he was speaking of the smaller sum of £263,709 14*s.* 9*d.* produced by church rates. A sum of no less than £318,000 had been borrowed on the security of the rates, the interest on which, amounting, he presumed, to some £15,000, was the first deduction from the fund, since his Bill would leave the interest of debts incurred untouched, and the £263,000 could be still further greatly diminished by excluding all illegal items. He attributed a great deal of the agitation on this subject to the presence of these illegal items. In a rate at Putney he found £10 for two French cambric surplices, and various other charges; for a case and roller for the parish map; for repairs to the fire-engine; for visitation fees, care of engine, dinner, carriage hire, printing, thirteen persons from 10*s.* to 5*s.* each for a procession; for payments to ringers; for a dinner to the charity children; for bows, rosettes, and white rods, and for a band, flags, and a carriage for the day. These sort of charges had led to a gradual diminution in the amount produced by the rate. Some years ago it had been shown by a return of Sir George Grey's, that the amount reached £314,000; but many persons being aware of the illegal purposes to which it was devoted, had withdrawn their contributions, and he (Sir John Trelawny) considered that it was thus the amount had been diminished by £50,000—which reduction would go further still as the mode of raising valid objections came to be better understood. He next came to consider the amount which was contributed by Dissenters themselves. In spite of the talk about the inheritance of the poor and the liability of landlords, hon. Gentlemen opposite were prepared to give up the charge on Dissenters, but they demanded a declaration from them that they were Dissenters. In doctrine there was a wonderful agreement between Dissenters and Churchmen. They differed more on points of discipline; and when a clergyman, as sometimes happened, came to a parish with views very much in accordance with the views of Dissenters, Dissenters frequently attended his church. How much better, then, would it be for them to say frankly, "We do not want your money, and we do not want any declaration which may prevent your attending the church if you like." He would offer to the House the following statistics on the subject. The whole amount of population of the country for whom religious services were required to be provided was 58 per cent, out of which the number attending the Church of England occupied about 29½ per cent, and the Dissenters 27½ per cent. Would it not be wiser, considering the small differences of doctrine which existed between the great mass of the Dissenters and the Church of England, to prevent men from absolutely recording their secession from the Church by a distinct form? By the last Census returns it appeared that on a given Sunday the Church afforded accommodation to 5,317,915 persons; the Independents to 1,067,750 persons; the Wesleyans to 2,194,298 persons; the Baptists to 752,243 persons; and there was a large body—5,288,294 persons—who did not go to any place of worship on that day. If those who attended Dissenting places of worship were exempted, would not the 5,288,294 persons complain of the unfairness in leaving them liable? The proposal of the late Home Secretary, that those who wished to be exempt need only say they objected to pay, was far more reasonable and tolerant than to require a declaration that they were Dissenters before they should be exempted. Indeed, he thought the latter proposition worse than the present state of the law, and he knew that many clergymen were opposed to any such broad line of distinction being drawn between Churchmen and Dissenters. Presuming that Dissenters were exempted (for which the Opposition was prepared), this would get rid of about half the church rate, and a further amount might be given up in the interest of Churchmen, who already had a serious complaint against paying double and triple rates, as they did sometimes where more than one church was supported in the same parish. In the Report of the Committee on subdivision of parishes in 1849 it was stated that one of the great hardships complained of was the double rate which some owners had to pay when their property was situate in different parishes. If this double rate were got rid of, a further sum would have to be deducted from the whole amount still contended for, namely, £263,709 14*s.* 9*d.* Then there was the money to be taken into consideration which the Church lost by the excitement and ill-will caused by church-rate contests. In the town which he represented there had been great excitement on the subject somewhere about twenty-five years ago, and the Dissenters at last got rid of the church rate. Since that time the Dissenters had contributed largely to the restoration and decoration of the parish church, so that it was now one of the finest ecclesiastical edifices in that part of the country. At least £2,000 was spent on it—one Dissenter having given £25. In Leeds, too, according to the evidence of Mr. Baines before the Committee of 1857, there had formerly been great excitement on the subject; but when Dr. Hook went there he pursued a different plan, and he managed in a very short time to raise somewhere about £100,000. The parish church alone cost £30,000. Numerous new churches and school-rooms soon arose. In the Lords' Report, the Rev. Cole Miller states, that he attributed much of the good feeling between Churchmen and Dissenters to the circumstance of this question being in abeyance in Birmingham, where, on the other hand, a church rate would set "the town in a flame." More money would undoubtedly be got by trusting to voluntary contributions than by persevering with the compulsory rate, and that being so he put it to hon. Gentlemen opposite whether it would not be better to accept his plan than to seek about for a compromise which would satisfy no one. There was no doubt that there were plenty of funds belonging to the Church applicable to the purposes of this rate. Not very long ago (in 1850) a Commission, consisting of the Arch-Bishop of York, the Bishop of London, the Earl of Harrowby, Lord Ashley, and other very eminent individuals belonging to the Church, had suggested that in order to raise funds for church purposes a certain number of the 777 livings in the gift of the Lord Chancellor should be sold, which they calculated would fetch £1,000,000, and this added to another £1,000,000, which they expected would be forthcoming from voluntary contributions, would make a fund of £2,000,000, which it was calculated would at £3,500 each enable the country to have 600 new churches, for the endowment of which also money might, it was added, be expected from the improved management of episcopal and capitular estates. The livings of small income on this plan were to be augmented to £200 each, by persons allowed to become their patrons. He saw no reason why a fund should not be raised in some such way as this to supply the place of church rates, if the supporters of the Establishment were still unwilling to trust to the voluntary principle. According to Blackstone, one fourth of the tithe had originally been applicable to the repair of the fabric of parish churches; but this charge had been gradually shuffled off, when the tithes got into the hands of the monasteries, upon the shoulders of the congregation. Besides the money which might be got from a better management of episcopal and capitular estates, it had been shown very clearly before a Committee of the House of Lords on Religious Instruction that in a few years £7,000 a year would become available from the falling in of a lease belonging to one of the prebendary stalls of St. Paul's, and in a few years more, seven or eight times as much. There being, therefore, plenty of funds belonging to the Church applicable to this purpose, hon. Gentlemen opposite had no excuse for asking Dissenters to pay church rates, and after showing the abatements which might be made from the total now paid of £263,709 14*s.* 9*d.*, he asked if the rest was worth further contention? The church-rate agitation had done a great deal of good to the Church. Twenty-five years ago, in consequence of the opposition then raised to the Church Establishment, and particularly to this rate, a Committee was appointed to consider the subject of Church leases and to ascertain whether larger funds might not be obtained from a better management of them. This was shown beyond a doubt, and not less than £82,000 a year (on the authority of the Lords of the Committee on Means of Religious Instruction) had since been derived from that source, for which the Church was entirely indebted to the agitation of the Dissenters. He hoped by consenting to the passing of this Bill, hon. Gentlemen opposite would at last put an end to this casual discordance between persons whose doctrinal differences were so slight that it was difficult to define them. If this wise and politic course were pursued, the Dissenters would forget the unkindness with which they had been treated in former times, they would attribute it to the errors of Statesmen of the time, and would give credit to the present generation of Churchmen for their generosity and good nature now. The hon. Baronet concluded by moving the second reading of the Bill.

SIR CHARLES DOUGLAS said, he had acceded to the request which had been made to him to second the Motion of the hon. Baronet because he was one of the few remaining members of that House who served on the Church-rate Committee in 1851, and the only one who had not expressed his opinion otherwise than by his vote last year. He would not go into the evidence, but merely say that when appointed to serve on that Committee he was perfectly free from any foregone conclusion as to what its report should be; but the evidence brought his mind to the decided conviction, that it was impossible to settle the question except on the voluntary principle. What had been done on the subject in Parliament since 1834? In that year Lord Althorp proposed to abolish church rates, and provide for their object by a charge of £250,000 on the Land Tax. He then said there was a mode of settling the question by abolishing church rates and relying on voluntary contributions; but that, in his opinion, would not be sufficient for their purpose. There was another plan—namely, to continue church rates and exempt Dissenters from their payment; but that, he (Lord Althorp) thought, would be unjust. Lord Althorp, in whom the liberal party most confided, thought the voluntary system insufficient, and exemption of Dissenters by law unjust. On this, like other questions, Gentlemen opposite had resisted the mildest measures at first, and at last, when too late, came repentance —for now it was evident that they admitted of compromise, and every plan they had to propose involved that which, in 1834, Lord Althorp thought insufficient and unjust. Since 1834 many attempts to settle the question by a compromise had been made,—by Mr. Spring Rice (when Chancellor of the Exchequer) in 1837, afterwards by Mr. Divett, Sir J. Easthope, Sir W. Clay, Mr. Walpole, Sir G. Grey, and others; but all had been rejected by that House. He begged to call attention to the more important divisions that had taken place. In 1840 a Bill "to relieve Dissenters" was rejected by a majority of 55. In 1842 "leave to introduce a Bill to abolish Church Rates and provide for the maintenance of Churches and Chapels" was refused by a majority of 82. In 1849 Mr. Page Wood (now Vice-Chancellor) proposed to "discharge Dissenters from payment of Church Rates," which was rejected by 163; and a proposition of Mr. Trelawny, "that measures be taken to abolish Church Rates," was refused by 35. Then, in 1851, the Committee was appointed, to which he (Sir C. Douglas) had adverted. In 1853 Sir W. Clay's Bill "to abolish Church Rates and make provision in lieu thereof" was rejected by 48. In 1854 leave to introduce that Bill was given by 79, but on the second reading it was lost by 28. In 1856, for the first time, the second reading was carried by 43; in 1858, by 54; and that Bill passed that House by a majority of 69. In 1859 Mr. Walpole's compromise was refused by 83, and the second reading of Sir J. Trelawny's Bill "to abolish Church Rates" was carried by 74. Such was a rapid review of the question from 1834 to 1859. Mark the changes. Those who opposed all change in 1834 would now go beyond what Lord Althorp, the friend of Dissenters, then thought unjust; and those who then would have made other provision for the object of church rates, now admitted that the voluntary principle alone could settle the question. Observe the change of opinion in favour of abolition by the leading men in that House. Lord Palmerston, Mr. Walpole, Mr. Estcourt, Lord John Russell, Sir J. Graham, Sir G. Grey, and others, by the reasons they had given, had vindicated their convictions, all in the same direction, proving the time was at hand when the question must be settled. He (Sir C. Douglas) was of opinion it could only be settled on the voluntary principle. He was ready to acknowledge the difficulties with which Gentlemen opposite were, some of them, ready to deal as a matter of compromise. The best plan hitherto put forth, to the essence of which he (Sir Charles) would not object, for it was founded on the voluntary principle, was that given in the evidence of his right hon. Friend the late Secretary of State (Mr. S. Estcourt) before the Lords' Committee. He would, that he might not misrepresent him, read in his own words the substance of his plan. His right hon. friend, whose name for twenty-five years was in every division in favour of church rates and against abolition or change, had declared in his examination before the Lords last summer that this question must be dealt with, for it had become one of "religious toleration or religious persecution." In that opinion he (Sir Charles) fully agreed. His right hon. Friend's plan was one with the details of which he could not agree but in so far as it adopted the voluntary principle; and he hoped, as Lord Derby must have great confidence in his right hon. Friend, he (Mr. S. Estcourt) would favour the House with his more matured views. This was the plan as sketched in his evidence:—

> "I should propose, in the first place, to abolish church rates on their present footing; that, I think, is indispensable for political reasons. Then I should propose that a fund should be raised in every parish yearly, to be called a church repair fund, in the following manner:—That the churchwardens should make an estimate upon entering into office of the expenses which they think they will have to defray during their year of office for the following items, as to which I am not sure that my enumeration may not be improved; but still, practically, in the Act of Parliament I would give the exact purposes and the whole of the purposes to which church rates can be applied. I have put down, first, repair of the fabric; secondly, enclosure of the churchyard; thirdly, keeping the church and the yard clean; fourthly, a provision for services; and, fifthly, fees lawfully payable. Then I should propose that the churchwardens should affix to the door of the church a statement of the kind of expenses which they think they will have to incur during their year of office, and the amount; and by the Act I would forbid the raising of a rate in any year exceeding a certain sum. Then, having put that notice upon the church door, I would require the churchwardens to leave at the house of every ratepayer a paper, stating that such a sum would be required, in their opinion, and stating how much they consider that it would be in the pound. I would require them to have two columns upon that paper, one column for assent and the other for dissent. I would require them to collect these papers after a limited time, say one month, and all parties who dissented I should conceive to have thereby exempted themselves from the payment of the rate, whatever it might be. Those parties who signified assent would be the only parties who should have a place at the meeting where the church repair was to be considered."

When a similar Bill to the present was sent to the House of Lords last year, the noble Earl heading the Opposition said the noble Duke (the Duke of Somerset) who moved the second reading had undertaken a "hopeless task," but he (Sir C. Douglas) trusted that House would take care that no question sent to the other by a large majority should ever be hopeless. Be the majority this year greater or less, he advised the House to pass the Bill with a determination to persevere in the matter till the question was at rest. He was glad to see in the speech of the noble Earl, than whom no one knew better how to adapt his speech to his audience, indications that even he would be too happy to see the question settled by a compromise. The opponents of the Bill had made great efforts, by a fresh movement on the question, and brought up a great number of petitions in favour of church rates; but he (Sir C. Douglas) begged to observe, without alluding to the fact as to the facility with which petitions could be "got up" by either party, that they were as nothing when compared to those in favour of abolition. It should be proved by the Report of the Committee on Public Petitions that, if those in opposition to the Bill were tested by the number of signatures, he was correct; it would be found that the average number of names to each petition was twenty-nine; while on the other hand, he must remind the House that petitions in favour of the principle of this Bill had, ever since he sat in the House, twenty-three years ago, been pouring in annually, containing the signatures of hundreds of thousands. To show what was the real opinion of the majority of the country on the matter, he could quote no better instance than that which had once before been cited by the Foreign Secretary—that at the last election for the West Riding of Yorkshire, a right hon. gentleman (Mr. S. Wortley), formerly a member of that House, whose name had always been found in the divisions against the Bill, had been compelled to admit on the hustings that he should be prepared to vote for the abolition of church rates. And to that he might add similar declarations from nearly every candidate before popular, or independent constituencies. Though he did not agree with the grounds which had been urged in support of inquiry in "another place," he was glad that the Committee had been appointed by the House of Lords to investigate the matter; for the evidence, which he had read most carefully, all tended to support the view which he was advocating. He hoped he had consulted the convenience of the House by not entering into details on a question which had been so fully discussed and to which, after the speech of his hon. Friend, little could be added. He trusted that the Bill would receive the dispassionate consideration of the House, and that the tone and temper so creditable to the hon. Baronet who had introduced the subject would be adhered to throughout the debate. He was very glad, in one sense, that the matter had been taken up by his noble Friend, the Member for Huntingdonshire, who, in his opening speech last Session, gave indication of the talent and ability which he would bring to the consideration of any subject; and, at the same time, he felt sorry that he should be about to renew an opposition which it was impossible could be ultimately successful, and with regard to which he had manifested his unwillingness to accept a compromise. He had only further to say, he most cordially seconded the Motion of the hon. Baronet.

Motion made and Question proposed, "That the Bill be now read a second time."

LORD ROBERT MONTAGU said: The Question has been so frequently debated and all which could be said on both sides has been already heard so often, that I shall to-day not ask the House to give me their attention for many minutes. All those arguments which have long since become trite and worn out need not again be repeated. I shall therefore decline to follow in the course which the hon. Baronet the Member for Tavistock (Sir J. Trelawny) has marked out. He has employed arguments which the House must almost know by heart, as well as the answers which have so often refuted the same arguments which he now recalls. He has drawn bills on a bank which was completely broken last August; and therefore he cannot blame me for not answering them. He has spent nearly a quarter of an hour in considering whether church rates are or are not a charge upon land, a point with reference to which I remember to have read page after page last year in *Hansard.* The hon. Baronet likewise referred to the fact that payments from these rates had sometimes been made to persons for killing sparrows. Had he consulted the same authority he would have found that every parish had a right to rate itself for any object which it might consider beneficial to its interests. Doubtless the hon. Member for Shrewsbury will not attach any weight to such an argument against church rates, when he is introducing a Bill to enable parishes to do this very thing which the hon. Baronet is finding fault with. But I am desirous of laying before the House the evidence which was adduced last Session on the subject of church rates and published in August; and more particularly do I wish to do this, because I find that very few hon. Members are as yet acquainted with it. But it contains facts of the highest importance. The evidence will speak for itself. And it would be seen from it that this question has entered on an entirely new phase, and presented itself under quite a novel aspect. The hon. Member for Tavistock does not appear to be aware of this; he seems to have looked at this evidence from the old point of view; for he has told the House that they were dealing with a religious question. I hope to show that it is by no means a religious, but merely a political question. The hon. Member represented a great authority in the Upper House (the Earl of Derby) as having said at one time that the payment of church rates was a great grievance to Dissenters. So Lord Derby and every one else doubtless thought as long as they were under that erroneous impression which has now been removed. For the most direct evidence would be found in this book that Dissenters do not consider it a grievance; but merely wish to enforce a theory of government. He has likewise said that this is not a question affecting the poor; but even Mr. Morley, one of the chief agitators for the abolition of these rates, admitted that seats are not provided for the poor in Dissenting chapels; and Dr. Foster, the Chairman of the Liberation Committee, said that in those chapels the occupiers of seats are compelled to pay for them. Another witness stated that of the different sects the Established Church alone maintained a missionary character. Dissenting ministers visited those who attended their places of worship and who rented their seats, but the ministers of the Church of England, not content with visiting those who were attendants at church, went among the irreligious poor, of whom there were an enormous number in England, and laboured to bring the Gospel to their hearths and homes. That this is a question affecting the poor is still more strongly shown by the fact, proved over and over again in the Report, that Dissenting chapels spring up, not in humble, but in rich localities; and instances have occurred—as at Liverpool, where, when the neighbourhood became poor, the Dissenting chapels were shut up and sold. A clergyman in Nottingham bought two or three of them for the purposes of his schools. The hon. Baronet referred to the agitation which had taken place at Edinburgh respecting the annuity tax, and, possibly to strike terror into the House, he insinuated that some such excitement would overspread the land if church rates were not speedily abolished. But if he had read the evidence of Mr. Morley, Dr. Foster, and all the witnesses on that side, he would have seen that it is their intention, when the Church-rates Abolition Bill has passed, to continue their agitation as strenuously as ever. Did the House ever know an agitation which grew milder from victory, or which lessened its exertions when stimulated by success? And the Gentlemen to whom I refer have admitted that their views go much further than the mere abolition of church rates. The hon. Baronet has compared the relative number of Dissenters and Churchmen; but from whence he procured his figures I am unable to divine. [SIR JOHN TRELAWNY: From the Census returns.] Well, I have, fortunately, happened to bring with me some which I procured from a later document. Besides, the hon. Baronet unwittingly committed himself to a fallacy in comparing the number of Dissenters with Churchmen; for more than half the Dissenters were in favour of church rates. The fairer way is to compare the number of the opponents of that rate with the number of those who are favourable to its continuance. There are six sects of Baptists, numbering 2½ per cent of the general population, the Independents numbering 7¼ per cent, and the Jews, Mormons, and other sects, amounting to 6¾ per cent additional, raising the total proportion of those who are opposed to church rates to 16½ per cent. Those who are not opposed to church rates are—Roman Catholics 3½ per cent, and seven sects of Wesleyans numbering 13 per cent, making in all a similar proportion of 16½ per cent. The church-going members of the Church of England are 42 per cent, and the irreligious poor, whom, likewise, I feel myself entitled to count, are in the ratio of 25 per cent. [*Laughter and Opposition cheers.*] Yes, these are the poor who are never taught by the Dissenters, and never visited by Dissenters, but are left to the Church of England, whose ministers do visit and read to them, and send Bible-readers among them, and strive to bring the Gospel home to them, both in season and out of season. This calculation then shows a balance of 67 per cent in favour of the maintenance of church rates. The hon. Baronet has alluded to his own borough, where, though every man might be king in his own castle, I greatly fear the hon. Gentleman is not quite supreme. If, as was alleged, the inhabitants were unanimous in their opposition to church rates, how came it that a petition from Tavistock against the abolition of church rates had been laid on the table the previous day, which was not presented by the hon. Baronet himself? The hon. Baronet the Member for Banbury (Sir C. Douglas) had correctly quoted the evidence of the right hon. Gentleman the Member for North Wiltshire (Mr. Sotheron Estcourt), but had scarcely laid the emphasis on the right word; the quotation runs thus: "whether it be true, or only assumed, at all events the objection which is *stated* has assumed a question of religious toleration." Moreover in counting up the relative numbers in the divisions on this subject, he has prudently omitted all mention of last year's division, in which there was no increase of the majority previously obtained, and which I hope the division on this day will still further reduce. This House, as the hon. Baronet has said, has, it is true, pronounced in favour of abolition; but then they have done so under a wrong impression. The House was formerly led away by the belief that this was a question of conscience, and by the desire to show consideration to honest objections of this nature; but now, on the contrary, we learn from the evidence of nearly all the witnesses examined last Session that the conscientious objections of Dissenters have nothing to do with the matter, that very few Dissenters have conscientious objections to the payment of church rates; that the majority of Dissenters are not against church rates, but are generally disposed to support the Church, because they feel the necessity of some establishment for the maintenance of religion. Dr. Hume stated that he never met with a Dissenter who objected to the payment of church rates, when the subject was properly explained to him; but, on the contrary, that he had often read able arguments by Dissenters to prove that these rates were right and proper. Mr. Osborne, a Methodist, declared that the Wesleyans do not desire to be absolved from these payments, but, on the contrary, look on the Established Church as an incalculable blessing; and Mr. Gladding, an Independent, testified that it is only some few Dissenters who desire to separate the Church from the State; and that the conscientious objection to church rates is not entertained at all as extensively as is commonly supposed. Three other witnesses, one of whom, Archdeacon Sanford, had been brought up as a Nonconformist, concurred in declaring that the objections were confined to a small class of

Dissenters, and that the opposition was principally based on political grounds. The right hon. Gentleman the Member for North Wiltshire (Mr. Sotheron Estcourt) deposed that for the last fifteen years this question had been merely a source of political capital. And Dr. Foster, a prime agitator in the matter, gave evidence which, in fact, amounts to the same; he said (and the hon. Baronet opposite has said the same thing) for he admitted that the doctrines held by 19-20ths of the Dissenters are identical with those of the Church of England—so that the opposition cannot arise out of their belief; or, in other words, it is not conscientious. This point was truthfully and clearly put by one of the witnesses when asked to explain the objections which were entertained to church rates. He was then asked:—

> "Do you believe that any strong conscientious objection exists on the part of Dissenters against contributing to a church rate?—I really do not think that it is the Dissenters so much as persons who are of no religion, who do not go to any place of worship, and who object to every rate or tax of every kind; and this is the only one as to which they have any opportunity of exhibiting their opposition or their bad feeling. The poor rate is made without their consent; the health of towns and the highway rates are made without their consent; and the county rate for the police is made without their consent; and this being the only opportunity they have for opposition, all their bad feeling about rates in general comes out upon the church rate.

Opposition, therefore, it is evident, arises not from conscientious objections but from political aims, or, I may be pardoned for saying, from factious agitation. The church-rates question, as I will now show, is merely put forward as a sort of stalking-horse by certain parties who desire in reality the severance of the Church from the State. This is the real point which is aimed at; so great is the extent of the designs which they entertain. According to Archdeacon Sanford, the abolition of church rates is merely the first step towards the entire abolition of the Established Church, which the Dissenters wish to pull down and reduce to the level of the sects. To the level of the sects? The ministers of every sect can have a seat in this House, and I believe certain ministers of Dissenting bodies are at that moment included in the assembly. But ministers of the Established Church are precluded from sitting in this House. If, therefore, the Church is to be reduced to the level of the sects, let it be at liberty to send its ministers likewise to this House; let the antagonists meet on equal terms; and I venture to say that such an array of talent, such a weight of influence, and such a mass of intelligence would be thus brought to bear as would utterly overwhelm all the opposition which could be mustered against it. Now I must refer the House to the evidence of Mr. Morley, a member of the Liberation Committee, who has been most active in promoting the agitation against church rates. He stated candidly in his evidence before the Committee that their opposition is directed not merely against church rates, but against every connection between religion and the State, and that it was on this ground that the Dissenters objected to accept of any exemption in their own favour. He added, in reply to a further question, that "This opposition was not consequent upon any injury which was done to Dissenters by a payment which they are called upon to make, but arose from their wish to assert a principle which they believed to be a true principle in the theory of government." He wishes, in fact, to dictate the true principles of legislation. And here, indeed, is the root of the whole matter; this is the underlying principle which causes all the difference in detail—it is a different theory of Government which they sought to force upon the House. In this notion they differed, not only from all the great statesmen of modern days, but from the political philosophers of former times; they do not even rise as high as the theory of the Chinese philosopher: namely, that it is, or it ought to be, the aim of Governments to seek the good of the nations which they govern; but the church-rate abolitionists differ not only from this belief, but from the principle which is almost the only one that pervades the writings of the present Emperor Napoleon—namely, that it is the duty of the Government to be foremost in leading the nation to those ideas which the Government believes to be true and for their good, even though the nation at the time reject them. Assuredly, if the Government were to seek the good of the nation, its first duty would be to maintain the established religion. But according to Mr. Morley, all that is required at the hands of the Government is to insure the security of person and property; he believes that Government is, in fact, nothing but a policeman. What may be his idea of the present Government I do not know; whether he believes that it is their duty to seek the good of the nation —or whether he regards all the occupants of the Treasury Bench as amounting but to one policeman, in the same way that nine tailors are supposed to make one man. And this is the only ground which those can consistently take who oppose church rates on any principle, and desire to overthrow the Established Church; while, on the other hand, all who believe that the office of Government is to seek the good of the governed, must hold it the chief duty of Government to support the Established Church. But even this security, which Mr. Morley desires, is, after all, only to be one-sided; for, that he desires the Government to take away the property of the Church is apparent by the following evidence:—

> "You spoke of certain ultimate objects; do you suppose that the efforts which are now making are with the direct view of ultimately bringing about these objects?—I dare say the phrase has met your Lordship, 'The separation of Church and State;' I believe that that is an object which numbers of earnest men have set before themselves; and I venture to say, I would take the liberty to repeat it."
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> "That step is taking away from the Church its property, and giving it to the State for some general purposes?—That is not the only result which is necessarily involved."

So that, although in his opinion the proper end of Government is to secure property, the first thing which he wishes to accomplish is to take away from the Church the property which she possesses, and to transfer it to the State, to be employed in general purposes. Dr. Foster avowed himself to be the Chairman of the Liberation Society the objects of which are "to separate the Church from the State, to take away all funds and property with which the State had endowed any denomination whatever;" on this ground it objected also to the payment of tithes, and had taken an active part in the anti-church-rate agitation. It has been proved, then, in this blue-book that the church-rate agitation is merely political; and we are also shown the real extent of the designs of the agitators. You know, now, what we are required to give up. What, then, are we to receive in return? Rest and immunity from further vexation? When the Bill has passed, will the agitation be laid to rest? or will its supporters by that victory be rendered only more anxious to achieve their other objects? Mr. Morley, in his evidence, gives a direct answer to this question:—"I believe," he says, "that the concession of the question of church rates would not satisfy the ultimate expectations—or, I would say, the requirements of Dissenters." Dr. Foster admitted that if the question of church rates were settled to-morrow there were "ulterior objects which he should also wish to see accomplished." He was further asked by the Committee, whether it was his opinion that the settlement of this question would tend to produce peace between the Established Church and the members of the Dissenting body; and he replied that such a settlement "could not be regarded as disposing of all the questions in which they had an interest, and that, so long as the Established Church existed, the same differences would, in his opinion, continue to prevail." It is therefore quite hopeless to look for peace by a settlement of this question. Mr. Morley declared that the "existing organizations would continue as long as any connection is maintained between legislation and Religion," and hinted that an influence was exercised by these organizations which hon. Members understand very well who have been led to vote in favour of the Bill. The Liberation Society, Mr. Morley stated, had correspondents in every constituency, and received the co-operation of earnest, thoughtful men in every moderately large-sized town; "and there is," he says, "a course of action which candidates understand perfectly well, and which is found to be operative on this particular question." It was also stated by Dr. Foster that the society had appointed a Committee solely for the purpose of influencing elections. Now I ask the House whether it is right to give way to such a system of agitation? and whether doing so would not encourage a new and dangerous principle in the State? In Sir John Stephen's *Anti-Slavery Recollections* we might see a good instance of the unconstitutional power which may be exercised by only two members of a society organized for ostensibly religious purposes; it shows the kind of agitation which is carried on behind the scenes, and the way in which a few active and unscrupulous men may overbear the Parliament of the nation. I have said enough to show that this agitation for the abolition of church rates is merely a political movement, and that the ultimate aim of that movement is the destruction of the Church Establishment; I have shown, too, how hopeless it is to expect that the question would be set at rest by passing the present Bill. I have not time to go through all the copious evidence of the evil effects that have resulted in all parishes in which church rates has been discontinued. In many cases, the fabric of the churches has gone to decay for want of funds to repair them. "The state of the churches in Birmingham, "according to one witness," is conclusive against the voluntary system, for in that town the clergy were so active and zealous that if any of the body could succeed in obtaining the requisite funds, it would be the clergy of Birmingham." The church of St. Philip's abutted on a street; it was allowed to fall into such a state of disrepair that life was endangered by the risk of the fall of the church. The Corporation sent to the churchwardens a statement of the fact, with a view to that repair of the church. The churchwardens in their reply stated that they had no funds. The consequence was that the Corporation had to stop up the footway on that side of the street. In Nottingham also, the churches were in a similar state; the church of St. Mary's was in such a perilous state that the clergyman, after endeavouring without success to raise the funds to repair it, had to resign the living, and the church was shut up for four years. This is sufficient to show that the voluntary system has not succeeded in providing for the repair of churches. I need not remind the House that even in the matter of education, which is regarded as more worthy of support than the repair of churches, the voluntary system has proved a failure. In Manchester and Salford the attempts to provide the means of education by the voluntary system failed, and the inhabitants have had ultimately to strike a rate for the purpose. So much more then must it fail to provide for the repair of churches; so much more will a rate there be necessary. Public education, it will be admitted, is much more important than the repair of churches, yet the funds for it cannot be obtained on the voluntary principle, *a fortiori* it will be more difficult to obtain funds for the latter object by the same system. Some hon. Members voted in favour of the Bill last year because they supposed there was a growing desire on the part of the country in favour of the abolition of church rates. The evidence before the Committee that has since then sat upon the subject shows, however, that that is far from being the case. The right hon. Gentleman the Member for North Wiltshire said he believed that the only thing the rural parishes desired was to be let alone. The general feeling, too, in favour of the Church has greatly improved. This is proved by the facts reported from the archdeaconry of Bristol. Of 200 parishes in that archdeaconry only eight have refused a church rate, and in the course of two years five out of the eight have retraced their steps, and repented. This proves what two of the witnesses deposed, that a better feeling is growing up in favour of the Church. Another witness to the same fact is Dr. Lushington, the Dean of the Arches; he stated that during the last seven years there had been only two cases of disputed church rates, and those cases turned on incidental circumstances not connected with the principle of the rate itself. Even Dr. Foster allows that the ill-feeling formerly excited by church rates "is very much diminishing." Let the House, moreover, look at the comparative number of the petitions presented in favour of abolition, and against it. On the previous day there were 700 petitions presented against the abolition, and in the present sitting upwards of 1,000. What have they to show on the other side? Up to the 2nd February one poor miserable petition, that must have occasioned the opposite party much trouble to get up, was the only one presented, and only four since then, up to yesterday, have been obtained. I was glad also to see that so many Members on the other side of the House have had to present so many petitions against the abolition of the rate, although their propensity inclined the other way. Therefore one inducement to vote for abolition has been removed by the evidence which we now possess. Some, again, may have voted thus in the hope of restoring peace; which the evidence of all parties shows to be a most vain and delusive expectation. I might, perhaps, assume that some few Members voted for this Bill last year from hostility to the Church, but let these Members remember that the same party anxiously wish to do away with all grants to all religious denominations, with the *Regium Donum*, and the grant to Maynooth, and seek to secularize the property of the Scotch Presbyterian Church. Evil results have followed wherever a church rate has been refused: is the House prepared to extend those evil effects over the whole country? Those parishes that have already refused the rate will not thank the House for the Bill abolishing it, and the more numerous parishes that wish still to rate themselves will not thankfully receive such a prohibition and restraint at your hands. Lastly, I ask you who should rather be believed and followed,—those who arrogate the tone of Morley and Foster; or those who say with Gladding, the Independent, that "the present state of the law is satisfactory as well in towns as in the rural parishes." In conclusion, I beg to move the Amendment of which I have given notice, that the Bill be read a second time this day six months.

MR. RICHARD LONG, on rising to second the Amendment of the noble Lord, said it was the first time he had taken the liberty of trespassing upon their attention, and he felt all the difficulty of addressing an assembly so fastidiously critical as the House of Commons. The task would be difficult enough under any circumstances, but it was especially difficult when he had to follow the noble Lord (Lord R. Montagu) over ground so well trodden, and on a question that had been so often discussed. Yet he could not but feel obliged to the noble Lord for the able speech, a speech marked by so much moderation and sound judgment, in which he had moved his Amendment, though he should himself suffer from the disadvantage of having to follow it. The Motion being one for abolition, pure and simple, he should not stay to discuss any of those measures which had been put forward as modes of compromising the question by hon. Gentlemen on his side of the House, but which proved clearly that they were not indifferent to conscientious scruples, nor unwilling to show sympathy for the objections of Nonconformists even though they might deny that such objections were rightly founded. Since the question was last discussed, a Committee had been appointed in "another place" to inquire into this question; it had published the evidence, which he believed had been widely circulated. That report showed clearly what were the real objects of the opposition to church rates. Another and not the least important result of that Committee had been a reaction throughout England and Wales in the minds of independent Churchmen; they were resolved no longer to leave this question "cast upon the waters," to find friends as it might; they were determined to give this unjust and iniquitous measure every constitutional and legal opposition in their power. The consequence was that in the last week of January alone there were 33 petitions, signed by 700 persons, against the abolition of church rates presented to that House. There were 332 petitions, signed by 7700 persons, against the abolition of church rates without an equivalent, and 99 petitions, with 3,500 signatures, against the particular Bill of the hon. Member for Tavistock, and he believed that the division would show signs of the reaction he referred to. Now what were the objects of the Bill before the House? The Bill proposed to abolish, without providing any substitute, equivalent, or compensation, the fund that had been raised in England for the maintenance of its churches for four or five centuries. The House did not abolish the Ecclesiastical Courts, it did not abolish the most petty office, without giving a compensation to every officer, and recognizing their vested interests. The House of Commons was, however, now asked to consent to the confiscation of nearly £300,000 a year, which sum, if capitalized, as Sir John Coleridge very properly observed the other day, would amount to something like £9,000,000. When Parliament abolished the slave trade, they thought it only just to pay the slave owners £20,000,000. Even when they thought it necessary to abolish some fiscal impost, a drawback was generally allowed to those who would be otherwise pecuniary sufferers by their commercial transactions. Where, then, was the justice or the policy of the measure before the House? He repeated, he believed the opinion of the public had very materially changed since the publication of the evidence given before the Committee of the House of Lords. He particularly referred to the evidence of Dr. Hume, of Liverpool, the Rev. J. C. Miller, of Birmingham, the Rev. R. C. Savage, and the Rev. G. Osborn. The blue-book contained evidence much more important than he could offer, or than had been offered by the hon. Baronet (Sir J. Trelawny), the mover of the Bill. The evidence proved that the abolition of church rates would almost entirely destroy the means of supporting the fabrics of the churches in large towns; he could not help asking what would be the result of this among large masses of the population? It was asserted that the abolition of church rates was required on the principle of religious liberty. But he put this question to conscientious Dissenters—were they, on the same ground, prepared to abolish the compulsory observance of the Sunday by the Jews? ("Oh! oh!") Let them consider the question; what right had they to demand the abolition of church rates on the principle of religious liberty, and yet to prohibit the Jews from employing the Christian Sunday as they pleased?

They did not acknowledge its sacred character. Again, what would be the effect of the present measure upon the English clergy? Their anxieties and responsibilities, which were already very heavy, would be enormously increased; and a body of men, who were remarkable for their ability and their zeal in the discharge of their duties, would be placed in a position of great embarrassment and difficulty by the adoption of the principle now contended for, and by throwing on them the additional labour requisite to raise funds for the support of their churches. But beyond and above all these reasons there was one argument connected with the church-rate question, which struck him with peculiar force. This Spoliation Bill would be carried, if carried it was to be, by political pressure, not by force of argument. During the agitation of the question for the last thirty years, there was no bolder or more uncompromising opponent to the abolition of church rates than the noble Lord the Secretary for Foreign Affairs (Lord John Russell). He regretted not seeing the noble Lord in his place to-day, to defend in person those principles with which he had heretofore identified himself. He wished to speak with all respect of that noble Lord, but he could not help thinking that the character of public men was the possession of the country. Until the last year no hon. Member of that House evinced greater earnestness, zeal, and determination in his opposition to every measure for the abolition of church rates than the noble Lord himself. What had since happened to change the noble Lord's opinions? What had changed his convictions? If he had not changed his convictions, why had he changed his vote? He (Mr. Long) was inclined to believe that it was not by the force of argument the noble Lord's convictions had changed, for they had changed not in the heyday of effervescent youth, but after many years of matured statesmanship,—but his conversion had been effected rather by a certain political pressure that had been put upon him. To anything like political pressure he (Mr. Long) had no answer to give but one of a firm, resolute, though temperate resistance, and a determination never to cease the expression of his convictions whilst he had a voice capable of uttering them. Such pressure, however, sometimes extorted votes; and after the many speeches they had heard made by the noble Lord from week to week and from year to year upon this subject—after the able statesmanship he had displayed in that House as the leader of the Liberal party, he (Mr. Long) was unwilling to believe that the convictions of the noble Lord were in favour of the passing of this measure at the present moment; and, therefore, if the noble Lord should vote in favour of the abolition of church rates, that vote, he feared, would be given contrary to his convictions. "Oh." He was simply expressing his own opinions upon the subject. He deplored the continuance of the agitation on this question; but would concession on the part of the Conservatives settle it? He believed not. Because he believed this Bill calculated to excite ill-feeling and acrimony, instead of salving sores and creating peace; because he believed it to be anything but a moderate Bill; because he believed it would, if passed, leave a sense of deep injustice rankling in the minds of the clergy and laity of the Church of England; because he believed it would, if carried in this House and thrown out in the House of Lords, generate differences between the two branches of the Legislature at a time when it was essential that those bodies should be in harmony; because he believed it would not be satisfactory to Dissenters any more than to Churchmen; and because he considered it would be a most dangerous precedent to concede to pressure that which could not be got by argument and fair logic, he had great pleasure in seconding the Motion of the noble Lord the Member for Huntingdonshire, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question, to add the words "upon this day six months."

Sir GEORGE LEWIS: The noble Lord who moved the Amendment laid before the House a full statement of the arguments which it appeared to him it was desirable to submit to our notice before we arrived at a decision on the subject under discussion. He was followed by the hon. Gentleman who has just sat down, and who has spoken in a manner, on this, the first occasion on which he has addressed the House, which unquestionably creates such a presumption as to his knowledge and ability as to induce us to wish that he would on future occasions seize the opportunity of delivering his opinions on some of those various subjects which await our decision. There was, however, in the speech of the hon. Gentleman one passage of which I feel bound to take notice, and the tone and substance of which I trust he will in any subsequent speech which he may make not deem it expedient to imitate. He thought fit to state to the House that my noble Friend the Secretary for Foreign Affairs had, in the case of the last vote which he gave with respect to church rates, acted in opposition to the sincere convictions which he entertained on that subject. Now, if the hon. Gentleman had been in the House when the debate to which this charge refers took place, he would recollect that my noble Friend stated at length his views upon this question; that he gave the reasons for that change with respect to it which his opinions had undergone; that those were weighty, although they may not be considered by hon. Gentlemen opposite conclusive reasons, and that there was, therefore, not the slightest ground for that imputation of insincerity which has to-day been made. The hon. Gentleman would do well also to bear in mind that hon. Members on both sides of the House have modified their opinions on many questions of much greater importance and magnitude than that which we are now discussing, without, in consequence, being held to be open to any such imputation of insincerity; and I trust, therefore, he will not, after he has had a more extended experience of our proceedings, seek to obtain an undue advantage for his own opinions by making unfounded charges against those from whom he happens to differ. Having now, as I hope, shown the House that the hon. Gentleman is entirely mistaken in the view which he takes of the vote of my noble Friend, I shall proceed briefly to state the reasons why I mean to support the second reading of the Bill under consideration. I may, then, in the first place observe, that I have never been one of those who entertain extreme opinions on the question with which the Bill proposes to deal. I do not regard the maintenance of church rates in any form as necessarily an infringement of religious liberty; while, on the other hand, I am unable to agree with the great majority of hon. Gentlemen opposite in the belief that if church rates were abolished the fabrics of the Church of England would, as the result, fall into decay. I am afraid, therefore, that the opinions to which I am about to give expression are not likely to find favour with any large number of the Members of this House. The views, however, which I on former occasions enunciated I still retain upon this subject, although I confess I have lost my faith in the probability of any reasonable compromise being effected, by which a satisfactory settlement of the question could be attained. I have therefore come—reluctantly, I must admit—to the conclusion that the best course to pursue is to vote for the second reading of the Bill which the hon. Baronet the Member for Tavistock has introduced. Now, one of the arguments which was urged by the noble Lord who moved the Amendment against the proposal which the Bill involves was, that in certain parishes in the town of Birmingham where no church rates were levied the fabric of the church had as a consequence fallen into decay, and the noble Lord having mentioned that fact, contended that if such was the state of things in a town such as Birmingham, there was *a fortiori* reason to suppose matters would assume a still worse aspect in the case of rural parishes. It seems to me, however, that that argument admits of being inverted, if we only for a moment take into account what the real position is of those churches which are situated in towns. The support of the Church of England may be said to be founded on a system of tithes; but that system entirely fails in towns, inasmuch as tithes are paid out of the annual increment of the land. But in those instances in which the land is covered with houses there can be no fund out of which tithes would be payable, and the church under those circumstances relies upon voluntary contributions. There are pew-rents and Easter offerings, and christening, marriage, and burial fees, and I may perhaps take this opportunity of saying that I had recently occasion to regret, in connection with those fees, that in the parishes in London, owing to the prohibition of intramural interments, that source of support is cut off. But, as I was observing, the church, under the circumstances to which I allude, has to be maintained by voluntary contributions, consisting of pew-rents, or other offerings, and it is therefore manifest that there is greater difficulty in collecting subscriptions for the maintenance of the church in towns than in ordinary rural parishes, where the incumbent receives a stipend adequate to his support out of the tithes of his parish, and all that is required in addition is a small sum to keep up the fabric of the church, and to make provision for the services. I cannot under those circumstances, but believe that in the event of the church rates being abolished, greater facilities would be found to exist in the majority of rural parishes for procuring that small sum, over and above the larger sum which is required for the maintenance of the clergyman, than could be secured in the poorer class of parishes in towns. Now, in dealing with this subject of church rates, I cannot refrain from suggesting to the House that it is one which has frequently been discussed with more of sentiment than of reason and solid argument. There has been a great deal of sentiment, for instance, indulged in with reference to the imaginary grievances of Dissenters; but there is also a certain degree of spurious sentiment pervading the views of those who contend that the Church of England is the church of the poor. It is said that if we abolish church rates there will be no free seats for the humbler classes; but how is it that under the existing law free seats are provided for them? Simply by the fact that those who are not poor pay church rates. If, however, an adequate sum for the repair of the church and the maintenance of its services were provided by means of pew-rents, even in rural as well as in the town parishes, the difficulty with which we are now dealing would be at an end. Money would be collected from those who are able to pay pew-rents, and the poor might be provided with free seats, as under the existing system. I am of course aware that there are at present prevalent strong objections to pew-rents; but how, I would ask, can a line be more effectually drawn between Dissenters, whose conscientious scruples we are anxious to respect, and those by whom the church is practically used—in other words, the members of the congregation—than by simply imposing on a portion of the pews a moderate rent? For my own part, I must confess that I see nothing in pew-rents which is at all opposed to the sanctity with which a place of religious worship ought to be surrounded. One of the reasons why they are objected to arises from the feeling that they are in some way connected with dissent; but what, I may ask, is a church rate, but a pew-rent under another name? The only difference between them, practically speaking, is that a church rate is a charge imposed on the inhabitants of a parish, for the most part in respect of their habitations, while, in the case of pew-rents, the churchwarden of a parish simply assigns a pew to the occupiers of each house, as far as the accommodation in the church will allow. I therefore cannot understand the justice of the objection which many persons entertain to resorting to pew-rents for the maintenance of the fabric of the church. If, then, a system were introduced in accordance with which it would be competent for the incumbent of a parish or the Bishop, on the abolition of church rates, to impose on a certain portion of the pews in rural churches a moderate rent, I apprehend an equivalent would be found for the sum—I believe it amounts to £250,000—which is at present raised by means of church rates. The hon. Gentleman who seconded the Amendment, however, contends that we ought not to abolish a tax of this nature without giving compensation; but I do not think he was happy in selecting the case of the practitioners in the Palace Court, or that of the proprietors of slaves in the West Indies, to whom compensation was, in consequence of the passing of measures affecting their interests, accorded, as furnishing an illustration of the justice of the view which he submitted to the House. I would, in dealing with this point, venture to point out to the hon. Gentleman that the principle upon which compensation is granted by Parliament in such cases rests upon the foundation of property. When, therefore, two Sessions ago, we went so far as to grant compensation to the proctors who practised in the Ecclesiastical Courts, we proceeded upon the assumption that they possessed a vested interest in their professional pursuits which it was but reasonable to take into account when those courts were abolished. In the present instance I am at a loss to point to any class of persons who can be said to have a vested interest, and I cannot admit that there is any ground for applying the doctrine of compensation to church rates. What I should wish to provide is, not compensation to any class of persons, but a substitute for the impost to be abolished, some payment which would discharge the same function as is discharged by church rates—at once certain in its collection and just in its incidence. That problem is, I think, solved by reference to pew-rents, and therefore I do not see that the objections to the second reading of this Bill have any force whatever. I have thus indicated, so far as I am able, the views I have formed on this subject. Notwithstanding the supposed light shed upon the subject by the

Report of the Committee of the House of Lords, hon. Gentlemen opposite have no proposition to oppose to the second reading of this Bill ; I shall therefore deem it my duty to support the original Motion.

MR. KER SEYMER said, he was not going to discuss the question of church rates. All that could be said on the general subject had been already said by others better than he could pretend to say it, but he wished to draw the attention of the House to the present position of the church-rate Question, and the steps by which it had reached that position, and he must say the friends of the Church had great reason to complain that noble Lords and right hon. Gentlemen who had been in office, with a very short interval, since Sir Robert Peel's Government had left the question of church rates in the hands of independent Members pledged to their total and unconditional abolition. If he had to speak of noble Lords and right hon. Gentlemen in their absence it was not his fault. He did not complain of the absence of Ministers on a Wednesday, but he did complain of their leaving questions of vital importance to private Members which thus came to be discussed during the absence of Ministers at a Wednesday morning sitting. Considering the importance of this Question—for, thank God, in spite of Mr. Morley and Mr. Miall, the Church was still a great institution of the country—considering the position of the Question ever since the decision of the House of Lords in the Braintree case, they had a right to complain of the course which had been taken by right hon. Gentlemen opposite in 1856. The predecessor of the hon. Baronet, Sir William Clay, brought forward his usual Motion for the abolition of church rates, and they were all very anxious to know what course would be pursued by the right hon. Baronet the Member for Morpeth, then Home Secretary (Sir George Grey) on that occasion. He voted for the second reading of the Bill for the total abolition of church rates, all though prepared, disposed, and determined to maintain church rates in some 9,000 or 10,000 parishes. A vote more inconsistent with the principles on which they considered the second reading of Bills never was given; and when the present Home Secretary said he would vote for this Bill, because no compromise had been provided, he would ask why did not right hon. Gentlemen opposite propose a compromise? After the decision of the House on that occasion, he got up and asked the Home Secretary if the Government would take up the Bill. The right hon. Baronet said it remained in private hands, but they would endeavour to give it facilities. Those facilities never were available, and the Bill did not come on during that Session for further discussion. That course was most unfair and unjust to the Church of England, as well as inconsistent with the usual Parliamentary practice. On this subject he would quote the words used by the noble Lord the Member for the City of London (Lord John Russell), who took part in that debate, and said—

> "With respect to the proposal which my right hon. Friend the right hon. Baronet (Sir George Grey) has made on behalf of Her Majesty's Government, he has chosen the inconvenient course, as I think, of not bringing into this House a measure founded upon the principles he has indicated, but, while proposing to sanction by his vote and by the votes of his colleagues a Bill framed in a very different spirit, he holds out the hope that he will be able to introduce in Committee, not some simple alterations merely, but material and somewhat complicated provisions." [3 *Hansard*, cxl., 1913.]

It was but just to the right hon. Baronet to say that he had endeavoured afterwards to retrace his steps, and on a subsequent occasion he voted in favour of church rates; but, having once led his friends into the wrong lobby, he could not get them out again. He went into that lobby accompanied by his right hon. Friend the Member for Wells (Sir W. Hayter); the huntsmen and whipper-in were together, but the whole pack were running riot. The hon. Member who seconded the Motion spoke of the increasing majorities in favour of the abolition of church rates; but these were to be traced to the conduct of the Government. What said the Prime Minister on the occasion to which he had alluded? That noble Lord generally spoke very plainly, and he did so then. He said—and these were his own sentiments—

> "The course we intend to pursue is, to recognise the existing state of things in parishes where church rates are levied, and to provide another arrangement for those parishes in which a different set of circumstances has arisen." [3 *Hansard*, cxl., 1920.]

How the noble Lord, entertaining these views, could vote for a Bill proposing the total and unconditional abolition of church rates he had never been able to understand. In 1857 the noble Lord intimated his intention to deal with the question in a manner to please everybody. That was most gratifying to hear, and the hon. Baronet had been induced to proceed no further but no further proceeded the noble Lord. Then came the following Session, when the right hon. Gentleman endeavoured to retrace his steps. The Conservative Government lost no time in endeavouring to deal with this question. His right hon. Friend (Mr. Walpole) brought forward an honest and liberal measure, which proposed a settlement of this question. It did not receive that support to which he thought it entitled from right hon. and hon. Gentlemen on the opposite side of the House. He was very reluctant to impute motives; but one could not help thinking that a disinclination to let the merit of settling such an important question fall to a Conservative Government had something to do with the opposition which his right hon. Friend's Bill had received. The measure was conceived in a liberal spirit. The Conservatives were prepared to make great concessions, and they ought to have been met in a fair spirit. He himself was very anxious for a settlement. He thought the question might be settled; but certainly not by a one-sided measure, such as that before them. He might observe with reference to his right hon. Friend's Bill that he differed from him in one respect. His hon. Friend (Mr. Walpole) was desirous of discovering a *locus penitentiæ* for those who conscientiously objected to church rates. He proposed, where church rates did not exist, to give a legal exemption. After the decision of the House of Lords in the Braintree case, he (Mr. K. Seymer) did not think there was much need of that legal exemption. It seemed to him that the case for legislation was much stronger where they found the church out of repair. In the majority of town parishes, where church rates did not exist, means had been found for the maintenance of the fabrics; therefore he was bound to say that in legislating on this subject they ought to recognize that state of facts; but the case was different in rural districts. He had a letter from a clergyman the other day who stated the case of a district in which a Roman Catholic gentleman was the owner of six entire parishes. That gentleman was surrounded by a body of Protestant tenantry, who made and paid a rate at present; but when it came to making a collection, and when that gentleman refused, as no doubt he would refuse, to head the list, how would the case be then? Surely there would be little chance of sufficient money being obtained, and some of the vicars deriving a scanty subsistence from the small tithes—and many clergymen subscribed beyond their means towards religious and secular objects—would probably have to bear a part of the expense. His right hon. Friend also proposed to relieve those who had conscientious objections to paying church rates; but he (Mr. K. Seymer) did not go so far as that. Some persons had a conscientious objection to all payments. They could not admit the principle that people were not to pay for what they conscientiously objected to. Such a principle would lead much further than the abolition of church rates. Admit the principle, and he should himself object to support the churches and schools connected with the Presbyterian Church of Scotland. Admit the principle, and the Episcopal Church of Scotland would have a right to object to pay to the Presbyterian Establishment. He would exempt the Dissenters; and he would not go further. He remembered the hon. Member for Birmingham (Mr. Bright) objecting to the condition that the Dissenter who was relieved from the payment should have no right to take part in vestries as humiliating. God forbid that he should wish to humiliate any class of his fellow-subjects, but how excessive must be the pride that could consider this a humiliation! Although the conduct of the noble Lord the Member for the City of London had been defended by the Secretary of State for the Home Department, it was still open to some objection. The Bill of his right hon. Friend went too far for the noble Lord. The noble Lord said, "I cannot vote for that Bill, as you give up too much to the Dissenters." Now, that was in February last, and yet in the summer of the same year the noble Lord supported the second reading of a Bill for the total abolition of church rates. He made no comments on this fact; he thought it required none. In the rural districts there was no difficulty regarding church rates. He had that day presented a petition in favour of church rates, signed by every ratepayer of a large parish, with one only exception, and that was the dissenting minister. Now, as there was a minister, he supposed there were Dissenters in the parish, and, if so, they all signed in favour of the continuance of the rates. It might be said, "If you present petitions from parishes, the whole of the population of which are in favour of church rates, you could have no difficulty under the voluntary system." But that did not follow. People were willing to contribute to an old-established impost; but it by no means followed that when, under the voluntary system, "the burden was laid on the willing horse," the willingness to contribute would long continue. "The willing horse" would, after a time, refuse to bear the burden; and he thought that rural parishes would be thrown into a condition of much difficulty. He did not say that the churches would go out of repair; but this he did say, that the clergy would have, in many instances, to contribute largely themselves, and in others to go begging all over the country. In the Lords' blue-book on the subject of church rates he found in the evidence of Dr. Foster the following admission. He said, "The Dissenters conscientiously object to allow Churchmen who conscientiously approve of church rates to continue to rate themselves for that purpose." This was fairly elicited from the cross-examination of Dr. Foster. It was rather a roundabout case of conscience as far as the Dissenters were concerned. It manifested a desire on the part of the Dissenters to interfere with the free conscience of the Church, arising simply from a wish to attain ulterior objects, and separate the Church from the State. Dr. Foster was the chairman of the Parliamentary Committee of the Liberation Society—he did not give the full title, for life was not long enough for those long-winded, pompous designations, which this society gave itself; and he said, "With regard to our objections, I should say that I think the objections of the society are merely made in consequence of their being one means of weakening the connection between Church and State. We wish to take away all funds and property with which the State has endowed any religion whatever." "Do you include tithes in that?" "Yes." Now, many hon. Gentlemen saw a great distinction between tithes and church rates; but this far-sighted gentleman, who was at the head of the Liberation Society, did not see the distinction, nor admit it, and by and by this Dr. Foster, being chairman of the Parliamentary Committee of the Liberation Society—whose business, in other words, was to look after the borough Members—would not allow them to see, or if they did, would not allow them to own it. That was the real position of the Society for the Abolition of Church Rates. He only wished that the representatives of the gentleman who spoke out so boldly in the Lords' Committee would speak out as plainly in the House of Commons. If they were opposed to the connection between Church and State let them come forward like men, raise the question, and show their colours, and the Conservatives would fight it out with them. But, no, they preferred sapping and mining, and, unless prevented, they would go on till they blew up the Established Church. That was just what the Conservatives did not want. The hon. Baronet who opened the debate began by saying that the question was very complicated. It was so. His Bill, however, was delightfully simple, and when we proposed to deal simply with a very complicated question we dealt unjustly. This was exactly what was done by the hon. Baronet. Was he aware that there were many parishes under local Acts in which the stipends of the ministers were made payable out of church rates? This was the fact; and he understood that it was considered doubtful, at all events, whether the Bill before the House would not, if it passed the Legislature, override and abrogate those local Acts. The hon. Baronet said, "I merely abolish church rates. I make no provision for altered circumstances. Dissenters are still to come and vote in Church meetings, and object to rates of Churchmen." He did not wish to deprive Dissenters of the services of the Church, for many prefer being married where their parents were married before them, and to have their remains interred where those of their ancestors had been deposited before." But he (Mr. K. Seymer) said, "Do not interfere with the money, if you are relieved from church rates." The right hon. Baronet who spoke last said he did not take extreme views; still he gave a very extreme vote, and seemed to throw on the Opposition the responsibility of proposing a substitute. But, surely, if there was to be a substitute for church rates, it was for the Government, who supported the abolition, to bring in the substitute. The right hon. Baronet had, however, proposed nothing of the kind, but had sat down rather abruptly when it appeared as if he were only beginning his speech. The right hon. Baronet had, indeed, indicated one resource out of which to replace church rates—namely, pew-rents, which were entirely repudiated in the rural districts. But even that substitute he had not ventured to propose. All he had done was to say that he should vote for the abolition of church rates. A great question had never been left in a more unsatisfactory position by a Member of a Government. The House could not pretend to vote in ignorance of the ulterior objects of the body whose agitation had brought that question to its present state. Their aim was nothing less than the separation of Church and State. As the House had now the choice between the total and unconditional abolition of church rates, and a fair compromise relieving Dissenters from the impost, while, also, allowing Churchmen in the rural districts to rate themselves for their own purposes, he called on all who were in favour of maintaining the Established Church to vote against the present Bill.

MR. BRISTOW: Mr. Speaker, Sir, it is with extreme reluctance that I obtrude myself upon the notice of the House, but inasmuch as this is an occasion of great importance, and a subject upon which many of my constituents feel strongly, and inasmuch as it is the first time I have trespassed upon the indulgence of this assembly, I am convinced that I shall not ask for its favourable attention in vain. As a sincere and earnest member of the Church of England, too, I cannot but think that it would be well for me not to give an altogether silent vote in favour of the second reading of this Bill. I am not about to reiterate any of the arguments in favour of the measure which have been so ably adduced by the hon. Baronet who introduced it, neither is it my intention to debate the points so strongly urged against the Bill by the noble Lord who moved the Amendment; I believe that the House has been, so to speak, from time to time deluged with the *pros* and *cons* relating to this Question. I shall, therefore, confine myself to one or two points. It has always appeared to me, as an earnest member of the Church of England, expedient both for the good of the Church itself, and for the peace of society, that this measure should become law. Compulsory church rates are irritating and obnoxious to Dissenters, not because of their pecuniary amount, but because they jar against their religious feelings and principles. On the other hand the number of Churchmen who are in favour of their abolition is steadily increasing, because it is felt that they weaken instead of adding strength to the Church, while they are an annually recurring cause of strife and ill-will. Under these circumstances is it not expedient by means of a comprehensive enactment like that before the House to remove this grievance from the minds of the community? As a member of the Church of England, I believe her doctrines to be purely Scriptural, and I find in the Sacred volume no warrant for compulsory church rates, but I do find that the angelic messengers who proclaimed the advent of the great Founder of my creed declared that it was to bring not only glory to God in the highest Heaven, but on earth peace, good-will among men. I ask myself, and I ask the House, does this tax consist with the announcement of the foundation of my religion? does it produce peace, does it engender good-will? and the answer being, as it must be, in the negative, constrains me to vote for its abolition. If the argument that has been several times addressed, that our parish churches would go to decay if this rate was abolished, was well founded—if it is an argument which was demonstrated by facts, and not a mere theory, which practice has proved the fallacy of, then I might say I should pause before I gave my support to this measure. But is not the preamble of the Bill true? is it not a fact "that church rates have for years ceased to be collected in many churches;" and yet are not those churches existing in undiminished beauty and order, thronged with willing worshippers and the Divine service regularly performed therein? If this be so, then the argument that churches will go to decay and tumble down if church rates are abolished has little weight with me, it becomes but a mere fiction, and I prefer to it the fact that church rates are virtually abolished in many parishes, and that the churches still stand and flourish; and, Sir, I confess that I should greatly prefer to make one in the congregations of those churches for which no rates have been levied, but which are supported by their own occupants, because my worship would not have been made a cause of offence to my neighbour, because the walls of the sacred precincts in which I knelt would not have been cemented by ill will and strife, nor the atmosphere I breathed tainted by the invocations of anything but blessings. For these reasons, briefly and feebly expressed, in fine, because I do not believe church rates to be necessary to the existence or for the preservation of the Church of England; because I know them to be a fruitful source of evil and discord among many who are fellow-citizens and should be brothers; because I can see no good in their retention, and no harm in their abolition, I heartily and conscientiously give my vote for the second reading of this Bill.

MR. DISRAELI (to whom Mr. Packe

gave way):—I will not interpose between my hon. Friend and the House more than a moment; but, before we come to a division, I wish to place before it one view which I think has not been sufficiently, if at all, urged on their attention. And that is, the extremely centralizing character of the measure which the hon. Baronet recommends to our adoption this day. He calls upon the central authority to interfere with our parochial constitution—a constitution, I may say, in passing, not less important than our political constitution. For what are the circumstances of the case? To take the lowest estimate, 80 per cent of those parishes do not wish to be interfered with, and the rest have no grievance in the law and custom of the country at present; because if it be a grievance that they should be followed in those parishes, the majority of the inhabitants have the power to exempt themselves by their own act. Well, Sir, I look with great jealousy, then, on the central authority being called upon to interfere with the will of the great body of the parishes of this country in the exercise of a custom which has existed for centuries and which, in the great majority of the parishes of the country, has been productive of beneficial results. I admit the painful anomaly that on a subject of such general interest as the maintenance of the fabrics of our churches a custom should be prevalent in one part of the country and have fallen into desuetude in another. I think it of great importance that we should arrive, if possible, at some mode by which that anomaly might be arranged and terminated. We have had several schemes brought forward, many suggestions on the subject in the speeches of hon. Gentlemen; we have had the policy of one Government expressed but not proposed; and we have had another instance of the policy of a Government not only recommended, but brought before the consideration of the House in the form of a Bill. I admit that the experience of all these attempts to arrive at a satisfactory settlement of the question is not of an encouraging nature; but it does not follow that because they have not been of a successful character that we should immediately advocate a proceeding like that of the hon. Baronet the Member for Tavistock. Because if it be a fact—and I have not heard it denied—that the very great proportion of the parishes of the country are satisfied with the present state of the law, and that the minority who are dissatisfied are not suffering from any practical grievance, then what we have before us in the proposition of the hon. Baronet is not the redress of a practical grievance but the acceptance of a speculative theory. Well now, Sir, what is that theory? That theory has varied in its form and expression in the years during which I have had a seat in the House, and during the time this agitation has existed. It came forward at first in a very plausible form, which recommended it to the consideration of many in this House who are not favourable to the present scheme. We were called on then to recognize a conscientious scruple, and the recognition of a conscientious scruple was a basis for legislation which naturally recommended itself to every generous mind. But, Sir, that is no longer the case. No one seeks redress now for his conscientious scruples; and those who were once willing to listen to such an appeal have, I think, upon a wiser and discreeter reflection, felt that the admission of such a plea would lead to ultimate legislation upon other subjects of a character which few in this House would approve. Well then, Sir, what is the form which the speculative theory—for a speculative theory, and not a practical grievance, it is—what is the form that it now assumes? It takes one much clearer, much more sincere, much more honest, and much more intelligible. It takes the form of a controversy, whether there should be an ecclesiastical establishment in this country; and whether the union between Church and State that has so long prevailed should be acknowledged and supported. I do not mean to say that in this question of church rates, necessarily, that issue is contained. That is a point which—it is not convenient at this time to enter into, and which is not required for my argument;—but what I do say is, that we have it in clear evidence, acknowledged in a manly and straightforward manner, that is the real issue we have to try. Well now, Sir, I think we know where we stand. I have always observed that when the property of the Church is at stake, and when questions affecting it are brought forward in this House, the agitation which takes place is of considerable duration, and during that agitation the form of the question assumes different aspects; but, ultimately the real character comes out, and it is a great error to suppose that in questions of this kind a lengthened agitation is necessarily favourable to those who are the advocates of change. A lengthened agitation of a question is favourable to its full consideration I sincerely believe; but what was the effect of the lengthened agitation with respect to the appropriation of the property of the Irish Church. How often, how obstinately, with how much ability, and with how much illustration was the appropriation of the alleged surplus of the Irish church discussed in this House! My right hon. Friend reminds me of what it is not necessary I should remind the House, of the temporary success, so far as the divisions in this House were concerned, which attended that agitation; yet that lengthened agitation did not bring about the change which was recommended and enforced. The mind of the country was enlightened on the subject; and it was discovered on reflection how much more was involved in the question than the ostensible result that was advocated. That happened during that agitation which has happened during the present one, and which will happen still more conspicuously if it proceeds—that many who were advocates, and warm advocates, of the policy first recommended, afterwards drew back when they saw the consequences that might ensue, and themselves assisted in terminating the effort which once threatened to be overwhelmingly successful. And I see now, in the disposition of this House, even although for a moment a majority may be attained in favour of the measure of the hon. Baronet—I see even now, in the disposition of this House, an inclination to be more swayed by a calm consideration of the facts and of the opinion in the country than prevailed last year, or two or three years further back. It is impossible to resist those broad facts as placed before us. You are calling upon us to revolutionize the parochial constitution of this country; and when we demand the witnesses to prove the necessity of your case, there rise up in the House the representatives of nearly 14,000 parishes, who protest against the change. Sir, when the question enters merely into the arena of speculative discussion the House feels that they are no longer under the pressure of national exigency. They feel that if it is only a question of speculative discussion, it becomes them calmly to consider and long to ponder before they enter into a practical course which may be rife with consequences which they at this moment do not foresee. I will not at this hour enter into a question so vast as whether the existence of an Established Church as a public, national ecclesiastical body is desirable in this country or not; long before we can arrive at a decision on an issue so momentous, this House will have to consider deeply, largely, and longly, the character of such a policy; but if there were no other reason for the maintenance of an Established Church at this moment, it must at once occur to the thoughts and feelings of Members on both sides the House, and I hope it will be remembered that the Church has been, and still is, and I trust ever will be, our best barrier against that religious fanaticism which has more than once been prevalent in this realm. We are told, and flattered, that we live in an enlightened age, and that the population of this country are so advanced that we can look forward without fear to the conduct of an educated people. But, Sir, if I am to judge by what is passing under our eye in almost every corner of Her Majesty's dominions, I see there instances of conduct and indications of opinion which make me tremble at what may be the consequence if the great influence of the Church of England were withdrawn from any exercise of political authority. Sir, that is but a very limited view of the beneficial influence of the National Church of this country; but it is one brought to my conviction at this moment by what is passing, and one which, therefore, I have on this occasion thus slightly referred to. I shall oppose the Motion of the hon. Baronet the Member for Tavistock. He has brought forward his question, as he always does, with calmness and courtesy; but we must not allow the calmness and courtesy of the hon. Baronet to conceal the character of the measure which he recommends us to pass. It is in my mind a pernicious measure; it is in my mind a measure which, if carried, will lead to greater results than any even in this House may anticipate. It is recommended only upon speculative grounds. It is no longer brought forward as a redress for practical grievances; and because there is no necessity whatever to enter into these speculative discussions, because, totally irrespective of all other considerations, it is in clear evidence before us that this is a proposition for a tyrannical interference of the central authority of the State with the parochial constitution of the country, I shall give it a hearty and an absolute refusal.

LORD FERMOY said, he had listened with attention but great disappointment to the speech just delivered by the right hon. Gentleman (Mr. Disraeli). He had expected to hear something from the right hon. Gentleman upon the merits of the question before the House; but instead of that, instead of arguing the question of whether one man ought to be made to pay for the maintenance of the fabric of another man's church, they had nothing but a series of bold assertions on the part of the right hon. Gentleman. The right hon. Gentleman had started a false issue, and said, "You are about to revolutionize the parochial institutions of the country." Well, why should they not revolutionize the parochial institutions of the country, if those institutions fostered injustice and oppression? The right hon. Gentleman appeared to be frightened by a phrase. When the right hon. Gentleman said, that the measure tended to promote the separation of Church and State, let him remember what had taken place with reference to Ireland. By the Act of Union the Church in Ireland and the Church in England were one and the same. In Ireland church rates had been abolished, and with the advice and under the leadership of the Earl of Derby, one-fourth of the revenues of the Church had been appropriated by the Legislature with the sanction of the authorities both lay and clerical, and not less than ten bishoprics abolished. Subsequently, too, they had abolished ministers' money in Ireland; for whilst church rates were a charge upon personalty, ministers' money was a charge upon property. But was the Church in Ireland rendered at all weaker by the adoption of these measures? No; on the contrary, it was much stronger. What, then, became of the argument that if they abolished church rates they interfered with Church and State. So far from that, he believed that they would thereby get rid of a bone of contention, great heartburnings and unchristian feelings; and that the Church of England would be stronger by many degrees, after reforming it in this way, than it was at present. The hon. Member for Dorsetshire (Mr. K. Seymer) had complained of the Government for not introducing a measure upon this subject. The reason of this might be that the friends of church rates had shown that they would accept no compromise. They did not give any earnest support to the measure introduced by their Home Secretary, and a more uncompromising speech than that of the noble Lord who moved the Amendment, he had never heard. True, his hon. Seconder seemed to hint at a compromise; but what he said in effect was, "Slaves, buy your freedom, and you shall have it." The Dissenters might, therefore, very fairly say, "Thank you for nothing." It was of no use, therefore, to complain of the Government that they had not brought in a measure when so little hope of a compromise was held out. Again, it was said that the number of petitions against church rates was not as great as it had been in former years. That was a very imprudent declaration. Was the question, he asked, to be decided by reason and argument, or solely by pressure from without? If the majority of Churchmen were, as was alleged, in favour of church rates, there could be no danger of churches being allowed to fall into decay, supposing they were left dependent on voluntary offerings. Believing church rates to be unjust and oppressive on the consciences of a great body of the people in this country, he should vote for the Bill of the hon. Baronet.

MR. PACKE said, that the manner in which the hon. Seconder of the Amendmend had performed his duty gave high promise with regard to his future career in that House, and he thought the hon. Member had not deserved the severe lecture which had been delivered to him by the right hon. Gentleman opposite (Sir G. Lewis). He rose now principally for the purpose of drawing attention to the fact that although the noble Lord the Member for London was prepared to vote for the abolition of church rates, the opinions which the noble Lord had formerly expressed in their favour had remained altogether unchanged. He (Mr. Packe) felt warranted in saying this from the fact that last year, soon after the general election, in speaking in the Debate on church rates, he expressed his surprise that the noble Lord, by his speeches, first at Guildhall and afterwards on the county hustings at Huntingdon, should have changed his opinion on the Question of church rates. The noble Lord was then absent, but coming subsequently into the House, he spoke in the Debate, and said distinctly, his own opinions in reference to church rates remained the same; that it was solely owing to public opinion that he had changed his policy. He (Mr. Packe) had therefore good reason to think that he still believed, as he expressed himself in the House of Commons in 1854, that a national Church, an hereditary aristocracy, and an hereditary monarchy, would stand together, and, if there were occasion, would fall together; and that the abolition of church rates would tend to subvert one of the great institutions of the State. He wished not to say anything of the noble Lord that was unparliamentary, but he really should be glad if the noble Lord, whom he now saw in his place, could explain his views upon the subject, and let the House know whether they had undergone an alteration or not.

Mr. HUBBARD said, it was essential in order to the satisfactory settlement of this great question that those who debated it should do so with perfect candour, that there should be no reservation of ulterior views, that it should be regarded in the light of the facts that now surrounded it, and not with reference to what had taken place 200 or 300 years ago, or that might occur 200 or 300 years hence. It was with that feeling that he desired to address the House; because he could not say that anything he had heard that day represented the actual position of the question. He found that many of the large and populous towns were debarred from having recourse to church rates; but that the mass of the parishes in England were still in possession of the invaluable privilege of self-government. He found, however, that there was a certain amount of discontent and continuous agitation maintained, and which was carried on with more or less vigour as the chances of ultimate success appeared to increase. Now he was constrained at once to say that that was not a satisfactory state of things. He could not conceive it to be satisfactory that in one parish, where the Dissenters were in a minority, they should have to pay church rates imposed upon them by a majority composed of Churchmen, whilst in the adjoining parish, where the only change of circumstances was a difference of numbers, Dissenters should be emancipated from the liability to contribute to those rates. It became this House, therefore, to adopt some measure which should make the practice in reference to church rates uniform throughout the country. But when he examined the measure on the table he found nothing in it which tended towards the desired result, and therefore he could not support it. No doubt there were some grounds for dissatisfaction with the present state of things, but the Bill of the hon. Baronet proposed to remove them by prohibiting Churchmen from raising amongst themselves the means required for their own purposes in the way they liked best. Under the pretence of giving relief to a certain section of the community, the hon. Baronet was endeavouring to commit an act of tyrannical injustice upon the larger number of parishes in the country. He knew that the alternative suggested was that money should be raised by voluntary contributions. That was an exceedingly easy thing to say, but it was not quite so easy to do. Voluntary contributions were peculiarly applicable to some great and important exigency, as in the case of the Patriotic Fund, for instance. Let them, however, take a parallel case to the present—that of the civil list. Church rates were estimated to produce about £300,000 a year. The civil list was about the same amount; but would any one be so wild and unreasonable as to suggest that the civil list should be provided for by voluntary contributions? Of course not. And when they had a distinct purpose to accomplish, the only fair and effective way of doing it was to rate persons according to their several means. A statement made by an hon. Member near him had been censured by the Secretary for the Home Department, but he felt bound to confirm the accuracy of the Member for North Wilts who alluded to that memorable day when the two noble Lords on the Treasury Bench confessed before the House that, entertaining a strong sense of the justice of the church rate law, they would nevertheless vote against it, and gave no other reason for a change of policy than that of the state of public opinion. The indication of public opinion in subserviency to which the noble Lords had sacrificed their consistency, arose from no genuine action of the popular breath, but from a blast from Ludgate Hill. Dr. Foster, Chairman of the "Society for the liberation of Religion from State Control," having been asked before the Select Committee whether the society considered the Bill then before Parliament as their own, and as one promoted by them, answered, "so far as our society goes, I think that is a fair presumption." At a meeting of this same society, a statement was also made by Dr. Foster with which the House ought to be acquainted. On that occasion he read a paper which purported to be a review o the leading public questions of the day. The first of these questions was church rates, in respect of which he said the society occupied this vantage ground, that all parties admitted that something must be done with them. He then enumerated Mr. Dillwyn's Bill relating to Endowed Schools, the Annuity Tax Bill, Mr. Baines's Motion respecting the Bible Printing Monopoly, Mr. Hadfield's Municipal Corporation Bill, Mr. FitzGerald's Roman Catholic Relief Bill, and a contemplated Bill for enabling Dissenting ministers to officiate in churchyards. Subsequently Mr. Miall proposed a Resolution to the effect that the meeting, had great pleasure in learning that the Executive Committee were determined to press forward, with undiminished energy, these various measures, and more especially that for the abolition of church rates. He believed he had said enough then to show what was the real nature of the agitation which had occasioned the change of policy on the part of the two noble Lords [Oh, oh!] He had no doubt that the relation of these facts was exceedingly unpalatable to hon. Gentlemen opposite. It was not for him to decide for hon. Gentlemen how far they were willing to accept the position of delegates for the society of which Dr. Foster was the chief; but he certainly had a strong opinion of the sense which the House must entertain of those extraneous and most unconstitutional attempts to influence the legislation of this House. There was an Act by which the constitution of the country determined the religion of the Sovereign. The Sovereign was to represent a religion which was neither that of the Baptist nor the Papist, the Calvinist, nor the Lutheran, the Jew nor the Quaker. The religion of the Sovereign must be that of the Church of England. It was not a mere formula; for the Coronation Service itself involves the necessity for Her receiving the communion according to the office of that Church. If, then, the object of hon. Gentlemen was the separation of Church and State, let them propose to cancel and rescind the Act passed in the reign of William the Third for "the limitation of the Crown," and at once decide whether this country should embrace an empty infidelity, or any other religion than that of the Church of England. He was certain, however, that neither this House nor the country would consent to substitute the heartlessness of infidelity or the depressing despotism of sectarian supremacy for the gentle and the elevating influence of the Church of England.

MR. THOMPSON said, that he wished to express a hope that when the Bill came out of Committee it would contain some provision for the repairs of the fabric of the church. In that hope he would support the second reading of the measure. To neglect to ensure the repair of the fabric of the church would be, in his opinion, to afford great reason to the poor man to complain of injustice, because he would say those churches were built by the liberality of our fathers, who never could have contemplated the unconditional abolition of the means of supporting them. He was prepared however, to support the total and unconditional abolition of that portion of the church rate which was appropriated to the celebration of Divine worship. Every Christian congregation worthy of the name ought to defray the cost of its own religious services.

SIR JOHN TRELAWNY briefly replied. He denied the statement of the right hon. Gentleman the Member for Bucks, that the Bill would revolutionize our parochial institutions. If the measure were passed to-morrow the inhabitants of every parish would be at liberty, as before, to meet and levy a rate. A great deal had been said of the Liberation Society. The truth was, however, that he had advocated the abolition of church rates in that House long before the Liberation Society came into existence. He was not even connected with it, though he entertained a high respect for some of its leading members.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 263; Noes 234: Majority 29.

List of the AYES.

Acton, Sir J. D.
Adair, H. E.
Adam, W. P.
Adeane, H. J.
Agnew, Sir A.
Alcock, T.
Andover, Visct.
Angerstein, W.
Antrobus, E.
Arnott, Sir J.
Ashley, Lord
Atherton, W.
Ayrton, A. S.
Bagwell, J.
Bailey, C.
Baines, E.
Ball, E.
Baring, T. G.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beaumont, W. B.
Berkeley, hon. H. F.
Berkeley, Col. F. W. F.
Bethell, Sir R.
Biddulph, Col.
Biggs, J.
Black, A.
Blencowe, J. G.
Bonham-Carter, J.
Bouverie, hon. P. P.
Bowyer, G.
Brand, hon. H.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Brocklehurst, J.
Brown, J.
Browne, Lord J. T.
Bruce, H. A.
Buchanan, W.

Buckley, Gen.
Buller, Sir A. W.
Butler, C. S.
Buxton, C.
Byng, hon. G.
Caird, J.
Calthorpe, hon. F. H. W. G.
Campbell, hon. W. F.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Visct.
Cavendish, hon. W.
Childers, H. C. E.
Cholmeley, Sir M. J.
Clay, J.
Clifford, C. C.
Clive, G.
Cobbett, J. M.
Colebrooke, Sir T. E.
Collier, R. P.
Coningham, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Davie, Col. F.
Deasy, R.
Denman, hon. G.
Dent, J. D.
Dillwyn, L. L.
Dodson, J. G.
Duff, M. E. G.
Duke, Sir J.
Dunbar, Sir W.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Dutton, hon. R. H.
Egerton, E. C.
Ellice, rt. hon. E.
Ellice, E.
Elphinstone, Sir J. D.
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Ferguson, Col.
Finlay, A. S.
FitzGerald, rt. hn. J. D.
Foley, J. H.
Foley, H. W.
Forster, C.
Foster, W. O.
Fortescue, C. S.
Freeland, H. W.
French, Col.
Garnett, W. J.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir F. H.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greene, J.
Gregory, W. H.
Gregson, S.
Grenfell, C. P.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Gurney, S.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Hartington, Marq.
Henley, Lord
Hervey, Lord A.
Hodgkinson, G.
Hodgson, K. D.
Holland, E.
Howard, hon. C. W. G.
Ingham, R.
Ingram, H
Jackson, W.
James, E.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, Col.
Kinnaird, hon. A. F.
Knatchbull Hugessen, E
Lacon, Sir E.
Laing, S.
Langston, J. H.
Langton, W. H. G.
Laslett, W.
Lawson, W.
Leatham, E. A.
Levinge, Sir R.
Lewis, rt. hn. Sir G. C.
Lindsay, Wm. S.
Locke, Joseph
Locke, John
Lowe, rt. hon. R.
Lysley, W. J.
M'Cann, J.
MacEvoy, E.
Mackie, J.
Mackinnon, Wm. Alex. (Lymington)
M'Mahon, P.
Maguire, J. F.
Marjoribanks, D. C.
Marsh, M. H.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Mellor, J.
Merry, J.
Mildmay, H. F.
Miller, W.
Mills, T.
Milnes, R. M.
Mitchell, T. A.
Monsell, rt. hon. W.
Monson, hon. W. J.
Morris, D.
Napier, Sir C.
Noble, J. W.
North, F.
O'Brien, P.
Ogilvy, Sir J.
Onslow, G.
Osborne, R. B.
Paget, C.
Paget, Lord C.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Peto, Sir S. M.
Pigott, F.
Pilkington, J.
Pollard-Urquhart, W.
Ponsonby, hon. A.
Pugh, D. (Carmarthenshire)
Ramsden, Sir J. W.
Redmond, J. E.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Ridley, G.
Robertson, D.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
St. Aubyn, J.
Salomons, Mr. A.
Salt, T.
Scholefield, W.
Scrope, G. P.
Seymour, Sir M.
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Slaney, R. A.
Smith, J. B.
Smith, Augustus
Staniland, M.
Stanley, Lord
Stanley, hon. W. O.
Stansfeld, J.
Steel, J.
Sullivan, M.
Sykes, Col. W. H.
Taylor, H.
Thompson, H. S.
Tite, W.
Tollemache, hon. F. J.
Tomline, G.
Turner, J. A.
Vandeleur, Col.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walter, J.
Watkins, Col. L.
Wemyss, J. H. E.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
Wickham, H. W.
Willcox, B. M'G.
Williams, W.
Willoughby, Sir H.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Woods, H.
Wyld, J.
Wyvill, M.

TELLERS.

Trelawny, Sir J.
Douglas, Sir C.

List of the NOES.

Annesley, hon. Capt. H.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Baillie, H. J.
Baring, A. H.
Baring, T.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Bective, Earl
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Beresford, rt. hon. W.
Bernard, T. T.
Blackburn, P.
Botfield, B.
Bovill, W.
Bramston, T. W.
Bridges, Sir B. W.
Brooks, R.
Bruce, Major C.
Bruen, H.
Burghley, Lord
Cairns, Sir H. M'C.
Carnac, Sir J. R.
Cartwright, Col.
Cave, S.
Cavendish, Lord G.
Cayley, E. S.
Cecil, Lord R.
Churchhill, Lord A. S.
Close, M. C.
Cobbold, J. C.
Cochrane, A. D. R.W.B
Codrington, Sir W.
Cole, hon. Col.
Collins, T.
Cross, R. A.
Cubitt, Mr. Ald.
Curzon, Visct.
Davison, R.
Dawson, R. P.
Deedes, W.
Dickson, Col.
Disraeli, rt. hon. B.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunn, J.
East, Sir J. B.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, hon. W.
Elmley, Visct.
Estcourt, rt. hn. T. H. S.
Farquhar, Sir M.

Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Galway, Visct.
Gard, R. S.
George, J.
Gladstone, Capt.
Goddard, A. L.
Goff, T. W.
Gordon, C. W.
Gore, J. R. O.
Gore, W. R. O.
Graham, Lord W.
Gray, Capt.
Grey de Wilton, Visct.
Griffith, C. D.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Lord C.
Hamilton, J. H.
Hamilton, Major
Hanbury, hon. Capt.
Hardy, G.
Hartopp, E. B.
Hassard, M.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Hennessy, J. P.
Henniker, Lord
Herbert, Col. P.
Heygate, Sir F. W.
Hill, hon. R. C.
Holdford, R. S.
Holmesdale, Visct.
Hood, Sir A. A.
Hope, G. W.
Hopwood, J. T.
Horsfall, T. B.
Hotham, Lord
Howes, E.
Hubbard, J. G.
Humberston, P. S.
Hume, W. W. F.
Hunt, G. W.
Ingestre, Visct.
Jermyn, Earl
Jervis, Capt.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Jolliffe, rt. hon. Sir W. G. H.
Jolliffe, H. H.
Jones, D.
Kekewich, S. T.
Kelly, Sir F.
Kendall, N.
Kennard, R. W.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knox, hon. Major S.
Leeke, Sir H.
Lefroy, A.
Legh, Major C.
Legh, W. J.
Leighton, Sir B.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lindsay, hon. Col.
Lockhart, A. E.
Long, W.
Longfield, R.
Lopes, Sir M.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Lyall, G.
Lygon, hon. F.
Lytton, rt. hon. Sir G. E. L. B.
Macaulay, K.
Mainwaring, T.
Malins, R.
Manners, rt. hn. Lord J.
March, Earl of
Maxwell, hon. Col.
Miles, Sir W.
Miller, T. J.
Mills, A.
Mitford, W. T.
Montgomery, Sir G.
Moody, C. A.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mure, D.
Murray, W.
Naas, Lord
Newark, Visct.
Newdegate, C. N.
Nicol, W.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Packe, G. H.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Papillon, P. O.
Parker, Major W.
Patten, Col. W.
Paull, H.
Peel, Sir R.
Peel, rt. hon. Gen.
Pevensey, Visct.
Philipps, J. H.
Potts, G.
Powys, P. L.
Pugh, D. (Montgomery)
Puller, C. W. G.
Quinn, P.
Repton, G. W. J.
Ridley, Sir M. W.
Rogers, J. J.
Rolt, J.
Salt, T.
Sclater-Booth, G.
Selwyn, C. J.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Major
Smith, Abel
Smith, S. G.
Smollett, P. B.
Somes, J.
Spooner, R.
Stanhope, J. B.
Stirling, W.
Steuart, A.
Stewart, Sir M. R. S.
Stuart, Major W.
Sturt, H. G.
Stracey, Sir H.
Talbot, hon. W. C.
Taylor, Col.
Tempest, Lord A. V.
Thynne, Lord E.
Thynne, Lord H.
Tollemache, J.
Torrens, R.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Upton, hon. Gen.
Valletort, Visct.
Vance, J.
Vansittart, W.
Verner, Sir W.
Vernon, L. V.
Walcott, Adm.
Walker, J. R.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Watlington, J. W. P.
Welby, W. E.
Whitmore, H.
Williams, Col.
Wyndham, Sir H.
Wyndham, hon. H.
Wynn, Col.
Wynn, Sir W. W.
Wynne, W. W. E.
Yorke, hon. T. E.

TELLERS.

Montagu, Lord R.
Long, R.

Main Question put and *agreed to.*

Bill read 2° and *committed* for *Wednesday* next.

ATTORNEYS AND SOLICITORS BILL.

SECOND READING.

Order for Second Reading read.

MR. JOHN LOCKE said he rose to move the second reading of this Bill, which was in substance the same as the Bill brought forward last Session on this subject.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. BOVILL observed, that a Bill of this sort had passed through the House of Lords last Session, and he thought that the present measure should be postponed until the profession of solicitors had an opportunity of considering its provisions. The reason he asked for postponement was because in this Bill twenty-three clauses had been struck out of the Bill carried in the Upper House, and some of these twenty-three clauses were looked upon by solicitors as having a very important bearing.

Debate arising; Debate *adjourned* till *To-morrow.*

ENDOWED SCHOOLS.

LEAVE. FIRST READING.

SIR HUGH CAIRNS said, he wished to remind the House that last year the hon. Member for Swansea (Mr. Dillwyn) introduced a Bill to amend the law relating to Endowed Schools. That Bill was read a second time, and referred to a Select Committee. The Committee, unanimously, or with the exception of the hon. Member for Swansea himself, made large amendments upon this measure, and reported them to the House. But the hon. Member for Swansea refused to proceed with the Bill so amended, and it was consequently allowed to drop. He, therefore, proposed to re-introduce the Bill as sent back from the Select Committee.

Leave given.

"Bill to amend the Law relating to Endowed Schools, *ordered* to be brought in by Sir HUGH CAIRNS, and Mr. ADDERLEY."

Bill *presented* and read 1°; to be read 2° on Wednesday, 7th March.

THE ARMY ESTIMATES.

QUESTION.

SIR HENRY WILLOUGHBY said, he wished to ask the Secretary at War to explain what was the cause of the deficiency in last year's Army Estimates?

MR. SIDNEY HERBERT said, the main cause of the deficiency arose from the East India Company not having repaid within the year the sum of £400,000, which was due from them to the Government. That sum had since been repaid, and would be carried to the expense of the current year. There were, besides, some trifling deficiencies which he would explain when he moved the Army Estimates.

House adjourned at Six Minutes before Six o'clock.

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HOUSE OF LORDS,

Thursday, February 9, 1860.

MINUTES.] PUBLIC BILLS.—2ª Endowed Schools.

BERWICK-UPON-TWEED.

PETITION.

LORD TEYNHAM *presented* a Petition from the members of the Northern Reform Union, complaining of Proceedings with respect to the Prosecution of certain Persons for Bribery at the Election of Members for the Borough of Berwick-upon-Tweed, and praying for Relief. The Petitioners stated that the result of certain inquiries they had made into circumstances connected with the last election for Berwick-upon-Tweed, in August last, had induced them, under the Corrupt Practices Act of 1854, to commence actions against a number of persons for being implicated in bribery; that the actions were brought in the name of Mr. Reed, the Secretary to the Union; that application was made to a Judge in chambers (Mr. Baron Bramwell) by the defendants that Mr. Reed should be ordered to find security for costs; that this was objected to by his counsel, on the ground that it was contrary to precedent; and that Mr. Baron Bramwell, notwithstanding, made the order on Mr. Reed, and in the course of the hearing designated the proceedings of the Union as "nasty." The Petitioners complained that the order was contrary to the statute, and that the learned Judge had cast an unmerited slur upon their motives and actions.

THE LORD CHANCELLOR wished to say a few words in reference to this petition. He had always made it a rule himself to present every petition sent to him for the purpose which concluded with a reasonable prayer; but in the case of this prayer the object of the petitioners seemed to be only to throw odium on the Judge. Their Lordships did not meet there as a court of appeal; and if the petitioners were dissatisfied with the decision of the Judge, they might have appealed to the Court of Exchequer. There was no Judge in Westminster Hall entitled to more respect than Mr. Baron Bramwell.

THE EARL OF DONOUGHMORE said, he did not see why the noble and learned Lord should object to the petition. He could not admit that this House was not a proper court of appeal against the misconduct of any Judge.

THE LORD CHANCELLOR said, the noble Earl misapprehended the case. In the event of a Judge doing anything that was supposed to be unworthy of his office, it was proper that his conduct should be brought under the consideration of Parliament; but what he had lamented was that the petitioners, in memorializing their Lordships, who did not sit there as a court of appeal, had controverted the spirit of an Act of Parliament.

THE EARL OF DONOUGHMORE said, he need only remind the noble and learned Lord that not very many years ago a complaint was made to this House against the conduct of a noble Earl then high in official station, and that the petition against him was presented by the noble and learned Lord himself.

Petition to lie on the Table.

ENDOWED SCHOOLS BILL.

SECOND READING.

Order of the Day for the Second Reading, read.

LORD CRANWORTH, in rising to move the second reading of the Endowed Schools Bill, explained that its object was twofold—first, to enable the children of Dissenters to enjoy the benefits of endowed schools, commonly known as King Edward's Schools; and, next, to enable Dissenters to become trustees of such schools. Before, however, he proceeded to state the details of the present measure, it would be convenient that he should relate the history of the Bill. In the course of the last Session of Parliament an hon. Member of the other House (Mr. Dillwyn) obtained leave to bring in a Bill having the same object in view that he, Lord Cranworth, proposed to effect by this Bill. That Bill was opposed on the second reading; but it was carried by a majority, and referred to a Select Committee. He (Lord Cranworth) had had no communication with that hon. Member upon the subject; but he must do him the justice of saying that the speech he made in moving the second reading, appeared to have been characterized by as much of intelligence, fairness, and zeal, as any speech he had ever read. The hon. Member brought forward his Bill, if not as the organ, yet in the interest of the Dissenters; and he (Lord Cranworth) could say, in all sincerity and truth, that, being himself an attached member of the Church of England, he thought it was for the interest of that Church, quite as much as of the Dissenters, that such a measure as this should pass. He had introduced the Bill without communication with the hon. Member; and it would be for their Lordships to judge how far it was deserving of their support. The Bill of the hon. Member for Swansea came out of the Select Committee in a totally different shape from that in which it entered the Committee; in fact, as originally introduced, it would have effected no object whatever. But the Committee gave very great attention to the subject, and, almost entirely rejecting the original Bill, they framed a new one, consisting of several clauses, upon the subject. That Bill went back to the House of Commons at the close of the Session; but the hon. Member who introduced the measure being dissatisfied with the Bill in its amended shape, it was allowed to drop. He then, at the end of the last Session, asked to introduce a Bill into their Lordships' House, and did so accordingly; but his noble Friend the President of the Council having represented that it would be hopeless to attempt to pass it at that period of the Session, he consented to withdraw it; intimating at the same time that he should re-introduce it early in the present Session. In conformity with that notice, therefore, he had this year laid a Bill upon the table within two or three days of the meeting of Parliament, and that Bill was the same, with one exception, as the measure which had been agreed to by the Select Committee of the House of Commons. That exception, he could not disguise from himself, would be considered by many of their Lordships as an important and undesirable alteration; but if they would give a second reading to the Bill, he should be prepared to vindicate the alteration, and to show that it was better in the shape in which he proposed it, than that in which it came out of the Committee of the House of Commons. Their Lordships could then deal with the subject as they thought proper. In these cases it had become the practice for the Attorney General to appear before the Court of Chancery, and introduce what were called "conscience clauses" into the scheme, exempting the children of Dissenters from the necessity of receiving religious instruction according to the doctrines of the Church of England. It had been contended, however, from time to time in that Court that it had no power of extending the benefits of these schools to any but Church of England children; that the business of the Court was to administer the law as it found it; and that where the trust-deed implied that the school was to be conducted upon Church of England principles the law was to be followed. In order to show the necessity of some legislation upon the subject, he would mention that there were nearly 700 endowed grammar schools in this country—some of them of the highest excellence—nearly all of which were founded prior to or during, or soon after, the reign of King Edward VI., and were, therefore, generally known as King Edward VI.'s Schools. Most of them had been endowed with the spoils of the suppressed monasteries. According to the law at present, any complaint of maladministration in the case of any endowed school must be made to the Court of Chancery, which directed a scheme for the future management of the charity; deciding what instruction was to be given, and how the school was to be managed and governed. In 1842 a question came before the present Lord Justice Knight Bruce, then a Vice-Chancellor, as to the settlement of a scheme for the application of very large funds, which had not before been devoted to purposes of education, but which had been given to Bury St. Edmunds in the reign of Edward IV., and the foundation in the deed was described to be "for the honour of Almighty God and the Blessed Virgin." In settling the scheme, the Vice-Chancellor was of opinion that education was a legitimate object for the application of the funds, and he also thought that education must include religious education, and the religion must be that which existed at the time of the founder; except that inasmuch as since then we had ceased all connection with the See of Rome, the religious education to be imparted now must be that of the Church of England. His Honour accordingly settled a scheme, according to which religious instruction was to be given in the school according to the doctrines and formularies of the Church of England, but with a special provision securing the benefits of the school to the children of Dissenters, who were not to be obliged to take part in the religious instruction. In 1852 the case of the "Basingstoke School" came before Lord St. Leonards, not as head of the Court of Chancery, but as Visitor on the part of the Crown, the school being a Royal foundation. Not only was the Basingstoke a Church of England school, but it was necessary that the master should be an ordained minister. Under these circumstances the scheme which his noble and learned Friend drew up, set forth that religious instruction should be given by the master at such time as he chose to appoint; but that the Liturgy and Catechism of the Church of England should not be taught to boys, whose parents, on conscientious grounds, objected thereto. Nothing could be more reasonable than these arrangements. So matters remained until 1855, when a scheme for the Foundation Schools at Chelmsford came before the Court of Chancery. The case was heard by Vice-Chancellor Wood, and the Attorney General, in conformity with the usual practice, proposed the introduction of "The conscience clauses." Thus sanctioned by the authority of Vice-Chancellor Knight Bruce and Lord St. Leonards, the Vice-Chancellor, however, doubted his authority to make any such exception in favour of Dissenting children; but said, that Chelmsford being a Royal foundation, the matter rested with the Crown in this case, and not with the Court of Chancery. All he did, therefore, was to appoint a master who belonged to the Church of England; and he stated that if any children were improperly excluded complaint should be made to the Lord Chancellor in his capacity of Visitor. This decision gave rise to great dissatisfaction, and ever since that time the Attorney General had not attempted to introduce these conscience clauses. The result was, that the children of Dissenters were practically excluded from the benefits of Endowed Schools. The law regarding the trustees of these schools was in an equally unsatisfactory state. Some years since the case of the Stafford school, where two Dissenters had been appointed trustees, came before the present Master of the Rolls, who decided, most reluctantly, that no Dissenter could be upon the list of trustees, on the ground that as the object of the charity was the teaching of scholars according to the doctrines and formularies of the Church of England, with no right on the part of Dissenters to participate in any part of the teaching without also receiving the religious instruction, therefore the introduction of Dissenters among the trustees was not reasonable. In 1858 the question again came before Sir John Romilly in the case of the Ilminster school. There, besides the trust for the education of children, the surplus funds were to be applied in mending the roads and for other parochial purposes; and Sir John Romilly believing that this presented a point of difference which would enable him to depart from the principle of the Stafford case, decided that the appointment of the Dissenting trustees was a valid appointment. The decision was objected to, and the case was heard upon appeal by the Lords Justices. The Lords Justices overruled the decision of the Master of the Rolls, and declared that the Ilminster trustees must all be Members of the Church of England, on the ground that there was no solid distinction between that case and the Stafford case—the trust as to the surplus for repair of the roads being in truth nearly worthless. But although they so decided on grounds quite intelligible to those who consider the subject, yet in pronouncing judgment Lord Justice Knight Bruce observed that the sons of Dissenters had very properly enjoyed, and he hoped would long continue to enjoy, the advantages of the school, without being compelled to receive education in the tenets of the Church or to attend a Church of England place of worship, and Lord Justice Turner concurred in this hope. It was improper to speak of the private feelings and opinions of Judges, yet he must remark, that if there was any person more than another devoted to the Church as against Dissent, it was his very learned Friend Lord Justice Knight Bruce. And, considering that the "conscience clauses" in favour of Dissenters originated with him in the Bury St. Edmund's case, and that the principle of those clauses was re-affirmed by him in the judgment given in the Ilminster case, where it was also sanctioned by Lord Justice Turner, himself a strong Churchman, he thought this afforded a strong argument in favour of the justice of the claims now put forth. From what he (Lord Cranworth) had stated, it would be seen that the law with regard to endowed schools was most unsatisfactory. The first object of his Bill was to make the statute law conform to what had for a long time been the practice of the Court of Chancery. It provided, therefore, that, at whatever time the trust was created, unless it expressly excluded all but Members of the Church, the trustees should be empowered to introduce into any scheme and to act upon "the conscience clause," which was as follows :—

> "No Boy shall be required to learn [specify in general Terms the Doctrine of Formularies of the particular Church, Sect, or Denomination referred to in Sect. 4 of this Act, as for example, the Catechism, Articles, or Liturgy of the Church of England,] or to attend the Celebration of Divine Worship according to [specify in general Terms the Form of Worship of the particular Church, Sect, or Denomination, as, for example, the Ritual of the Church of England,] in case his Parents or Parent, or the Persons or Person standing to him in *loco parentis*, shall express to the Trustees in Writing their or his Objections, on conscientious Grounds, to the Boys' doing so."

That he thought was in precise conformity with what was acted on by the Court of Chancery until within the last four or five years. What were the objections to it? Several petitions had been presented that evening against the proposition; some from parishes, but one or two certainly from clergymen, and he regretted the course taken by them, because he thought it most injurious to the Establishment to which they belonged. What were the objections? Persons, speaking theoretically, said that it was dangerous and improper for the Legislature to interfere with existing vested rights of property. No one would be more unwilling than himself to do anything really in violation of rights existing in such a manner that they ought to be maintained; but he never could admit that it could be competent for one age so to legislate with respect to property as to bind subsequent ages to deal with that property inconveniently and contrary to the social wants of the time. Devises and grants of land to charities had in some cases acted injuriously; but this could not be said with regard to property devoted to objects of education. With regard to property devoted to educational purposes their Lordships might go to the extent of placing themselves in the position of the founders, and considering whether, if they were now instituting the charity, they would institute it precisely in the same way as they had done 300 years ago, or whether they would not rather adapt it more to the social wants of the existing time. The founders of the educational charities to which the present Bill applied, did not wish to exclude any one, but there was at that time no other recognized religious body but the Church of England; there could be no legal Dissenters; and it might safely be inferred that if many of the old founders had to establish the foundations now they would make the endowments sufficiently liberal to embrace large classes not belonging to the Church. He did not believe that any of their Lordships could object to such an alteration. If so, the proposition he made in the Bill seemed to him most advisable, and he therefore asked their Lordships to adopt it. The other part of the Bill was likely, he was aware, to meet with more objection. He proposed that Dissenters should, not *quâ* Dissenters, be ineligible to be trustees for an educational charity; and in this respect the present measure differed from the Bill which passed through the Select Committee of the House of Commons. That Committee were fully prepared to sanction the appointment of Dissenting trustees, provided their appointment were confined to cases where there had been a usage for twenty-five years of Dissenters acting as trustees. It struck him that that condition was very objectionable for this among other reasons. He should like to know what was the meaning of a usage of twenty-five years in respect to the appointment of trustees. One might suppose, from such a condition being attached, that trustees were always appointed annually.. But that was not the case, and sometimes twenty-five years might elapse before an appointment took place. That was a question, however, which did not require to be argued at the present time. The Bill now before their Lordships authorized the election of Dissenters as trustees without any restriction as to usage. Unless some such enactment were passed by the Legislature the consequences might be such as their Lordships hardly anticipated. He had the honour of being a governor of the Charterhouse. Members of the Church of Scotland were as much disqualified as Wesleyans or Independents, and yet Lord Aberdeen and Lord Panmure, who were Presbyterians, were both governors of the Charterhouse. What was to prevent anybody from instituting a suit for the purpose of turning those noble Lords out of the Government of the Charterhouse?

THE EARL OF DERBY:—Lord Aberdeen is a member of the Church of England.

LORD CRANWORTH was certain, at all events, that Lord Panmure was a Presbyterian, and he saw no reason why the decision of the Court of Chancery might not be applied to him. But there was a still stronger case. One of the largest endowed schools in existence was Christ's Hospital. He understood that anybody, whether Dissenter or Churchman, might become a governor of Christ's Hospital by paying £500. No doubt many of the donors of £500 were Dissenters; and they also could be expelled by a *quo warranto*. Moreover, several of the sub-corporations of the City of London were trustees *ex officio* of various educational foundations. For instance, the Mercers, the Fishmongers, the Merchant Taylors, and other companies were *ex officio* trustees and governors of schools at Tunbridge, London, East Retford, and other places. Were the members of those bodies who happened to be Dissenters to be turned out of positions for which they were now eligible? The doctrine of the Court of Chancery might be carried that length, and seeing that it was calculated, at any rate, to excite the feelings of a large and influential part of the community, he thought their Lordships would act wisely if they interfered before any great practical evil had occurred. He had endeavoured, as calmly and dispassionately as he could, to state what the existing grievances were and how he proposed to redress them, and he trusted their Lordships would give their sanction to the Bill of which he now moved the second reading.

Moved, That the Bill be now read 2ª.

LORD CHELMSFORD said, the present Bill appeared before their Lordships in a very unpretending form, and had been explained by his noble and learned Friend in a clear and temperate manner; but it appeared to him to be a measure of infinite importance, and to involve principles which, if adopted, might produce the most serious consequences. He wished, in the first place, to add a few details to the history given by his noble and learned Friend of the attempts at legislation upon the subject of endowed schools: it was necessary to a proper understanding of this Bill. It was generally supposed that the case of the Ilminster School first occasioned a desire on the part of Dissenters to obtain some legislative enactment; but prior to the decision in that case, various Bills were introduced into the other House of Parliament, where they met with little encouragement. The Ilminster case unquestionably awakened Dissenters to a sense of the inconvenience of the position in which they were placed, and of the precarious character of the privileges which they had been allowed to enjoy in many endowed schools. He would explain as clearly as he could what was the decision in the Ilminster School case, because it was essential to ascertain the extent of the grievance of which Dissenters had a right to complain, as well as the kind of legislation to which they were fairly entitled. In the reign of Edward VI., certain lands in the parish of Ilminster were given to the inhabitants of the town for the purpose of promoting "Godly learning," and the surplus rents and profits, after the establishment of a school, were to be applied to the repair of public ways and bridges. The trustees were first of all the grantees under the deed of gift, and they were to be succeeded, as the deed expressed it, by other "honest persons of the parish." A grammar school was established, and a number of auxiliary schools for teaching reading, writing, and arithmetic, were founded out of the surplus rents and profits of the land. Some of those auxiliary schools, he believed, had been established more than 200 years, and the children of Dissenters had been admitted from a remote period to both the grammar and the auxiliary schools, without being required to attend the services of the Church or to learn the Church Catechism. Many Dissenters were appointed trustees from 1720 down to the time when the inquiry took place in the Court of Chancery. It was under those circumstances that an application was made to the Master of the Rolls for a scheme for the appointment of new trustees, including some Dissenters. The Master of the Rolls was of opinion that as the charity was not merely for founding a grammar school, but the surplus funds were to be applied to the repair of public roads and bridges, all the inhabitants of the parish were entitled to the benefit of the foundation, and that there was nothing therefore to prevent Dissenters being trustees. The case was then taken by appeal before the Lords Justices, who were of opinion that the primary object of the foundation was the establishment of a grammar school, and that the grammar school being for the promotion of "Godly learning," necessarily was for religious instruction; and looking at the deed itself, not at the usage, for the purpose of ascertaining what were the intentions of the founder, they thought that the religious instruction which the founder required was religious instruction according to the doctrines of the Church of England. They considered that the repair of roads and bridges, to which the surplus rents and profits were to be applied, was a secondary and subordinate object, and that the primary object—the establishment of a grammar school—might, in fact, absorb the whole of the funds; and, inasmuch as the school was for promoting religious instruction, and that instruction, in the view of the founder, was according to the Church of England, they decided that Dissenters could not be trustees. He believed his noble and learned Friend would agree with him that the judgment of the Lords Justices was well founded. It was certainly to be regretted that the question was ever agitated in the Courts. There was no necessity for disturbing an arrangement which had existed for so long a period, and he lamented that any one should have been so imprudent—he must add, so intolerant—as to raise a technical objection for the purpose of curtailing privileges which Dissenters had enjoyed for centuries. Undoubtedly we were now reaping the fruits of that intolerance, because the decision in the Ilminster case opened the eyes of the Dissenters to the precarious position in which they were placed; they discovered that even when their children had been admitted to the benefit of these endowed schools their privileges existed only on sufferance, and they naturally determined, if possible, to put an end to a state of things which was so extremely inconvenient. It appeared to him, however, that in endeavouring to do themselves justice they had reached at objects at which they ought not to aim, and had sought to obtain a position the concession of which would violate some of the most sacred principles of the law. Very soon after the decision in the case referred to, an hon. Member (Mr. Dillwyn) introduced into the House of Commons a Bill for redressing the inconvenience under which Dissenters laboured, and he agreed with his noble and learned Friend that nothing could exceed the temperate manner and the fairness with which it was brought before the other House. But however mild and temperate the words of the promoter, the measure he proposed was sufficiently strong, and although his noble and learned Friend said it effected no alteration in the law, and was only declaratory of what the law was, he must differ with him thereon; for the first section provided that no school should be deemed to be a Church of England school, nor should any Dissenter from the Church of England be incompetent as such to be trustee, master, or scholar unless it was so declared by the instrument of foundation.

LORD CRANWORTH inquired to what Bill the noble and learned Lord was now referring?

LORD CHELMSFORD replied that it was to the one ordered by the House of Commons to be printed on the 2nd of March, 1859.

LORD CRANWORTH explained that the Bill which he had described as being declaratory of the law was introduced by the same hon. Member in the following Session of Parliament. That from which his noble Friend had just quoted was never referred to a Select Committee.

LORD CHELMSFORD said, that he had been misled by an endorsement upon the Bill, which had been given to him by a noble Friend, that it was "Mr. Dillwyn's Bill, 1859, before it went to the Select Committee." Mr. Dillwyn's second Bill, then, as his noble and learned Friend said, was merely declaratory of the law. It went to a Select Committee, where its provisions were so much changed that it was necessary to alter the preamble, and when it came back from the Committee it bore no resemblance to the Bill which went before the Committee. The Bill so amended was the one which was taken up by his noble and learned Friend at the end of last Session. During the present Session, Mr. Dillwyn had introduced another Bill, which was of a very startling character. By its first clause he proposed to provide that no endowed school or educational charity founded prior to the final establishment by law of the Church of England—that was before the first year of the reign of Queen Elizabeth—should be deemed to have been founded for the purpose of affording religious instruction according to the doctrines of the Church of England, even although it might appear upon the face of the foundation deed that it was established for that purpose; and, by the second clause, that every educational charity founded after the first year of the reign of Elizabeth should not be considered to have been founded for the purpose of religious instruction unless it should appear upon the face of the deed that it was so founded. These were rather startling propositions, and they would show what were the views of Dissenters upon this subject. That Bill was at present before the House of Commons; and on the previous day Sir Hugh Cairns introduced another measure, which was founded on the report of the Select Committee, and was, therefore, similar to that brought in by his noble and learned Friend at the end of the last Session. His noble and learned Friend had now introduced this Bill, in which he had altered an important clause of the measure of last year; and so the matter stood at present. In order to avoid misapprehension, he wished it to be understood that, wherever an endowed school had been used for religious instruction, but that it did not appear distinctly upon the face of the instrument of endowment that it had been founded for that purpose, and where the usage had been uniform for a number of years, and Dissenters had for some time been admitted to its benefits, he should be as anxious as any one that that privilege should not be taken from them. He should be ready to agree to any Bill which should provide that in all cases of endowed schools, where upon the face of the endowment it did not appear that they were endowed for purposes of religious instruction, and where Dissenters had been admitted to such schools, they should be allowed to enjoy that privilege; and for that purpose he should be prepared to assent to the introduction of these "conscience clauses," as they were called. The Bill of his noble and learned Friend, however, went infinitely further than such a moderate provision as that, and by its fourth clause it struck at the root of all those rules of prescription by which a great part of the property of this country was held. This was a very dangerous principle. With regard to prescription, Lord Lyndhurst, in introducing the Dissenters Chapels Bill, used this forcible and nervous language:—

> "My noble and learned Friend who sits near me said on a former night, that the principle on which his Bill is built is a principle known to the law, which is, that uniform possession during a long period of years establishes a title. It is a great principle of our law—it is a principle of the law of all civilized States—it is a principle drawn from the wise jurisprudence of ancient Rome—that principle and rule of law which are applied to the estates and civil rights of your Lordships and the people at large. Why then should it not be applied, I beg to ask, in cases of the description which I have mentioned?" [3 *Hansard*, lxxiv. 582.]

By the fourth clause of this Bill his noble and learned Friend proposed to get rid of the prescriptive rights of centuries. Even if usage and prescription were confirmed by judicial decision or by legislative authority, it was to be of no value if in the instrument regulating the endowment "nothing be contained expressly requiring every child educated under such endowment to learn, or to be instructed, according to the doctrines or formularies of such church, sect, or denomination." His noble and learned Friend said there were about 690 endowed schools throughout the country. In the case of the great majority of them, however, he would venture to say that there was no express indication in the instrument of endowment that the religious instruction should be of a particular character. Yet there could be no doubt whatever, from the circumstances connected with these foundations, from views the persons endowing, and the continual usage after the endowment, that the object of the founders was that the religious instruction should be according to the doctrines of the Church of England. Let them take as an illustration the grammar schools founded by Edward VI. They were established on one general plan, and were intended for the promotion of sound religious education. Governors were appointed for the regulation and management of the schools and of the masters; but they were to act under the superintendence and sanction of the Bishop. In none of those endowments was there any distinct statement that the religious instruction to be given should be according to the doctrines of the Church of England. But inasmuch as the rules and ordinances for the government of the school and the schoolmaster were to be under the sanction of the

Bishop, it stood to reason that they could come to no other conclusion than that the religious instruction should be according to the doctrines of the Church to which the Bishop belonged. Such was the principle upon which the decision of the Court of Chancery proceeded in the cases of the Chelmsford, the Stafford, and the Sherborne Grammar Schools. In all these cases the Judges of the Court of Chancery held that they were established for the purpose of giving religious instruction according to the doctrines of the Church of England. In the Sherborne case, however, a petition was presented by the Dissenters, upon which Lord Macclesfield made an order that the children of Dissenters connected with the school should not be compelled to attend the Church, but might go to meeting if their parents desired it. That order appeared never to have been acted upon, and there was very considerable doubt whether Lord Chancellor Macclesfield had jurisdiction to make it. When the case came before the Master of the Rolls that order of Lord Macclesfield was adverted to, and the Master of the Rolls said that all he would do was to suspend the proceedings, and refer the parties to the Lord Chancellor, who might determine whether the order should be enforced. The matter accordingly went before the Lord Chancellor on petition; but the other side contested his jurisdiction, and on the Lord Chancellor's suggestion it was agreed that the governors should pass an ordinance by which Dissenting children should be admitted to the schools without being compelled to attend the Church or to learn the Church catechism. The Sherborne case was just one of those which led him to think that though all the Grammar Schools of Edward VI. were originally intended to impart education according to the doctrines of the Church of England, yet, Dissenters having been admitted, there was a fair ground for legislating so that they should not now be deprived of their privileges. He now came to another class of schools—those which had commenced with insignificant endowments, but the funds of which were gradually increased by the liberality of Churchmen—on the faith of their being Church of England Schools. Nobody could doubt that though the original deed of endowment specified no particular religious instruction, those persons gave their donations in the faith and under the expectation that as these schools were then Church of England Schools they would still continue to be so. This Bill, however, setting aside prescription, would sweep all that class of schools into its net, and entirely alter their constitution, and the very foundation of their institution. The most rev. Prelate (the Archbishop of Canterbury) had that evening presented a petition from the National Society, who were under great apprehension that unless express words of exemption were inserted in this measure their schools would be included within its operation. It was impossible to magnify the importance of this matter as it affected the National Society's Schools; and, if these schools were to be included, they would form a most difficult part of the subject. The Bill professed generally to apply to all charitable endowments for educational purposes. Here they approached an extremely difficult part of the subject. What was the meaning of a charitable endowment? Supposing, in the case of the National Society's Schools, a master's house or a schoolhouse had been given, would that be an endowment within the intention of the Bill? If the measure passed in its present shape, and litigation were to arise under it, what guarantee had they that a Judge might not decide that question in the affirmative? It did not signify whether it was money, or a house, or land, or whether the gift was large or small—it would be equally an endowment. Generally speaking, in regard to the National Schools, there was no deed of endowment—no instrument to which reference could be made to ascertain the terms on which they were instituted. But the schools having originated with the National Society, other schools had from time to time been established, which had associated themselves with that society upon terms of union that clearly provided for education in the doctrines of the Church of England. If his noble and learned Friend meant to include the National Schools within the operation of the Bill, then he would in a most extraordinary manner violate every principle on which property had hitherto been protected in this country, and he would be introducing a measure fraught with the most mischievous consequences, not only in this particular instance, but in every case in which the rights of property were involved. His noble and learned Friend might say that these schools were supported solely by voluntary contributions, but such was not the case. If the children made payments, however small, those went to the support and maintenance of the schools, and therefore it could not be said they were maintained solely by voluntary contributions. He so far agreed with his noble and learned Friend that he would consent to the passing of a measure which would leave persons who had enjoyed all the benefits of these endowed schools before the passing of the measure in full possession of these advantages. He believed their Lordships generally would support that proposition. It was in his opinion infinitely better to have the question settled once for all by legislation; and he most decidedly objected to leaving matters so important to the decision of any Judge whatever. His noble and learned Friend proposed that on the application of the Attorney General, or any person interested in an educational endowment, any Judge of the Court of Chancery, if he thought fit, should have power to order a "conscience clause" to be introduced into the scheme. He objected to any such power being vested in the Judge, because, though he entirely relied on the Judges and law officers of the present day, yet a time might arrive when the law officers of the Crown and Judges of the Court of Chancery would be themselves Dissenters, and in such circumstances the Judge to whom application was made would always think it fit that there should be a "conscience clause." It might be said there would be an appeal against his decision; but what would be the value of an appeal against a decision which was given on the reasonable and just discretion of the Judge? Unless that discretion was exercised in a most unreasonable manner, and the Judge clearly went beyond what was just and reasonable, no appeal would be thought of. It would be infinitely better to give the discretion to no Judge whatever, but to settle the matter once for all by legislation. He would say a word or two only with regard to the constitution of the governing bodies as proposed in the Bill. Reference had been made by his noble and learned Friend to the Dissenters' Chapels Act; but the object of that Act was to protect Dissenters in the possession of property which for a certain time they had enjoyed, not to enable them to become trustees over property with which they had never been connected. The Act secured to them the possession of chapels which they had enjoyed for a period of twenty-five years, having during that time maintained in them the same doctrine. That he took to be as much as the Dissenter had a right to expect. They were protected in the possession of their property, even in cases where the will of the founder had been departed from, if they had enjoyed it for twenty-five years. But if it was proper to act upon the principle of prescription in that case, why should it not be also acted upon in the present instance; and why should Dissenters claim a right to be appointed trustees of schools in which all the trustees had hitherto been members of the Established Church? Were Dissenters to receive the benefit of the principle of prescription wherever it might be for their advantage, and were they to set it aside wherever it might militate against their interests? He had been anxious to point out the difficulties that stood in the way of this measure. He had no wish to reject the Bill on the second reading, though he feared that even in Committee it would be impossible to get his noble and learned Friend to adopt his views. He would not move the rejection of the Bill himself, but if any other noble Lord thought it his duty to do so he would feel himself bound to support him.

THE LORD CHANCELLOR said, the simple question before their Lordships was whether the Bill should or should not be read a second time, and he hoped no serious objection would be taken to the second reading. A bill on this subject was introduced by Mr. Dillwyn last Session in the other House of Parliament, which was considered objectionable in some respects. It was referred to a Select Committee, fairly nominated, and including amongst its members that distinguished ornament of his profession, Sir Hugh Cairns, who eventually, after much discussion, framed and substituted for it an entirely new Bill; which was reported to the House and generally approved, though time did not admit of its being passed into a law. A Bill embodying that compromise was presented to their Lordships at the latter end of the Session which was not persevered with for the same reason. Sir Hugh Cairns had revived the substituted Bill in the other House of Parliament this Session, and the measure of his noble and learned Friend (Lord Cranworth) now under discussion was precisely similar to it, with the exception of an alteration in the seventh clause. That being the case, would their Lordships refuse to read the Bill a second time, and so deprive themselves of the opportunity of considering all the details in Committee while they had ample time? He thought his noble and learned Friend (Lord Chelmsford) had treated Sir Hugh Cairns and others concerned in framing the Bill in the Commons, of which the one under discussion was almost a counterpart, in rather a cavalier manner. He had much respect for his noble and learned Friend (Lord Chelmsford), but without meaning any disparagement of his noble and learned Friend's abilities, he regarded Sir Hugh Cairns as just as well calculated to prepare a measure for the settlement of this important Question. The principle of the Bill was to allow the children of Dissenters to have a reasonable use of the endowed schools of the country (which in many cases would be otherwise wholly useless) and in certain cases, to admit Dissenters themselves, under the sanction of the Court of Chancery, to a share in the management of those schools. When these endowments were established, the whole population was supposed to be attached to the Church of England, and the children of all classes equally participated in the advantages they conferred ; but in the present day, great numbers of the people all over the country, to whose children admission to the schools in question would be an inestimable boon, were Protestant Nonconformists ; and he believed the donors of the endowments, had they forseen this different state of things, would have made provision for the admission of the children of that class of the people. He thought their Lordships were much indebted to his noble and learned Friend (Lord Cranworth) for bringing forward the Bill. Those who disliked the alterations his noble and learned Friend had made in it would have ample opportunities of improving it in Committee; and he trusted their Lordships would give it a second reading.

THE EARL OF CARNARVON said, he must protest against the issue on which the noble and learned Lord on the Woolsack had put this question. The noble and learned Lord had treated the objections made to the Bill in the course of the discussion as objections which arose not on the principle of the measure, but on its details. But he (the Earl of Carnarvon) contended they were objections of principle and not of detail. He admitted the Bill as it stood was a compromise. He could not say he altogether approved it in that light ; but still, believing it a compromise in reference to a vexed question, he was willing in the main to accept it in the shape in which it came from the Committee of the other House of Parliament. But he could not accept the insertion of a clause which was not only foreign to but repugnant to its whole sense. The seventh clause in the present Bill provided, that unless otherwise expressed in the will or deed of endowment, no person was to be ineligible on account of his religion. But the seventh clause, as originally drawn by the Committee of the other House of Parliament, provided that, unless there was any express provision to the contrary in the will or deed of endowment in favour of any particular creed, and provided there was usage of appointing trustees indiscriminately for twenty-five years, Dissenters would be eligible. The Select Committee of the other House of Parliament framed their Bill on the Dissenters' Chapel Act, which was entirely founded on the principle of usage or prescription for twenty-five years; but the Bill under discussion ignored the very principle of the Act on which it professed to be framed. And therefore, to assert that the omission of this safeguard was an accident and detail which could best be dealt with in Committee, was inconsistent with the known intentions of the framers of the compromise which this Bill purported to reflect. As regarded the application of the measure, if passed into law, he entertained grave apprehensions that it would not only affect injuriously many thousands of schools in which Church of England education was now given, but would operate injuriously towards both religious and secular education. It would evidently deal a blow to religious education, for the moment a Dissenter was appointed a trustee and acted, the elements of dissensions would be introduced into the management of the school, which could only be removed by the removal of the cause—a religious education. That again would act upon the secular education; for the moment that the parents of the children who were in the habit of attending school became aware that the course of education was changed, they would not allow their children to remain. Under different circumstances he should have asked their Lordships to divide upon this question, but in the present state of the House he could only repeat the objections he entertained to the Bill.

THE BISHOP OF LONDON said, before their Lordships agreed to the second reading it was necessary that they should understand the principle of the Bill; because on that principle depended the number of schools to which it might apply. The most rev. Prelate (the Archbishop of Canterbury) had presented a petition to-night from the National Society, in which it was stated that there were 5,000 schools not commonly called endowed schools, in which Church of England education was now given, which would be affected by this measure if it passed in its present shape. These schools might, in one sense, be called endowed schools, because they had endowments—very small, it was true, varying from £5 to £10—and which were, therefore, hardly to be called endowments. If the noble and learned Lord would state distinctly that he did not mean to include these schools in the operation of his present Bill, but that he meant to confine it to those schools where some alleged injury to Dissenters had already arisen, he should himself be satisfied to allow the Bill to pass. But it made a great difference whether it applied to those comparatively few schools, or whether it was to apply to the great body of the Church of England schools in the country. The noble and learned Lord seemed to intimate that the Charterhouse might be affected by this Bill.

LORD CRANWORTH: No, no!

THE BISHOP OF LONDON had understood the noble and learned Lord to say that unless this Bill were passed certain noble Lords who were Governors of the Charterhouse might be objected to as Dissenters. Now, seeing that the Charterhouse was specially excepted in one clause, he conceived he was justified in believing that the noble and learned Lord had not very clearly settled in his own mind what schools would and what would not be affected by his Bill. In fact he felt convinced that in the present state of matters there was a great amount of indefiniteness as to the number of schools to which the Bill was to be applied. Viewed in one aspect it would affect nearly all the Church schools in the country; viewed in another, it would apply only to a few or a limited number; and, therefore, it became a matter of some importance to know in which aspect they were to view it.

THE EARL OF DERBY said, he agreed with the right rev. Prelate that the Bill, as it at present stood, was involved in a good deal of doubt and difficulty, and he should be sorry if their Lordships came to any hasty decision with regard to it. A certain amount of grievance had been complained of by the Dissenters to have arisen from an unexpected interpretation of the law, which deserved the consideration of Parliament. The attention of the other House of Parliament had been directed to the subject, and Bills had been introduced professedly to meet the grievances which were alleged to have been sustained; but in fact going far beyond the injuries which they purported to remedy. Two Bills had been introduced by the same hon. Member of the House of Commons, the last of which had been referred to a Select Committee, comprising some of the most eminent Members of the House, by whom that Bill was carefully and dispassionately considered. While he (the Earl of Derby) said on the one hand that their Lordships ought not to be altogether guided and overruled by the decision of a Committee of the House of Commons, especially when that decision had not been submitted to the confirmation of the House itself, yet on the other, he did not think it would be acting with courtesy towards the House of Commons and the eminent Members of its Committee if their Lordships were hastily to refuse a second reading to a Bill founded upon their recommendations. It was true the noble and learned Lord had introduced a material alteration which he (the Earl of Derby) did not regard as an Amendment; but, on the contrary, as very objectionable; yet he thought it desirable by postponing this discussion to a future opportunity, when they would have the opinions of the Select Committee before them, to be enabled to consider in all its points the evils they had to meet, and the state of the existing law; and he would not exclude from consideration the altered circumstances of the country at the present time, as compared with the time when these schools were founded. It appeared from the statement of the noble and learned Lord that up to a comparatively recent period the Court of Chancery had been in the habit of framing schemes in which it inserted something analogous to what was called in the present Bill the "conscience clause," and he instanced a case where Vice-Chancellor Knight Bruce framed a scheme for the management of a school in which it was provided that it should be conducted on the principles of the Church of England, that the service should be performed according to the doctrines of the Church of England, that the masters who were to give instruction should all be members of the communion of the Church of England, and that those children whose parents did not object should be brought up according to the principles of the Church of England; but that the children of those parents being Dissenters who did object to have their children so educated were yet to be admitted to the benefit of the charity. That high authority was subsequently confirmed by another high authority (Lord St. Leonards), who laid down a similar scheme. It subsequently appeared however, that, contrary to what had been the practice for many years, it was not competent for the Court of Chancery to insert in any scheme a provision analogous to what had been called—not very happily—the "conscience clause" of the Bill, and therefore it was now sought to modify the law so that, under certain restrictions, the children of Dissenters might be admitted to the benefits of education in endowed schools without being compelled to adopt the formularies or adhere to the services of the Church of England. He need not remind their Lordships that such a concession had at no distant period been granted in the more important cases of the Universities of Oxford and Cambridge, where Dissenters were admitted to the advantages without being subjected to the obligation of attending Divine service according to the forms of the Church of England. But the question put by the right rev. Prelate (the Bishop of London) was of great moment. It was important to know whether the national schools, professedly Church of England schools, were to be affected by this Bill. These schools had many of them small endowments, though the greater part of their support was derived from voluntary contributions. He apprehended that the Bill was not intended to apply to those schools, but to those endowed schools only which were not upon the face of the foundation deed shown to be Church of England schools, and into which schools the children of Dissenters might be admitted consistently with the wishes of the founders. For his own part he regretted the unfortunate interpretation of the law which had prevented the Court of Chancery from acting in accordance with its practice in former times. Now that only question is raised, he must be allowed to express his doubt whether the Court of Chancery was the best tribunal for deciding cases of this kind; because he was struck by the argument of his noble and learned Friend (Lord Chelmsford) that there was nothing whatever by which the discretion of the Lord Chancellor would be guided and limited. If the Lord Chancellor for the time being thought that such and such things should be done in the cases which came before him, it would be done, or *vice versâ;* and, as had been pointed out, an appeal from him to a higher court was, in the present state of our tribunals, something of a mockery. The whole of the questions which would arise under this Bill would be decided according to the bias of the mind of the Lord Chancellor for the time being, and it would depend entirely upon him whether in one school Dissenters should be admitted, and whether in another they should be entirely excluded. With reference to the "conscience clause," he wished to point out that it went much beyond the rule down by the Vice-Chancellor Knight Bruce. The Vice-Chancellor laid down, as he understood, that children belonging to the Church should be instructed in the doctrines of the Church, and that as far as they were concerned, the will of the founder should in all respects be complied with, but that upon application from Dissenters their children should be admitted to the educational benefits of the school, without being compelled to receive instruction in the Liturgy and Catechism. In the clause, however, there was no such exception. The Lord Chancellor might order that no boy whose parents conscientiously objected to his learning the doctrines of the Church should be forced to do so, whether the parents were members of the Church or Dissenters. The clause, therefore, went far beyond the object proposed by the noble and learned Lord—namely, the relief of Dissenters only. Then, again, considerable expense would be entailed upon the small endowments of these schools if any person were authorized to apply to the Court of Chancery—an expense which, in some cases, might absorb the whole fund available for educational purposes. For this reason he should have preferred a direct enactment, mitigating the stringency of the present law, and adapting it, if it was thought right so to do, to the altered state of things at the present day, rather than a Bill authorising the Court of Chancery to lay down these regulations. If, however, their Lordships thought that application should be made to the Court of Chancery, it would, in his opinion be better that, instead of empowering the Court to draw up rules and regulations which would be absolutely binding upon the trustees, the trustees should by an order of the Court be enabled, if they thought fit, to exempt any children in the school from attendance during the teaching of Church doctrines. Such a discretion should be vested not in the Court but in the trustees, who were necessarily acquainted with the circumstances of the locality, not permitting them, however, to deviate in the slightest degree from the obligation to carry on the school according to the principles of the Church. The other provision of this Bill was one of considerable importance, and would require serious attention. He did not wish now to discuss the clause by which all persons, whether Dissenters or not, were declared eligible as trustees unless it was otherwise expressed in the will of the founder, or the more limited proposal supported by the authority of a Committee of the other House. But the greater the discretion vested in these trustees as to the superintendence and management of the schools the more care must be taken with regard to the appointment of Dissenters, so that schools intended for the benefit and education of members of the Church should not fall into the hands of persons who did not belong to the Church. For his own part he should be anxious that their Lordships should not hastily dismiss a Bill introduced upon such high authority, and which dealt with an admitted grievance. While acknowledging, however, that this grievance might demand legislation in the direction, though not to the extent, proposed by the noble and learned Lord, he hoped ample time would be afforded for considering the measure in detail. Whatever might be his objections to the Bill in its present shape, he could not join in any vote against the second reading; but he hoped that the right rev. Bench especially would examine the clauses before the Bill went into Committee. In such a case as this he trusted sincerely that Parliament would be willing and anxious to consult the feelings and wishes of all classes of the community in such a manner as, while securing these endowments to their original purposes, would remedy any practical grievance of which, under the new interpretation of the law, the Dissenters might reasonably complain.

Earl GRANVILLE said, he was glad to find that their Lordships seemed willing to pass the second reading of a Bill which was intended to remedy an acknowledged evil. He was sure that his noble and learned Friend's object was to have every point of the measure most carefully and fully considered; and when it had been read a second time it might even be a proper subject for inquiry by a Select Committee. From the tone of the discussion, however, he was rejoiced to find that the Bill was not looked upon as affording an occasion for party or religious strife, but had been received in a spirit of conciliation and would be fairly dealt with on all sides. As to the alterations suggested, he concurred very much in what had been stated respecting the reference to the Court of Chancery. On this point, remembering the fairness displayed by Sir Knight Bruce and Lord St. Leonards towards Dissenters in regard to these schools, he thought it was not quite fair in noble Lords opposite to cast a slur by anticipation upon any Dissenter who might hereafter rise, by his ability, to a high judicial position, and to suppose that in such a case the Church would be unfairly treated. But should questions affecting these trusts be left entirely to the discretion of the Court of Chancery? For his part he thought provision should be made in the Bill for any exceptions which Parliament might contemplate — that the Bill also should clearly define the schools to be subjected to its operation — and should lay down some broad and general principles which should apply to all cases, instead of trusting to subsequent judge-made law, or the caprice of trustees. He could not conceive any more fertile cause of religious enmity springing up in all parts of the country, than that it should be left to the trustees to decide whether or not they should make the necessary provisions by which the children of Dissenters should be admitted into the schools. By taking these precautions, moreover, the schools would be saved the great expense of applying through the Attorney General or otherwise to the Court of Chancery. With respect to the seventh clause, he thought much was to be said on both sides. The noble and learned Lord had made out a strong case in favour of his own clause and against the clause proposed by the Committee of the House of Commons. Having made these observations he should conclude by expressing his satisfaction that the House intended to give a second reading to the Bill.

The Bishop of OXFORD said, that if it were distinctly understood, that in not resisting the second reading of the Bill, no further principle was conceded than the principle as limited by the noble Earl (the Earl of Derby), that was to say, that this House was committed to relieve an acknowledged grievance by legislation which should not trench upon the due rights of the Church schools, then he, for one, should rather wish to see the Bill read a second time; because he had been always anxious to manifest, as far as possible, towards his Nonconformist brethren the greatest amount of kindness and charity consistent with maintaining his own principles. He felt that so strongly that he had uniformly encouraged the clergy in his diocese to admit even to their parochial schools the children of Dissenters upon very much the same terms as those contained in the "conscience clause." But there was a wide difference between the managers of schools in their discretion allowing this latitude, and the Legislature interfering with Church schools and the establishing the admission of Dissenting children as a right. He did not feel himself prepared to admit, in the case of a great number of national schools with a *bona fide* endowment, that it would be a fair use of that principle to say that in such schools there should be a legal right given to Dissenters to enter them. In parishes where much ill-feeling prevailed, an attempt to establish a barren principle of that sort would involve the national schools with small endowments in litigation and expense; and parish after parish, which now worked in amity and peace upon this principle, would be given up to ill-will and ill-blood. If, then, their Lordships so understood it that they did not commit themselves to any principle beyond that, he should be glad if the Bill were read a second time. Not that he believed that in the "conscience clause," or still more in the alteration made in the Bill in the House of Commons, there was not involved a very different principle, to which he could not give his assent—he meant the principle of *bona fide* changing a vast number of what were in truth intended to be, and what had been found to be, and administered as, Church schools, into Church schools no longer. He hoped that he did not form any uncharitable view of the matter; because he found that one Dissenter from the Established Church, whom he had always respected greatly for the plainness and openness with which he conducted his opposition to what he thought a great evil—namely, an Established Church—shared that opinion entirely with him. Mr. Miall, speaking at a meeting of the Society for the Liberation of Religion, as it was called—that was, a society the professed purpose of which was to put down the Established Church as an establishment, and to separate altogether the Church from the State, used these words:—"The Judges have decided this matter according to the principles on which only they could decide it, whilst an Established Church is maintained." And he then went on to say, "We, Dissenters from the Church, are making a deadly thrust on the principle of an Established Church in what we are endeavouring to gain as to these endowed schools." Now surely he could not be thought unnaturally jealous as to the effect of this legislation, when those who said that they united to destroy the Established Church declared that they were aiming a deadly thrust at the principle of an established Church in the legislation which they proposed. If it were to be admitted in any way that the education of this great people through the multitude of Church of England schools which the piety of the Church of England had established for teaching to children the truth as it was held by the Church of England; if the principle was that those schools were by any chicanery or fraud to be taken out of the hands of the Church of England, and confided to other hands, then such a Bill ought not to be read a second time. But if it were limited, as it had been limited that night, to the redress of an admitted grievance, by plans which should violate no principle, he for one would be sorry to oppose the second reading. What had fallen from the noble Earl near him (Earl Granville) was well worthy of consideration, namely, whether the best way of arranging this matter would not be to refer it to a Select Committee. It was essentially a matter of detail; and in discussing details in the whole House, there was always the chance of some incautious word stirring up unkindly feelings somewhere; whereas, if the matter were discussed in a Select Committee, it was highly probable that clauses might be arranged which should preserve what was felt necessary to be preserved, and remove an admitted grievance. Such a Committee would not have to take evidence, but merely to arrange the terms of the Bill. Nothing could be lost by such an arrangement, and a great deal might be gained. He trusted, therefore, that the noble and learned Lord would adopt the suggestion of the noble Earl, and refer the Bill to a Select Committee.

The LORD CHANCELLOR trusted that before deciding to refer the Bill to a Select Committee, the noble and learned Lord would take time to consider and watch the progress of the other Bill before the House of Commons.

The Earl of DONOUGHMORE inquired why the noble and learned Lord had excluded Ireland from the operations of the Bill?

Lord CRANWORTH: Because the Bill of the House of Commons had excluded it. The state of education in Ireland, and the constitution of schools there, were so different from what they were in this country, that he thought it would not be advisable to include Ireland in the measure. With regard to what the right rev. Prelate had said respecting national schools, if he understood the constitution of these schools—although they might be endowed with a house for the master or mistress—they were not substantially endowed schools, and certainly it was not his intention to apply the Bill to schools such as they.

On Question, *Resolved* in the *Affirmative:* Bill read 2^{a} accordingly: and *committed* to a Committee of the Whole House on *Friday*, the 17th *instant.*

AGRICULTURAL STATISTICS (IRELAND).

OBSERVATIONS.

The Earl of LEITRIM called the attention of the House to the state of agriculture in Ireland, as exhibited by the statistical returns recently laid upon the table. He said that no statistical returns were attempted to be made for England and Scotland; but if agriculture in those countries had fallen off as it had in Ireland, the matter was one of a most serious nature. The returns in Ireland were collected by the police, and many persons objected very much to the manner in which they were collected. He said nothing as to their correctness, but such as they were, they could not be regarded as waste paper. The noble Lord read a number of returns, showing that since 1847 there had been a serious diminution in the cereal and green crops in Ireland; and contended that, although the cultivation of potatoes, flax, and grass had increased, and there was more stock in the country, the facts disclosed by these returns showed that agriculture was in a far less prosperous state than it had been represented to be by the Lord-Lieutenant and the Chief Secretary for Ireland.

The Earl of DONOUGHMORE explained that the decrease in the green and cereal produce of Ireland arose from the fact that some of the farmers had found it more profitable to turn their attention to the rearing of stock. He thought the inference could not be drawn that land was less cultivated. He was himself a considerable landowner, and he had travelled much about the country; and he was able to say that when land was to be let there were plenty of tenants offering fair rents. He regretted to see a considerable increase in the cultivation of potatoes, for he had hoped that one beneficial result of the famine would have been a cessation of the dependence formerly placed in that precarious vegetable.

House adjourned at a Quarter before
Nine o'clock, till To-morrow,
Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 9, 1860.

TROOPS FOR CHINA.

RETURN MOVED FOR.

Mr. SEYMOUR FITZGERALD moved an Address for a Return of the Military Forces of all Arms under orders to proceed, or on their way from this Country, Her Majesty's East Indian Territories, or the Colonies, to China, and similar Return as to the Naval Forces.

Lord JOHN RUSSELL asked, whether the sanction of the Government to the production of these Returns had been asked and received?

Mr. SEYMOUR FITZGERALD said, that the Secretary to the Admiralty had agreed to his portion of the Returns moved for, and he understood from the Secretary to the Treasury that there was no objection to the rest of it.

Lord JOHN RUSSELL: I must say I think it is entirely without precedent that such a Return should be moved for without the Secretary of State for War being asked whether he had any objection.

Mr. SEYMOUR FITZGERALD said, he was quite willing to defer the Returns as to the military forces, so that the Secretary of State for War might be consulted, if it were desired. The Return of the naval forces had been assented to, as he had before stated, by the Secretary to the Admiralty.

Mr. SIDNEY HERBERT said, he had no objection to the hon. Member having the information he desired; but it was obviously inexpedient to make a public Return of the strength of a hostile expedition. The hon. Gentleman had seen the General Order giving the number of regiments proceeding to China, and he must say he thought it would be very inconvenient to publish the Return asked for.

Motion *negatived.*

FIRE-WORK MANUFACTORIES.

QUESTION.

MR. JOHN LOCKE said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been drawn to the explosion of a Fire-work Manufactory which took place last month in Regent Street, Lambeth Walk, resulting in the death of three persons; and, if so, whether it is the intention of Her Majesty's Government to adopt any measures for the removal of such buildings out of crowded neighbourhoods?

SIR GEORGE LEWIS said, that a memorial upon the subject of the explosion to which his hon. and learned Friend referred had been received at the Home Office, and had been referred to the Chief Commissioner of Police for his report, which had not yet been received. With respect to the general question, he would take that opportunity of stating that his attention had been called during the recess to the frequency of accidents arising from the manufacture of gunpowder and of different other explosive substances, and the defective state of the law upon that subject. He had at present under consideration a Bill for the consolidation and amendment of the law relating to the manufacture of those substances, and he hoped before long to be able to bring that measure under the notice of the House.

DEMANDS OF THE ALLIES UPON CHINA.

QUESTION.

MR. SEYMOUR FITZGERALD said, he wished to ask the Secretary of State for Foreign Affairs, Whether any Convention had been entered into between Her Majesty's Government and the Government of the Emperor of the French with reference to the demands to be made by both Governments on that of China, and with the view of settling the bases of the combined operations of the French and English Forces in that country, and especially with reference to a permanent occupation by either Power of any portion of the Chinese Territory; and, if any such Convention has been made, whether Her Majesty's Government have any objection to lay it on the table of the House?

LORD JOHN RUSSELL was understood to say that there was an ordinary private Convention which was on the point of being signed, but there was no such general Convention as the hon. Member had indicated.

THE SHIP "ACCRINGTON."

QUESTION.

MR ALDERMAN SALOMONS said, he would beg to ask Whether Her Majesty's Government has received any information relative to the sickness and mortality on board the ship *Accrington*, which left Liverpool for India on the 30th of last September, with the wives and families of soldiers; and also as to the reported acts of cruelty and violence committed on board that ship, resulting, as it is alleged, in the murder of the captain and chief officer?

MR. CHICHESTER FORTESCUE said, that some information had been received upon that subject from Her Majesty's consul at Pernambuco, but not all the particulars that were to be desired. It was evidently a most lamentable case. The facts were simply these. When the vessel conveying the families of soldiers to India had arrived at Pernambuco, it was found that a very large mortality had taken place among the children. It was also ascertained that the captain, who was accused by all parties of having been guilty of great tyranny and oppression towards the emigrants, was dead, as well as his chief officer; and there was reason to suspect that these men had been poisoned by the cook or by some other person on board. With respect to the mortality among the children, a full and rigid inquiry must be instituted, and as regarded the deaths of the captain and mate the consul had already set on foot a full inquiry into that subject, as their case involved a charge of murder. He would add one word with regard to this lamentable occurrence on behalf of the Emigration Commissioners. He had to remind the House that the vessel was not one of the ordinary emigration vessels in charge of the Emigration Commissioners. It was a vessel chartered to carry the families of soldiers to India, that duty having been undertaken by the Emigration Commissioners at the request of the War Department. In all other cases the Commissioners exercised a discretion as to the selection of the emigrants on board, and they strictly limited the number of children to be conveyed in any particular vessel. But in the present instance they were bound to take the emigrants as they found them, and out of sixty-seven deaths which it was found had occurred when the vessel reached Pernambuco, sixty were those of children under four years of age. He mentioned these facts for the purpose of showing that there was no *prima facie* appearance of neglect in that case on the part of the Commissioners.

TASMANIA—THE LEGISLATIVE COUNCIL.

QUESTION.

COLONEL SYKES said, he rose to ask the Under Secretary of State for the Colonies if any and what proceedings have taken place consequent upon the transmission of a Petition to the Queen, signed by more than 5,000 inhabitants of Hobart Town, Tasmania, complaining of an Act passed in great haste by a minority of the Legislative Council, affecting the Constitutional privileges of the Electors.

MR. CHICHESTER FORTESCUE said, that the facts with respect to that Tasmanian Act were as follows:—An Act had been passed to amend the constitution of the Legislative Council of Tasmania; and among other provisions, but not the most important of the whole number, was one which for the future would exclude all the Judges of the Supreme Court from seats in the Legislative Council. The immediate effect of that provision was to exclude from the Council a gentleman of great distinction and influence in the colony, Mr. Justice Horne, lately Member for Hobart Town. That exclusion had been very much objected to by the constituents of the learned gentleman, and the petition presented that evening by the right hon. Baronet the Member for Droitwich (Sir J. Pakington), and very numerously signed, proceeded solely from those constituents. The provisions of the Act had nothing in them objectionable, and they probably formed an improvement on the pre-existing law. With respect to the mode in which the law was passed, he had to state that it was passed legally when a quorum of the Legislative Council was sitting; and although passed in a way which we should consider in this country as rather sharp practice, yet the Government thought it was not a case in which Her Majesty should be advised to interpose her veto, and especially inasmuch as if there were anything substantially unfair in the way in which the law was passed, the constituencies of Tasmania had in their own hands a remedy in the powers which a free constitution gave them.

THE IRISH POOR-LAW COMMISSIONERS. —CASE OF THE REV. PETER DALY.

QUESTION.

MR. GREGORY asked the Attorney General for Ireland, Whether the late proceedings in the Court of Queen's Bench, Ireland, on the part of the Poor Law Commissioners, against the Rev. Peter Daly, were instituted under the direction of the Law Officers of the Crown; and, if not, under whose direction; and, also, from what funds the costs given against the Poor Law Commissioners will be defrayed?

COLONEL FORDE said, he also desired to ask the Attorney General for Ireland to answer a similar question as regards the Poor Law Commissioners and the Board of Guardians of the Newtownards Union, as that put to him by the hon. Member for Galway.

MR. O'BRIEN said, he would take that opportunity of putting the Question of which he had given notice. He would ask the Attorney General for Ireland, Whether the proceedings by the Poor Law Commissioners against the Guardians of the Clonmel Union were taken under the advice of the Irish Law Officers, and also from what fund the costs awarded against the Commissioners would be defrayed?

MR. J. D. FITZGERALD said, that he had to give substantially the same answer to all the three Questions. The late proceedings in the Court of Queen's Bench, Ireland, on the part of the Poor Law Commissioners against the Rev. Peter Daly, which were intended to oust that gentleman from the chaplaincy of the union, were not instituted under the direction of himself or of his learned Colleague the Solicitor General, nor of the present or of the late Law Officers of the Crown. He presumed that the Commissioners acted on the advice of the standing counsel, an eminent barrister, and that the costs would be paid out of the annual sum of £300 voted in the Estimates for the legal expenses of the Commissioners.

HIGHLEIGH PREBENDAL SCHOOL.

MR. FREELAND said, that he rose with feelings of pain and regret to submit to the consideration of the House the Motion which stood on the notice paper in his name. His object, he said, was to obtain, through the interposition of the authority of the House, and in connection with an important and public educational trust, a statement of facts which he could arrive at through no other channel, or at all events only at the expense of a considerable and altogether indefinite outlay. The Home Secretary had consented to the Motion. The right hon. Gentleman the Member for Kilmarnock had given him in writing the grounds of his opposition to it. He was, therefore, obliged to trouble the House with a statement, which should be as short as he could make it, consistently with a due regard to the object which he had in view. The school in question had, he thought, strong claims on public sympathy. The learned Selden had been educated in it. Collins, one of the greatest if not the greatest of our lyric poets, had received in it a portion at least of his education. It was founded by Bishop Storey in 1497, for the gratuitous instruction of scholars from all parts of the diocese. He founded it, he said, *Propter ignorantiam sacerdotum et proborum raritatem ministrorum Diocessus Cicestrensis.* The diocese, however, no longer deserved the reproach of the truthful and outspoken Prelate. The chief points to be borne in mind were that the school was founded for purposes of gratuitous instruction; that the number of free scholars was not at first limited; that it was limited in 1828 by a statute of Bishop Carr to ten, whom the Dean and Chapter were to nominate. That the burden of teaching was thrown on the prebendary of the prebend of Highleigh for the time being, who as such was master of the school. By the statutes no payments were to be made either by the pupils or their parents. If the master took any presents he was to be twice admonished, then fined £10. If after a third admonition he offended, he was to be deprived of his canonry and prebend. The present master had been master between twenty and thirty years. During that period only three boys had been presented for gratuitous education, as he had ascertained from the chapter clerk, whom the Dean and Chapter had instructed to supply him with the information which he required. He wanted to know what had been the receipts of the prebendary during this period. He wanted to know what the tithe-rent charges, fines and quit-rents were. All this, in the case of a public educational trust, the public had a right to know. The Charity Commissioners had attempted to deal with this school between 1853 and 1859, though without result; but this shewed that they considered it a public educational trust. In 1854 the House had ordered a somewhat similar return; but the rev. Gentleman answered that it did not come within his power or that of any other person now living to make it. It was, however, within the power or the rev. Gentleman to make the return for which he now asked, and he therefore begged to move for—

"Returns from the Rev. Thomas Brown, Prebendary of Highleigh, in Chichester, as such, and as Master of the Prebendal School in that city; of date of his appointment; amount of tithe commutation rent-charges in Sidlesham, Ferring, and elsewhere; of annual value of prebendal residence; amount of fines since appointment; of rents or other emoluments."

Of the number of Boys presented to the School by the Dean and Chapter since the said Prebendary's appointment. Of the number of Scholars on the Foundation who have received a gratuitous Education in each year; of the highest number at any one time; and of the usual numbers on an average. And, of the names of any Scholars on the Foundation at present.

COMMERCIAL TREATIES WITH FRANCE.

QUESTION.

MR. LIDDELL asked the President of the Board of Trade whether any Commercial Treaty or Treaties (other than that recently ratified) are in force between this country and France; and, if so, whether there is any objection to lay copies of the same on the Table, with the dates at which they were entered into?

MR. MILNER GIBSON said, he had to state in reply to the hon. Gentleman that there was a treaty, or rather a convention, in force between England and France relating to commerce and navigation, and bearing the date of January, 1826. It related almost exclusively to the direct trade, and under its provisions each nation agreed to place the ships of the other on the same footing as national vessels. But there could be no necessity for placing that treaty upon the table of the House, as it was already published in *Hertzlet's Collected Treaties*, a copy of which would be found in the library of the House. He might add that there was also a French decree of the year 1854, consequent upon the repeal of the English navigation laws, which made certain relaxations in favour of our vessels engaged in the indirect trade.

NEWSPAPERS TO AUSTRALIA.
QUESTION.

Lord ALFRED CHURCHILL asked the Secretary to the Treasury, Whether the Government have re-considered their plan for levying upon Newspapers to Australia an extra penny to meet the cost of transit through Egypt, and, if so, what course they propose to adopt; and whether, in any contemplated alteration, it would take effect previous to the departure of the Australian Mail on the 12th instant?

Mr. LAING said, he had had an opportunity of communicating upon that subject with gentlemen connected with the Australian colonies, and he had reason to believe that the inhabitants of those colonies would prefer paying their share of the extra charge for the transmission of newspapers through Egypt rather than that charge should be met by levying an additional penny upon the postage of those newspapers. Under these circumstances, the imposition of the additional penny had been withdrawn, and would not be again enforced if the Australian colonies would consent to defray their portion of the cost of transit.

ARMS OF THE TROOPS IN THE CHINESE EXPEDITION.—QUESTION.

Mr. O'BRIEN asked the Secretary of State for War, Whether it is correct that the Troops forming the Expedition to be sent from India to China are to be armed with the smooth bore instead of the rifled musket?

Mr. SIDNEY HERBERT said, that all the troops despatched from this country to China would be armed with the Enfield rifle, and all the battalions of European troops which went from India would be similarly armed. But, as he understood the General Order published in India to which the hon. Gentleman no doubt referred, the case was as follows. The Native Indian troops, almost without exception, had not hitherto been armed with the rifle. They were furnished with a weapon of a smaller and lighter construction and having a smooth bore, and the intention of the Indian Government was, no doubt, to arm all the Native troops with the same description of weapon.

VOLUNTEER RIFLE CORPS.
QUESTION.

Mr. HOPWOOD said, he would beg to ask the Secretary of State for War if he will explain the reason for the long delay in issuing Commissions to Officers in the Volunteer Rifle Corps.

Lord HOTHAM said, he had that morning received a letter stating that a considerable impediment was thrown in the way of the enrolment of Volunteers by the delay in issuing commissions to officers.

Major SIBTHORP said, he would take that opportunity of asking the Secretary of State for War whether officers who had been elected by Volunteer corps, and approved of by the Lords-Lieutenant of counties, but who had not received their commissions from the War Office, would be allowed to attend Her Majesty's levee on the 7th of March.

Mr. SIDNEY HERBERT said, he would answer the last Question first. Her Majesty had arranged that she would receive at the Levee to be held on the 7th of March all those officers who had been recommended to Lords-Lieutenant and approved by Lords-Lieutenant, and whose names upon transmission had been approved by the Queen, without waiting for the commissions to be published in the *Gazette.* With respect to the other Question, as to the tardiness of issuing commissions to officers, he regretted that there should be any such complaint; but it must be recollected that before the services of a company could be accepted and before the officers could be nominated, the Government required certain preliminaries to be observed. There must be the requisite number of volunteers to form a company. There must also be a practising ground selected and approved by a competent officer, and a storehouse with a person to take care of it, approved by the Lord Lieutenant. It was not always possible to get all these things done off-hand. The correspondence, too, on the subject of Volunteers was not direct, but had to pass through a third channel. Some allowance must also be made for the enormous increase of business which the volunteer movement had cast on the War Office. When he first went into office there were about 20 papers a week on this subject on which it was necessary to give a decision, while the number of papers received last week was 620—the number disposed of 621, and the number of letters written 467. There had never been such an enormous amount of business undertaken for the first time and conducted with so little complaint as this connected with the Volunteer Department, which he had intrusted to Lord De Grey, and he was very glad to have this opportunity of stating the opinion he had formed of the tact, punctuality and courtesy with which the noble Lord had conducted this portion of the business of the War Office.

STEAM-BOAT ACCOMMODATION AT HOLYHEAD.—QUESTION.

LORD JOHN BROWNE said, he rose to ask the Chief Secretary for Ireland what provision is being made at Holyhead for the accommodation of the large Steamers which will commence running to and from Kingstown in June next; and whether it is true, as reported, that the recent extension of the old Pier has been found quite useless for that purpose, in consequence of its being too much exposed.

MR. CARDWELL replied, that as to the extension of the old pier so far from its being useless the boats now regularly ran to it. It was true, that it was exposed to points NNE., but during the whole of the late tempestuous season the railway-boat had only been prevented using it three times. The noble Lord, the Secretary of the Admiralty, had under his consideration at the present moment what new alterations were necessary.

POST-OFFICE ARRANGEMENTS.—EDINBURGH.—QUESTION.

SIR JAMES FERGUSSON said, he rose to ask the Secretary to the Treasury, Whether it is intended to proceed with the new General Post Office in Edinburgh, for which land has been purchased and plans decided on; or whether there is any intention of departing from the recommendations of a Committee of this House, which sat in 1854, in favour of keeping up separate Post Office Establishments in Edinburgh and Dublin?

MR. LAING stated that the Post Office had recently had very heavy demands made upon it for the erection of new buildings in several of the principal towns of the country. Steps had been taken to ascertain whether in some cases an extension of the existing buildings would not suffice; and that had been found to be the case in Manchester and Liverpool. The Post Office authorities had been led to believe that by a small alteration of the establishment at Edinburgh it might be possible to continue the Post Office in the present building. It was true a site had been actually purchased from the town council at a cost of £60,000; therefore its abandonment would involve the necessity of applying to Parliament for an Act for the purpose. But he thought the House would not object to such a measure if it could be shown to be otherwise desirable, and to have the effect of saving £50,000 or £60,000. The inquiry was in progress, and in due course the parties interested in Edinburgh would be called upon to state their case. There had certainly never been any intention of departing from the recommendation of the Committee of 1854, that separate Post Office establishments should be kept up at Edinburgh as well as Dublin. The only suggestion was to withdraw one branch, the accountant's, from Edinburgh; but upon that point no decision would be come to without giving the parties interested a full opportunity of stating their views.

MR. GLADSTONE AND THE BUDGET. QUESTION.

LORD HENRY LENNOX said, he would beg to inquire of the noble Lord at the head of Her Majesty's Government whether the right hon. the Chancellor of the Exchequer is sufficiently recovered from his recent illness to enable him to proceed with his financial statement tomorrow, and, if not, whether the Government will lay on the Table the Treaty of Commerce with France?

VISCOUNT PALMERSTON: I saw my right hon. Friend a very short time ago, and I cannot undertake positively to say that he will be well enough to go through his statement to-morrow evening. I expect to receive a communication from his medical attendant in the course of the evening which will enable me to speak with more certainty. If he should not have recovered his strength of voice sufficiently to enable him to go through that which must necessarily be a long statement, I am persuaded the House will indulgently give him until Monday; for it would be unsatisfactory to the House as well as to him, if, not having entirely recovered his strength, he were to find himself, in the middle of a long statement, unable to go on. My noble Friend the Secretary for Foreign Affairs will, at all events, to-morrow lay on the Table the recent Convention with France.

PREVENTION OF BRIBERY. LEAVE.

SIR FITZROY KELLY said, that in asking permission of the House to introduce a Bill for the prevention of bribery, it was not his intention to enter into any lengthened discussion on the subject. Since he had placed his notice on the paper, the question had been brought before them by the hon. Member for Marylebone (Mr. Edwin James); and the hon. Member for Nottingham (Mr. Mellor) had also given notice of a Motion on the subject; besides which, the noble Lord the First Minister of the Crown had intimated that the subject was under the consideration of the Government, and that it was not unlikely that a Government measure would be introduced. In addition to all this, the noble Lord the Member for London had informed the House that it was his intention, on the 20th inst., to introduce his long promised and long expected, if not much-desired, measure of Parliamentary Reform. Under those circumstances, he (Sir FitzRoy Kelly) felt that his duty was limited to a short and concise statement of the objects of his Bill; he should then ask leave to lay it upon the table. He would at once say that it was not his intention to move the second reading of his Bill until after the Reform Bill of the noble Lord had been considered, and until they knew what measure, if any, the Government had it in contemplation to propose for the repression of bribery; but he could hardly believe it possible, after the recent disclosures at Wakefield and Gloucester, that this Session would be allowed to pass away without some measure on this subject being brought forward under the direct sanction of Her Majesty's Government. After that, he should, if necessary, proceed to bring this Bill before the House. He might say at once that it differed to some extent, but not greatly, from the provisions originally introduced in the Corrupt Practices Bill of 1854. His first object was to compel the candidate to pay all monies to be expended for election purposes, and under his own control, through the hands of a public officer, and thus to render it certain that unless that public officer should himself be a party to bribery, it would be impossible for bribery to occur. His second object was to make the offence of bribery disgraceful—one which no man could commit and afterwards hold up his head in society, and such as no gentleman, or any one aspiring to be a Member of that House, could contemplate without fear and shame. His third and last, but not least difficult object, would be to provide, if possible, some legislative means to render it probable, if not certain, that when bribery had been committed it should be followed by prosecution and punishment. With respect to the first of these objects, it might be secured if the money first found its way into the hands of the election auditor, for then he thought it might fairly be said that bribery would be almost impossible. It was true that no man, however much he might disclaim any resort to corrupt influences, could in all cases prevent money being improperly spent; but inasmuch as an oath or declaration equivalent to an oath must be made under this Bill by the candidate, that he would pay no money for election purposes except through a specified public officer, it became impossible without perjury that money should be passed, as it was now from the candidate through various channels to persons by whom it is at last applied to corrupt purposes. He could not conceive that any gentleman really desiring that such money should be applied legitimately, would hesitate to make this declaration. The evidence recently laid before the House proved that the money expended in elections was often paid by the candidates into the hands of parties unknown in the locality, who went down from London, and appeared in the town under assumed names. By them the money was paid to others, through whom at length it reached the hands of the electors; and thus the system of corruption was carried out. Now, if the candidates, and all to whose hands the money should come, were made liable to all the penalties of perjury, unless it were paid to the election auditors, it was impossible to suppose but that they would apply it accordingly, and the bribery would thus be prevented. A series of clauses was inserted in this Bill, enacting that every candidate should make a declaration, with all the solemnity of an oath, that he had not paid, and never would pay, directly or indirectly, any money for election purposes except to the election officer. But it had been said that effectually to prevent bribery it was necessary to turn against it the current of public opinion, and to make it a disgraceful offence of which any man would be ashamed. How could this be more effectually done, then, by rendering it impossible for the candidate to be a party to bribery without at the same time being guilty of perjury? Bribery, he was afraid, might have been treated with indifference or lenity; but no one has any sympathy with perjury, and if this Bill should become law, and a candidate were to violate the oath to be taken, public condemnation would be directed against him, and he would be disgraced in the eyes of society. The Bill, in addition to the penalties of perjury, provided that any candidate violating this solemn declaration, and paying or sanctioning any application of money, except through the election auditor, in addition to all other penalties should be incapable of sitting in that House, or of holding office under the Crown, or any municipal office in the kingdom. Other provisions of the Bill would facilitate the prosecution and punishment of offenders; but there was also a proviso in the Bill calculated to meet the numerous applications of money to corrupt purposes which were made without the sanction of the candidate, but where the money passed from or through some relative or friend, or the member of some political club, to prevent money being so devoted to any but lawful purposes, there was a clause which made it a misdemeanour in any one whomsoever to pay or apply any money for the purposes of an election except through the auditor. At present it often happened that when bribery is to be resorted to some one unknown to the candidate advances the necessary funds; and after the return, and when the time for petitioning is past, the Member is told that an advance has been made on his behalf, which it would be well for him to discharge, and many Gentlemen felt bound in honour to pay such advances. But if the candidate made oath that he never would pay any money except through the election auditor, he would at once be furnished with a decisive answer, and the result would be that these zealous friends would not advance their money, and the bribery would not be committed. He thought the adoption of these clauses would have a great effect in deterring persons from resorting to corrupt practices at elections. He might be told that it would be possible to evade the provision of the Bill which he had just sketched out by means of false accounts rendered by the agents, and indeed it could not be denied that such evasions had occurred under the existing law. He had therefore endeavoured to provide against the recurrence of such a state of things by giving power to the election auditors to scrutinize every item of expense, and to disallow all that should appear illegal or colourable. The next question to be considered related to the election auditors themselves. The Corrupt Practices Act of 1854 had the effect of telling candidates that they ought to pay money through the election auditor, but no adequate penalty was imposed for any breach of the provision. A proviso similar to the one he now sought to introduce had been endeavoured to be inserted in that Act, and was supported by the leading Members on both sides of the House, but was defeated by a narrow majority; so that while the payment of money, except through the auditor, was forbidden, no punishment was annexed. He sought to provide that those persons who now acted as revising barristers should be the election auditors. He was aware that great difference of opinion existed on the question, which that was not the time for entering upon, but he hoped it would be considered in Committee upon that or some similar bill; but certainly the officers who were selected to perform the duties of election auditors should be persons whose character, ability, and experience would entitle them to general respect. He thought the election auditors ought to have the power of making a minute and specific investigation into the items composing the accounts; it would be the duty of these officers to make these inquiries; and then he thought it would be impossible that money passing through their hands should be improperly applied. The only remaining point was, perhaps, the most difficult; and that was, the means of ensuring the prosecution and punishment of offenders against the law. At present, though bribery may have been extensive and notorious, many causes conduce to prevent prosecution. He would particularly instance the case of elections where bribery had been committed on both sides, and where persons on either side were afraid to prosecute those whom they knew to be guilty, owing to fear of retaliation. It was not likely that private individuals would undertake the work of prosecution. What he proposed by this Bill was that the election auditor, whom he would assume to be a barrister, or some one acquainted with judicial proceedings, should within a certain time after the election, if he thought fit, institute an investigation—supposing that he had reason to think that bribery or corrupt practices had been resorted to—and that he should have the power to hold a court to which he might summon the candidates, their committees, friends, and partizans—in short, any witnesses whose evidence he might deem likely to be of importance to the object in view;—and that he should prosecute the inquiry by oath or otherwise, and if the result should be such as to afford reasonable grounds for suspicion that bribery to a great extent had prevailed in a particular borough, he might make a special report of the facts to the Attorney General, and should further be obliged to report that he had made such report to the Speaker of the House of Commons. Under these circumstances it would be difficult to find a case in which an election auditor would not have the means of ascertaining whether bribery had been committed, and of all the particulars relating to the offence. By means of this court of inquiry the most extensive information could be obtained on the subject, and all that should come under its cognisance must be reported to the Attorney General, who, either with or without the instruction of that House, would be competent to prosecute the offending parties. If during the progress of this Bill—supposing he would be permitted to lay it on the table—any better means could be devised to secure the detection and punishment of offenders, no man would more rejoice than he would at the adoption by the House of such means in preference to his own. He had, then, only to ask the leave of the House to introduce his Bill, and to intreat the attention of hon. Members to the important subject of which it treats, with a view to render the measure as effectual as possible for its object. The hon. and learned Member concluded by moving for leave to bring in a Bill for the Prevention of Bribery, and to amend "The Corrupt Practices Prevention Act (1854)."

SIR FRANCIS GOLDSMID said, that having given much attention to the subject, the result of his consideration was to lead him to the conclusion that neither the Bill of the hon. and learned Member for Nottingham (Mr. Mellor), nor that of the hon. and learned Member for East Suffolk (Sir FitzRoy Kelly), was calculated to effect the object they all had in view. On the other hand, he thought that there were means by which that object could be reached, to a great extent, which both Bills overlooked. He would not now discuss the Bill of the hon. and learned Gentleman at any length, but he would take the liberty of making one or two observations in relation to the subject generally. It appeared to him that any attempt to check an offence against the public interests by so severe a punishment as was proposed would in effect be bringing them back to the state of things that existed half a century ago, when the criminal legislation of the country was marked by a character of great severity, but which for the last forty years had given way to much more humane and enlightened views. He must own he feared that the punishment provided by this Bill, as well as by the other Bill to which he had referred, went beyond public opinion. The public was aware that, he would not say at present, but he believed at a time not very remote, a large number of Members of that House owed their seats to that practice which the hon. and learned Gentleman now proposed to punish so severely; and he therefore doubted whether public opinion would support the hon. Gentleman in his endeavour to inflict for the crime in question a punishment which would permanently disgrace a man or affect his future standing in society. He felt that if the hon. and learned Gentleman did succeed in his object, without at the same time providing means by which even in corrupt boroughs a man might be returned without corruption, the effect would be to deter gentlemen from coming forward to prosecute, or to assist in the prosecution of, the offending parties. It might also have this effect, that corrupt boroughs might be represented by persons who in no respect deserved the character of gentlemen. If they wished to prevent men entering that House by means of bribery, they must provide the means of entering it without corruption, even as the representative of a constituency of which a portion was corrupt. He would merely state, that it appeared to him that the provision which would be more effective than any other would be this—to provide that whenever a successful candidate was unseated on the score of bribery, the opposing candidate, after he had established his case, without any recriminatory case being made out against him, should obtain the vacant seat without the necessity of a new election. The great difficulty under the present state of the law was to induce the unsuccessful candidate to prosecute the offending party, inasmuch as in the event of his success in ousting the sitting Member he would be further than ever from the object he sought in petitioning, because he would be compelled to go again before the same constituency, after he had made himself unpopular in their eyes by exposing their corruption, and his chance of being returned would consequently be much diminished. This state of the law operated as a great discouragement to petitions. He believed that those best acquainted with the subject were convinced that in the immense majority of cases in which bribery was committed no petitions were presented against them; and it was well known that although every general election was followed by a great number of petitions, the number in which they were effectively followed up was small. He attributed that state of things to the defective state of the law in this respect. It was that which he believed gave the greatest encouragement to bribery. The plan he would suggest—a plan which was not then for the first time submitted to the House, but which had never been fully considered—would enable them to give the honest candidate a mode by which he might enter Parliament as the Member for even a corrupt borough, without having participated in any corruption. He was aware that that was not the time for proposing any such measure; but unless he saw it taken up by a more competent Member he should feel it his duty, upon a future occasion, to state more fully the principles upon which he believed that any measure to be effective in putting down bribery should be based.

MR. EDWIN JAMES felt that, in order to have some well-digested scheme of legislation on this important subject, it would be extremely desirable that the various measures which had been or might be laid on the table, should undergo some scrutiny and investigation before a Committee. Some parts of this Bill were perfectly impracticable, and he trusted would be reviewed by his hon. and learned Friend before the second reading. One objection he ventured to urge was this,—it took for its basis the Corrupt Practices at Elections Act, and sought to amend the system as respects the appointment of the election auditor. Immediately after 1854, when this machinery first came into force, it proved to be an entire failure. It had no operation at all, because, there being no time fixed upon when accounts were to be furnished, and the auditor was to make his report, it often happened that election petitions came on for trial without any report being made by the election auditor. It did appear to him to be a great mistake to make election auditors of revising barristers. The revising barrister of a district was to be the election auditor of the borough. A candidate could not move without a revising barrister at his elbow; and inasmuch as frequently several elections in the same district were held simultaneously, his hon. and learned Friend would almost require to make his revising barristers ubiquitous. A revising barrister would have several boroughs in his district, and there must necessarily be a much larger number of revising barristers appointed. Then—what appeared to him a most extraordinary proposition—these revising barristers were to be constituted into a Court of Inquisition, with power to summon persons before them, and if they did not appear, these young gentlemen might issue their warrant to run to all parts of the country—England, Scotland, and Ireland, and he supposed to commit them if they refused to answer any question put to them. This would be an apotheosis for those young gentlemen who were to act as grand inquisitors in order to ascertain whether an offence had been committed against any of the provisions of this Bill. His hon. and learned Friend could hardly be serious in sanctioning a system of machinery of this kind. It would be absolutely necessary, if these points were not corrected before the second reading, that the Bill should be referred to a Select Committee.

MR. CROSS thought the House ought to provide some protection for the candidate to prevent him being entrapped into bribery by the acts of his agents, for all of which he was now responsible. He believed that there would be much less bribery both in towns and counties, if paid canvassers, messengers, and other paid agents could be got rid of. The only plan was to allow Members to incur certain limited expenses for these purposes. Boroughs, for example, were at present divided into certain polling districts by the municipal authorities; candidates might be allowed to engage a Committee-room and a certain staff in each polling district, proportioned to the number of electors or the area of the district. So many messengers and paid agents might be permitted, and the employment of any greater number should be strictly prohibited. He believed that if the House adopted such a provision, and if they declared that all paid agents thus employed should be restricted from voting, they would do more to prevent bribery than had ever yet been done.

MR. DENMAN remarked that it was perhaps premature to discuss the provisions of this Bill; but he thought there was a view of the matter which it was highly important the House should take, and that was this, that though there had been a great deal of useless legislation there had also been some useful legislation on this subject. He thought the House was deeply indebted to the hon. and learned Gentleman for bringing in this Bill, and also to all the other Gentlemen who had prepared independent measures on the same subject. He did not see that any harm was done by bringing forward separate measures for the prevention of bribery, nor could he see any good reason for abstaining from legislation on the subject from time to time in order to await the time when they could consider the subject as a whole and pass a complete measure. His hon. and learned Friend the Member for Marylebone (Mr. E. James) was of opinion that all Bills connected with this subject should be submitted to a Select Committee, and considered together. He (Mr. Denman) thought that an inexpedient mode of proceeding, as tending to unnecessary delay, and not promising so great a security for the punishment and prevention of all the various phases of this detestable offence, as would be given by assisting the independent efforts of individual Members, each endeavouring to meet one or more of those phases, by several remedies. He believed that every Bill on the subject laid upon the table of the House had some good in it and that the several provisions of those Bills were not inconsistent with each other. Let the House strike rapidly and in earnest at the offence of bribery wherever they could find it, and then eventually it would be put down. With that view he hoped the House would allow this Bill to be brought in, and give their best assistance to carry through all the provisions in it which were most efficient.

MR. MALINS said, that he, for one, would give his cordial assent to any measure calculated to put down bribery at elections. He would, however, make one suggestion in regard to the inconvenience arising from employing paid messengers and clerks. As soon as the poorer class of voters could be brought to believe that the possession of the franchise was not to be made a pecuniary advantage to them, directly or indirectly, this system of bribery would be abolished, and the moral condition of the people would be improved. That desirable state of things was, however, hopeless of attainment, unless professional men were determined to refuse fees from candidates for their services. Those gentlemen would shrink from horror at being charged with bribery; nevertheless, by accepting of professional fees from the candidates, and then giving them their votes and services at the elections, they were really committing that offence against which they exclaimed so loudly. If a man in a humble station of life took a sum of money for his vote, it was called a bribe; and however much professional men might attempt to disguise that fact from themselves, if they received retainers, as they called them, for their services at elections, those payments could not be viewed otherwise than as remuneration for the exercise of their own franchise, and for exercising their influence in behalf of the party who feed them. Those gentlemen might call this money retainers, but he called it bribery. He took that opportunity of making these observations, because he was proud of the profession to which he belonged, and of the respectable body of men with whom he associated. He was anxious that they should look the truth in the face, and that they should not allow themselves to be deceived any longer. The habit was such an inveterate one with those gentlemen, that it would not allow them to see the truth. Those fees at elections were nothing more nor less than an indirect mode of taking a bribe. They had before them the Report of the Gloucester Election Commission. Though he objected at the time to the appointment of that Commission, he was bound now to admit that the Report they had presented was a most able document. It unravelled the system of bribery, and placed in such a glaring light the practice of professional men being employed at elections, and taking retainers to give their services and use their influence for particular candidates, that the fact could not be misunderstood. He mentioned this practice for the benefit of the profession, and he did hope that those gentlemen would from that moment perfectly understand it was the opinion of the House that such conduct was deserving of censure; and that, if they wished to exercise their franchise, they should do so as free-born Englishmen, and should set an example to the voters, by showing that they would not make the possession of the franchise the means of bringing them any pecuniary advantage. He trusted it would be provided in the Bill, that if a voter should be employed at elections, he was from that circumstance to be deprived of the power of exercising his vote.

Mr. CLAY said, that the difficulty of the subject might be measured by the variety of the suggestions offered. He attached great value to a solemn and most positive declaration by the candidate of his non-participation in any corrupt practices. Many Members obtained seats, who, at the declaration of the poll, sincerely believed they were elected by the unanimous feeling of their constituents, but whose election cost them thousands, where they believed it would be covered by hundreds. After the election, however, the Member was told by his agents that such and such expenses had been incurred in his behalf, and that he was bound in honour to pay them. Now, he would exact from every candidate a declaration, when he came to the table, that neither before nor after the election, and neither directly nor indirectly would he pay, or become responsible, for any expenses that were not legal expenses, or that had not been brought before the election auditor. If this were done, the business of the election auditor, which was now a farce, would become a useful reality. He might be told that the honourable man would have no chance under such a system, and that the dishonourable man would make the declaration. He did not believe that any hon. Member would take such a declaration, and then break it. If he did, he would commit an infamous offence, for which a man would be blackballed at his club, and excluded from the society of gentlemen. By means of such a declaration alone would bribery, in his opinion, be put down.

Leave given.

Bill *ordered* to be brought in by Sir FitzRoy Kelly and Mr. Cavendish Bentinck.

FINANCES OF INDIA.

COMMITTEE MOVED FOR.

Mr. VANSITTART rose, pursuant to notice, to move the appointment of a Select Committee to inquire into the following questions connected with the Finances of India :—

"1. Whether, having due regard to all vested rights, it is practicable to introduce a new Civil Service upon a cheaper footing.

"2. Whether it is not desirable to abolish the Legislative Council at Calcutta, and the Supreme Councils of Bengal, Madras, and Bombay, and substitute for them a Legislative Council for each Presidency.

"3. Whether it is not advisable to amalgamate the Supreme and Sudder Courts.

"4. Whether, with reference to the fact of India forming a portion of the British Empire, it is not expedient to put a stop to the existing system of raising loans at the present high rates of interest."

The hon. Member assured the House that he was fully impressed with the gravity of the step he was taking ; but such was the importance which the state of our Indian finances had assumed, that he thought it very desirable that the House should come to some decided expression of opinion on the subject. He ought to mention that he placed the Resolutions to which he invited attention on the Notice Paper towards the end of last Session, and at a time when the greatest apprehension prevailed in the public mind, among the mercantile community, in the circles of private society, and in the press. At that period were heard such alarming expressions as these :—"We must give up India, or we must restore the greater portion of our possessions to the Native Princes, or we must give back the government of the country to its former rulers—the late East India Company." And deprecating then, as he did now, such timid counsels, he was anxious to press forward this discussion, but the lateness of the Session and the thinness of the House induced him to withdraw his Motion. He did not regret having done so, as it had enabled him to submit his Resolutions in a modified shape, and had given time for much feverish excitement and unnecessary panic to subside. The House would observe that the Resolutions had reference entirely to the civil administration and the financial condition of India, and that he had studiously avoided all allusion to military and other questions. He believed that now that the mutiny had been effectually crushed, and that Her Majesty's benevolent sway was recognized from one end of India to the other, it was our bounden duty to face our financial difficulties boldly and manfully, and introduce such economical reforms and salutary regulations as were imperatively called for in reference to the altered circumstances of the case. The first Resolution referred to the Civil Service. He had already, in the course of the discussions which had taken place in that House, declared his opinion that it would be very unjust to meddle with the salaries of the present incumbents ; but, at the same time, he thought that an inquiry as to the practicability of introducing a new Civil Service upon a cheaper footing might be attended with good results. It would throw impartial light upon the subject, disclose the real facts of the case, and give the civilian a more settled position in future by setting at rest those sweeping accusations which had of late years been urged against that distinguished service. That any great reduction of expenditure under that head would be proposed by the Committee which he sought to have appointed was very problematical, for the impolicy of underpaying our officials in that trying climate was pretty generally acknowledged, and such a measure would produce great discontent, discontent would produce listlessness, and listlessness would produce indifference. Any considerable reduction of salaries would sweep away the entire surplus available for accumulating a small competency to enable the civilian to revisit his native country. That would, indeed, be a poor compensation for the sacrifices entailed by a man passing the best years of his life in a remote district, cut off from the charms of civilized society. So keenly was this already felt, that he ventured to say that if any great reduction of salaries were made there would not be found fifty men in the Civil Service who, if they could recommence life with their present experience, would not deliberately prefer a clerkship in any of our Government offices in London to the life of comparative ease in India. Already candidates for the medical service were not to be obtained, and the number of competitors for the Civil Service decreased every year, although it was far easier to procure a nomination to compete for that service than one to compete for a clerkship in the Government offices in London, or for a tide waitership in the provincial towns. The Committee, however, would have the advantage of referring to several important documents and ably written minutes, which had been compiled by a high authority in India, who was deputed to inquire into the subject by the late East India Company. With regard to the second Resolution, the abolition of the Legislative Council of Calcutta as at present constructed and of the Supreme Councils would be hailed with great satisfaction. These Councils had signally failed to produce any practical advantage, and since the creation of the Legislative Council of Calcutta in 1853, no one exactly knew what were the peculiar duties of the members of the Supreme Council beyond drawing very high salaries. The Committee would, therefore, inquire into the expediency of abolishing these Councils, and whether the Lieutenant-Governors of Bengal, Madras, and Bombay might not be advantageously assisted with a separate Legislative Council, to be composed one-half of officials residing at the Presidency towns, and the other half of non-officials. He had not included the Government of the North-West and the Punjab in this arrangement, because the European community was very small in those provinces. It could not be doubted that some such reorganization and infusion of fresh intelligence was greatly needed. The whole of the evidence taken before the Colonization Committee proved that fact, and, with the permission of the House, he would read some brief extracts from the evidence of two or three witnesses. He would begin by quoting Mr. Waller, because that gentleman was a solicitor of the Supreme Court, and afterwards an advocate at the bar of the Sudder Dewanny and Nizamut Adawlut at Calcutta. These Courts were supposed to be rather jealous of each other. The Judges of the Supreme Court were appointed by the Crown from eminent barristers in this country, and the Judges of the Sudder from the covenanted civilians; and, as Mr. Waller did not appear to have got much out of either of the courts, his evidence was probably the more reliable and candid. Mr. Waller said:—

> "The Supreme and other local Councils are wholly useless and enormously expensive, and the chief secretaries and the heads of departments may well supply their places. That the present Legislative Council of Calcutta possess neither the confidence of the Europeans nor of the natives. That there ought to be a certain number of *ex officio* members receiving no other salary than that of their respective substantive appointments, and there should be as many non-official as official members, composed equally of Englishmen and native Christians, and of Natives who are not Christians. That the Government of each Presidency should have the power of putting a veto to, or suspending the operation of, any law passed by the Council, pending a reference to the Home Government. That the official members ought merely to receive the pay of their substantive appointments, the non-official members to receive nothing, and that it should be left to the Governors of the Presidencies to determine the selection of these non-officials and Natives for appointments in the Legislative Council."

He advocates strongly—

> "The creation of a Legislative Council for each Presidency, and that each Presidency should enact its own laws. Such a measure would give the Legislature a larger amount of experience and information than it has at present, would eventuate a great benefit to the country, and would do away with that political antagonism between the governors and the governed which exists at present; but we can hardly do so so long as we have but one Legislative Council, for how are we to introduce people resident at Madras into the Legislative Council located at Calcutta?"

The Rev. Mr. Mullens, of the Calcutta Missionary Conference, gave some valuable evidence, and, speaking of the Legislative Council, he says:—

"We have no good tribunal before which we can really bring forward the various evils which we consider to exist in the country. The present Legislative Council is by no means so open as we should like; all the members are officials, appointed by the Government, and they are so far irresponsible, except to the Government itself; and it is very hard to get a case fully taken up in the Legislative Council, and discussed on every side. In Ceylon the planters have a Council in which they have the highest confidence, and in which some of their own merchants are engaged. The Ceylon Council is composed partly from officials and partly from different sections of the country,—one or two planters, one or two merchants, and one or two natives, so that all classes are represented. A Council like that in Calcutta would be a great help to having these questions thoroughly discussed."

Mr. M'Nair, an indigo planter, complained in his evidence that—

"The European community in India have no mercantile or agricultural representative in the Legislative Council; that it is entirely composed of Government servants, and nearly every law brought forward by them is to strengthen the hands of Government, or to impose some new restriction upon the already over-restricted European settlers;" and he thinks "it would be advantageous if the Governor-General were instructed to select six non-official members from the mercantile and agricultural community, and that this plan is adopted in Ceylon and Hong Kong, and has worked well for the prosperity of those countries."

Again, several important meetings had been held at Calcutta and Bombay, at which the lamentable ignorance displayed by the Legislative Council in regard to financial matters was denounced. How, indeed, could public confidence be placed in men who could frame a measure in which especial care was taken to exempt themselves from taxation which they wished to extend to all other classes but themselves? So clumsily contrived, too, were the provisions of the measure, that while it fell with peculiar severity on petty traders struggling to gain a miserable pittance, and whose net profits amounted to only sixty-six rupees, or £6 12*s.* per annum, the opulent Muharjuns and Bunnyahs—the money-lenders, bill-brokers, and bill-discounters of India, whose usurious practices exceed all belief, even surpassing those of their brother craftsmen in this country—were allowed, comparatively speaking, to escape scot-free. If the second question, therefore, were to be carried in the affirmative, a very considerable saving of expense would be effected. We should obtain that happy mixture in the Legislative Councils by which the over-zeal of one party would be judiciously checked by the other, and we should gradually pave the way for enabling the Natives to take a more active part in the government of the country, while, at the same time, they should be held responsible for the income and the expenditure, without coming to England for assistance; for, depend upon it, India could be made to pay her own expenses, and, were the French or Russians masters of the country, they would quickly devise the means of effecting that desirable object. The same argument applied in a great measure to the next Resolution, because the majority of the witnesses before the Colonization Committee advocated the expediency of amalgamating the Supreme and Sudder Courts. Now that India had become a part of Her Majesty's dominions, what could be the object of maintaining two separate appellate tribunals at the Presidency towns? All that the Europeans objected to was, to be tried in criminal cases by a Native. If therefore the Judges of the Supreme Court were to be associated with a corresponding number of Judges of the Sudder Court, this objection would be still respected, and we should again have a happy mixture of sound and able English lawyers, and practical and intelligent covenanted civilians, carefully selected from our Zillah or provincial courts. Another great saving of expense would be effected by this reform, which would only be carrying out the recommendation contained in the Report of the Colonization Committee, namely:—

"The judicial system of India will never be placed on a sound and practical basis till all the Courts are organized into one harmonious whole, and until, by an amalgamation of the Supreme and Sudder Courts, the highest and most learned tribunals of the land shall be Courts of Appeal to the whole country, administering law under the same procedure."

It was unnecessary to dwell at any length on the fourth and concluding Resolution, as it opened up the question of an Imperial guarantee, which had been so frequently discussed in that House, and which, from its importance, would of itself be a fit subject to refer to a Select Committee. It appeared to him that the principle by which our Indian Ministers at home were guided in raising loans could not be sound. A few months ago the right hon. Baronet the Secretary of State for India required £5,000,000. He invited tenders, limiting the price at 97, bearing interest at 5 per cent. Seven and a half millions were immediately subscribed for, and in a few weeks the stock jumped up from 97 to 105. Now, it could not be doubted that a 3¼ per cent stock, under an Imperial guarantee, would have been just as easily raised, and on so small a sum as £5,000,000 something like £87,500 a year have been saved to the revenues of India. He was aware that this course would be objected to in many quarters on the ground of the risk and liability. Well, then, why not subject all future loans raised for India to a reduction of say 1 per cent, to be put aside as a sinking fund towards the redemption of the loan? That arrangement would involve no risk, but, on the contrary, it would ensure every provident precaution for the future. That more loans would be asked for India was beyond a doubt. The right hon. Baronet the Secretary of State for India told the House so in August last, expressing a hope that he would not require more than £6,000,000. Meanwhile the Indian debt by the 1st of May of this year will have reached £96,000,000. To meet these difficulties a few extra taxes had been imposed, and from that questionable tax—the salt-tax—which had been increased 20 per cent, the greatest source of revenue was expected to be derived. All at present was in a state of uncertainty. The Legislative Council was waiting for the right Hon. Mr. Wilson; that right Hon. Gentleman was seeking an interview with Lord Canning, who had started on a long itinerant tour, in which he appeared to be disposing of Principalities with a lavish hand, and Mr. Wilson hoped to catch him at Lahore, distant upwards of 1,000 miles from Calcutta. Under these circumstances it was necessary that something should be done, for the present principle of raising loans was operating as unfavourably to India as it was favourably to the gentlemen of Capel Court. He had now brought the subject of his Resolutions under the notice of the House. He had endeavoured to do so briefly, and perhaps on that account he had executed his task imperfectly. It was probable he should be told that as a right hon. Gentleman of distinguished ability had been so recently deputed to India to inquire into its finances, it would be premature to grant a Committee which might embarrass his proceedings. All he could say in reply was, that such a result was, very far from his wish and intention, and he begged to assure the House that in applying for this Committee he was actuated only by a sense of public duty. He was anxious, most anxious, that the House of Commons should give an assurance to the public, both at home and in India, of its earnest desire to co-operate with that right hon. Gentleman in promoting those measures of economy and simplification which were so essential to the prosperity of our Indian possessions; and he was sanguine enough to believe that by carrying into effect the measures which he had shadowed forth our financial difficulties would soon disappear, and that our Indian empire, with its dense population and vast resources of undeveloped wealth—founded as it had been by the indomitable spirit of a Clive, and matured and consolidated by the lofty genius of a Wellesley,—would endure as an imperishable memorial of England's greatness, wisdom and glory.

Motion made, and Question proposed, "That a Select Committee be appointed to inquire, &c."

SIR CHARLES WOOD: I hope before I sit down to satisfy even my hon. Friend who has moved these Resolutions that no advantage will be derived from the appointment of a Select Committee. I am grateful, however, to him for bringing these questions before the House, because, varied as they certainly are in their nature, I fully admit that they are most important in relation to the Administration of India, and well worthy the consideration of every hon. Member of this House. I am also glad that they should have been brought forward by a former Member of the Indian Civil Service, as it cannot be supposed that he is inimical to the claims of those members of that service who have to perform most responsible duties in a distant clime. With regard to the first question, it is not one which has at any time escaped the attention of the Indian Government. In the Committee of 1853 it was shown that already the number of civil servants had considerably increased, while the amount of salaries had diminished, and when we look at the higher class who receive large salaries, we find that those receiving upwards of £3,000 a year have diminished one-half in the last twenty years. It is therefore, unjust to preceding Governments to suppose that they have been unmindful of obtaining efficient servants at as cheap a rate as is consistent with the due performance of the duties required of them. But there may be some classes of officers whose salaries are too high, and probably others whose number may be reduced. In 1854, when I was President of the Board of Control, I desired the Board of Directors to send a despatch calling upon the local Government in India to revise the salaries of all the civil servants. The consequence was that Mr. Ricketts, now a Member of Council, was appointed specially to consider the subject, and he reported very fully to the Indian Government. That Report was revised by the Indian Government, and their report sent home and printed at the close of last Session. That Report proposed considerable reductions throughout in the salaries of the civil servants. I have received the strongest remonstrances, not only on the part of many of the civil servants, but also on the part of the Government of Madras, against carrying out those recommendations. As soon as the Indian Council met after the recess I appointed a Committee of the most experienced Members, some civil and some not civil servants, to go through with the greatest care the various recommendations both of Mr. Ricketts and the Indian Government, to consider the objections urged against them, and to report fully upon the subject. They have for two months been prosecuting that inquiry, and when it is concluded, the whole subject will be taken into consideration by myself and the Council of India, and it may perhaps be necssary to introduce a Bill upon the subject. I agree with the hon. Gentleman that, considering the responsibility and the amount of labour imposed upon them, in a climate not particularly favourable to European constitutions, the civil servants, as a body, are not overpaid; and, knowing that there is an apprehension abroad among the civil servants that they may be subjected to a sweeping reduction, I am glad to avail myself of this opportunity of stating publicly that the Home Government is not of opinion that a reduction of such a character ought to be made. No doubt, some saving may be made by abolishing certain offices and reducing others here and there, but I do not think that anything like a sweeping reduction is called for or would be right. I am afraid, however, that any saving which could possibly be effected from this source cannot afford great relief to the finances of India, since there are many places now in which for the proper administration of the country a larger staff of civil servants both European and native is necessary, and all the savings which you might effect in the way I have pointed out ought to be applied to this purpose. It is perfectly true, as the hon. Gentleman has observed, that there is not the temptation to go out to India now as in former times. The medical service and the civil service have lately been thrown open to competition, and yet in the medical service we have had more vacancies than applications; and it was only the other day that I saw a letter from a young man who had got a civil appointment by competition telling his friends that he was so much disappointed that he should be glad to exchange India for the most moderate clerkship at home. That being the case, I do not think it would be right to hold out any anticipation of a large reduction being effected in this way. If you loook at the salaries paid by railway companies out there to their *employés*, you will find that they are quite as large and sometimes larger than those paid by the Government to their servants, notwithstanding the far greater responsibility and labours thrown on the latter. As much inquiry has been made and is going on as can be made into this subject, and I do not see, therefore, what benefit can be derived from the appointment of a Committee. With regard to the second point the hon. Member has brought under our notice, the abolition of the Supreme Councils of Bengal, Madras, and Bombay, I am not prepared to say that they may not come under the class in which reduction might properly be made. The hon. Gentleman seems to think that the Executive Council at Calcutta has nothing to do, but still they have all to do which they had before the creation of the Legislative Council by the Bill of 1854. I do not wish to give a positive opinion on the subject, but I entertain serious doubts whether it is advantageous for the interests of India to keep up the Executive Council in its present form. The theory of the Government of India is that it is the Government of the Governor-General in Council. All the papers connected with the administration go to every member of the Council, and, vast as the business is, they endeavour to discharge their duties fully and completely—the consequence of which is inordinate delay; and to such an extent has this gone that they have been obliged, of their own authority, to divide the less important business among the different members, so that it may be disposed of without the necessity of coming before the whole Council. Besides this, a great deal of business is necessarily despatched by the Secretaries of the different departments, so that it is no uncommon remark, in the junior Presidencies, "It is of no use to send such a thing before the Supreme Council, because Mr. Secretary So-and so is known to be opposed to it." A good deal of dissatisfaction had arisen from this cause, for persons in authority naturally objected to being overruled by an official of inferior rank to themselves. It seems to me very desirable that the Council in its present state should be put an end to, and that officers of higher rank than the present Secretaries should be put at the head of each department, and should be made responsible to the Governor General for the transaction of the business in that department. Upon important occasions the Governor General might summon all of them together in a sort of cabinet council. I have been in communication with Earl Canning on the subject all the autumn, and he very much concurs in these views. The papers have been submitted to a Special Committee of the Council, and they are considering whether the alteration ought to be made, and, if so, in what manner. When Mr. Wilson went out it was with the understanding that if this alteration were carried out he would be prepared to take charge of the Finance Department; and when Sir Henry Frere was appointed I impressed upon him also that if the change were made he must be prepared to take charge of such department as the Governor General might think fit. In this way a saving will be effected, and you will have the further advantage of being able to obtain men from all parts of India, instead of from the province of Bengal merely, as is generally the case with the Supreme Council now. If, however, this plan is adopted, it will only be right to raise the salaries of the Secretaries, not indeed to those of members of Council, but so as to make the situation objects of ambition to men of the greatest talents and most experience. It will be necessary to come to Parliament for powers to carry out the Measure, if on consideration it be thought advisable. The same observations applies to the Councils in the minor Presidencies. I believe that if secretaries were appointed there in the same way to transact the business a great saving might be effected, and the business would be done in less time. The next question is the Legislative Council. What has taken place with regard to this Council is a warning against precipitate action, even where all the authorities are unanimous in its favour. Any hon. Gentleman who sat on the Committee of 1853 will remember that all the witnesses examined before it were in favour of the creation of Legislative Council; and it was in deference to that unanimous opinion that I introduced a clause into the Bill creating it. But I must admit that it has not answered my expectations or the expectations of those who originally suggested it. At the same time it is not exactly what I intended. It was obvious that the Executive Council of Bengal was not the best body to legislate for the whole of India, as it did not possess the requisite knowledge of the other portions of the country to enable it to do so; but it was hoped that with the assistance of those who were conversant with the requirements of Madras and the North-Western Provinces, and with the addition of two Judges of the Supreme Court, who would add to the general stock their knowledge of English law, a working Committee would be constituted which might elaborate the laws and improve the legislation of India. I am afraid that in their desire too closely to imitate the House of Commons they have lost sight of more important objects, and they certainly have not succeeded in gaining the general confidence of the public, though in some of the objections that have been urged there may be a little exaggeration, and possibly they have been to some extent over-stated. The question of framing a legislative body of any kind for India is a very difficult one; for, though it is of course desirable to introduce into it persons who are unconnected with the Civil Service, it is not easy to see how they can become acquainted with and advocate before the Council the interests and wishes of the great mass of the Natives of India. If we introduce an English merchant or indigo planter, a native-born merchant or learned Brahmin, into the Legislative Council of Calcutta, how is is it to be supposed that he will adequately represent the interests of the landowners of the North-Western Provinces, being as ignorant of the requirements of nine-tenths of the population as the members of this assembly must necessarily be? If it were possible to suppose that we could be called on to frame a similar council here in London, does any one suppose that a city merchant would fairly represent the agricultural population of Devonshire or Yorkshire, of Perthshire or the county of Cork? If any person will fairly consider the diversities of race and language, of occupation and interests, which exist throughout the different parts of India, I think he will agree with me that it is nearly impossible to construct upon any conceivable plan a Legislative Council in Calcutta which shall afford a fair representation of the whole of India. I myself believe that the civil servants of the Crown who live in the Provinces, and are necessarily brought into daily contact with the Natives in various capacities, whether as collectors, judges, or magistrates, are in general persons much fitter to be intrusted with the administration of the general interests of India than individuals who happen merely to be residents in or near Calcutta. Of course the difficulty diminishes in proportion as the area is lessened; the facility of procuring in each province persons who may be supposed to be practically acquainted with its interests is greater; and therefore I will not say that parties, who may not be in the service of the Government, are to be excluded from the Legislative Council; but if such a change is to be admitted, I am inclined to think that a Separate Council for each Presidency will be the preferable course. But I do maintain—although it may appear rather an unconstitutional principle—that the difficulties in the way of the formation of a good Legislative Council for India render it almost an impossibility, and that practically the legislation for the whole of our Indian territories must be left almost entirely and uncontrolledly in the hands of the Governor. The difficulty may be illustrated by a reference to the important subject of the manner in which a new tax should be imposed; and here I must say that the hon. Gentleman was a little unjust to the members of the Civil Service, when speaking of what has recently occurred; because it was never their intention to exempt themselves from taxation; but their view was to introduce a Licensing Bill on trades and professions, and to tax themselves in some other way. This tax, opposed as it may seem to our notions, is not only a feasible but a popular way of raising money in India. Sir R. Montgomery has actually raised a very considerable sum in the North-West provinces in this way; but in Calcutta and in Bengal, where there are numbers of English residents, an income-tax is much more suited to their notions, and indeed is much more applicable to fundholders, office-holders, and large proprietors of land; but if this tax were applied to the ryots of Madras, not a soul from one end of the Presidency to the other would come under its operation. I think that a moderate license duty, imposed according to the feelings and habits of the Natives, is one of the least unpopular taxes that can be levied on an Oriental people. A series of mistakes appear to have been made about this Licensing Bill, which render it very doubtful whether it will be passed at all; and we have not yet heard what proceedings have been taken since the Legislative Council re-assembled. But, in one shape or another, additional taxation is required; and I hope that, having regard to the circumstances of the different provinces—for I do not think it necessary that one uniform tax should prevail throughout India—a sufficient revenue may be raised, so that, by bringing our expenditure within reasonable limits, we may be able to look forward to a period of prosperity. A great difficulty with which it has been necessary to contend, has arisen from the centralising policy which was heretofore adopted: formerly everything was taken away from the subordinate Governments and concentrated at Calcutta, and the consequence was, that great discouragement was thus cast on the minor Governments, while from the enormous pressure thrown upon the Supreme Legislative Council, and partly, also, from the defects in its constitution, results of a most unsatisfactory kind ensued. We have, to a certain extent, endeavoured to relieve the Central Government, by putting greater power into the hands of the subordinate Government. We have removed the superintendence of Baroda to Bombay, and that of Mysore to Madras. We have also taken measures to bring Singapore under the jurisdiction of the Colonial Office, and we have also intrusted the subordinate Government with greater authority in respect to the execution of public works. But the House must remember that the point on which all these provincial Governments claim greater liberty of action is precisely that point in which the supervision and control of the central legislative authority is most necessary and beneficial—I allude to the expenditure of the public funds. If the different Provinces all contributed rateably to the necessities of India, it would be only fair that they should deal with the surplus revenue as they pleased; but such, unfortunately, is far from being the case; and if some check were not exercised by the Supreme Government, the finances of the country would soon fall into irretrievable disorder. I quite agree with my hon. Friend as to the direction in which we ought to proceed, still preserving to the Central Government a general and central control. The next question is, whether it is not advisable to amalgamate the Supreme and Sudder Courts. On that point I entirely go along with my hon. Friend. I came to that conclusion as long ago as 1853, and I introduced a measure for the purpose of amalgamating those courts in 1854. But the government of Calcutta found it impossible to carry it into effect; and in 1860 what I proposed in 1854 is still undone. There is, however, a prospect of the question being settled. The plan for the amalgamation has received the support of the Judges of both Courts in Madras; they state that the scheme is not only possible, but desirable. The Chief Justice of the Supreme Court at Calcutta is favourable to it. We have again directed the attention of the Supreme Government to the subject; and I hope before the end of the Session it will be my duty to introduce a Bill to carry the amalgamation into effect. I believe it will be a most valuable measure; I have no doubt that the combination of the legal knowledge of the English Judges; and the local knowledge of the Sudder Judges will form a better court of appeal, and furnish a better example to all the other Courts throughout India than any one now existing. Probably, also, it will be a measure of economy, as it may enable the Government to reduce the number of Judges. I hardly know whether I need follow my hon. Friend through the question of Imperial guarantees for Indian loans; the subject has been thoroughly discussed. The loan that has been made has been very successful, and the credit of India in England stands high; that has reacted on India itself, where Indian credit is now higher than it was six months ago; and I sincerely trust that before the end of this year I shall be able to make a statement of the financial condition of India, that will be more favourable than the statement of last year. The three subjects which were referred to by the hon. Member—the Civil Service, the Supreme and Sudder Courts, and the question of the Legislative Council—are now under consideration by three different Committees of the Indian Council; and I hope before long to lay before the House such measures as may become necessary for carrying out the decisions which may ultimately be adopted. Under these circumstances I do not see what advantage would be gained by referring them for investigation to a Committee.

Mr. H. BAILLIE said, he was not surprised that the hon. Member for Windsor (Mr. W. Vansittart), taking as he did a deep interest in the prosperity of India, should have brought this subject under the consideration of the House, and proposed a Committee of Inquiry into it. He was happy to hear that the right hon. Secretary of State for India was able to take so cheerful a view of the future prospects of Indian finance; but he did not believe that an unprejudiced person who had paid attention to the subject could come to any other conclusion than that the present state of the Indian Administration was very little creditable to the Government of this country. What were the facts? Possessed of one of the finest regions of the world, renowned from the most remote antiquity for its wealth and civilization, and containing a numerous and industrious population — possessed of all these advantages, its Government, nevertheless was practically in a state of insolvency. It had for many years past lived from hand to mouth, upon the proceeds of its ancient reputation; and the very credit on which it then subsisted would ere this have failed were it not for a general belief prevailing in the public mind, and fostered, he regretted to say, by statesmen in that House, that sooner or later the Imperial Government must take on itself the responsibility of Indian debts. He did not wish to take an exaggerated view of the difficulties of the Indian Government, he only echoed the opinions of higher and greater authorities. Sir H. Frere, late Commissioner in Scinde, and now a Member of the Legislative Council, in his Report on the re-organization of the Indian army, described the Government as being in the condition of an insolvent Irish landlord before the Incumbered Estates Bill was passed. It was impossible to be in a much worse condition than that. Such had been the result of the administration of Indian affairs from the financial point of view; but what had it been with regard to the condition of the people? A vast portion of the finest land in India—estimated by some as much as one-sixth, which previously to the establishment of the English Government was in the highest state of cultivation, had since become a desert waste. That was an answer to what they so often heard of the great advantages the Natives of India had derived from their just and civilizing administration. He did not assert that all this fertile land was thrown out of cultivation in consequence of English misgovernment alone. Many large tracts were thrown out of cultivation in consequence of the anarchy and confusion that followed the dissolution of the Empire of Delhi; but England had done nothing to reclaim them, nothing to remedy the evil the Indian Government had much contributed to produce. It might be said this was the result of past administration; that they had now established a new form of Government for India, and that now our Government was firmly established, the administration would be better. We had, indeed, a new form of Government. But it was a new Government only in name; the same men still sat in the same places, discharging the same routine duties, and carrying out the same principles. He would not say of them what had been said of some potentates, that "they had learned nothing and forgot nothing;" if they had done nothing else they had been very successful in raising loans for the Governor General in this country, for which duty their long practice under the Court of Directors rendered them eminently qualified. While speaking of the Indian Council, he might be permitted to notice the changes which had been effected of late in the management of their business by the Secretary of State for India. Those changes had, he believed, been most judicious, for previously the system had been to send all the despatches to the Committees of the Council before they were submitted to the Secretary of State. The result of that system had been, that the Secretary of State for India had been left in ignorance of the views and opinions of the able men who presided over the several departments of his office, and could only see through the eyes of the Council, which, if the former state of things continued to exist, would practically possess the functions of an executive, instead of being that consultative body which the Legislature intended. So far, therefore, he regarded the change to which he referred as one which was calculated to operate beneficially. He should next proceed to advert to the finances of India, and the means which had been resorted to with the object of removing the difficulties by which that question was beset. A gentleman had been appointed to proceed from this country to India upon that important mission, but he must take the liberty of stating that he thought a mistake had been committed at the very outset in connection with that appointment, in constituting Mr. Wilson a Member of Council. He entertained that opinion because Mr. Wilson, in that capacity, would have to wade through the enormous mass of business which came before the Council—a duty the discharge of which was quite sufficient to take up all the time at his disposal to the exclusion of financial subjects. Now, if Mr. Wilson had been appointed a Special Commissioner, with full powers to deal with questions of finance, then indeed he might have devoted himself altogether to their solution; but one of the reasons which were given for not having done so was that it would have been found impossible to give him a salary of £8,000 a year unless he had been nominated a Member of Council. But be that as it might, he should like to know with what powers beyond those of an ordinary Member of Council, Mr. Wilson was to be entrusted. Was he authorized to deal with the great military establishments of India, or was his attention to be exclusively directed to questions of finance? If the latter were the case, then might the Government as well have appointed an extraordinary Chancellor of the Exchequer in this country to draw up a scheme for the payment of the national debt. In expressing that opinion, he however by no means meant to depreciate the abilities of the Gentleman in question, but simply acted upon the belief that the great Indian difficulty was not strictly one of a purely financial character, or one which could be solved by any fiscal measures, however well devised. That difficulty, he should maintain, arose from the system of administration which had of late years been pursued in India—a system which was hateful as well to the great body of its people as to the native chiefs and nobility, and which rendered it necessary that the Government of the country should be carried on by means of large military establishments which were out of all proportion to the revenue and finances of the country. Now, the statesmen who had founded our Indian empire, and those by whom it had up to the time of the Marquess of Wellesley been governed, had invariably laid down the principle, that its administration ought to be conducted by means of the native chiefs and nobles, and, entertaining that view, they had done everything in their power to conciliate those native chiefs, and to associate them as far as possible in the Government. That system, however, had of late years undergone a change. The native chiefs and nobles had been treated with the utmost contempt, and their existence, so far as the administration of affairs was concerned, had been completely ignored. A centralized system of Government, emanating from Calcutta, had been adopted, a system which had proved so odious to the inhabitants of India that he believed it had been one of the chief causes of the rebellion which had broken out in the North-Western Provinces. The question of administration, indeed, was one of so much importance that he should advert to a single example as illustrative of the view which he was endeavouring to impress upon the attention of the House. The example which he should take was that, he believed, which was most favourable to the present system of Government in India —he alluded to the case of the Punjab, which he had heard it so frequently said had been admirably governed by Sir J. Lawrence, who seemed to be regarded by some as the *beau ideal* of administrators, and whose system, it was said, ought to be adopted in every part of our Indian Empire. Now, he for one was perfectly ready to bear testimony to the great abilities which Sir J. Lawrence possessed, as well as to the energy and vigour with which he had stemmed the tide of rebellion. The exhibition of those qualities, however, was altogether a different thing from the system of administration which he had established in the Punjab, the wisdom of which he (Mr. Baillie) was very much disposed to doubt, for the reasons which he was about to state to the House. Hon. Members were probably aware that when Sir J. Lawrence had first been sent to the Punjab, it was a newly conquered country, and the Government required to be reorganized. He had gone there in the capacity of assistant to his brother Sir H. Lawrence, who at the time filled the office of Chief Commissioner. It had, however, soon after been discovered that the views and opinions of the two brothers, as to the mode in which the government of the Province should be conducted, essentially differed. Indeed, so great had been the difference between them on the subject, that he had reason to believe both had addressed letters to the Marquess of Dalhousie, requesting that either one or the other of them might be removed. The views which Sir H. Lawrence entertained as to the mode in which the Punjab should be governed were those to which he (Mr. Baillie) had already alluded as characterizing the administration of our earlier Indian statesmen. He desired that all the native nobility should be confirmed in the possession of their estates, and that they should be associated with the Government in the administration of affairs. The views of Sir J. Lawrence, on the contrary, were that we should carry out in the Punjab that system which had been adopted in the North-Western Provinces—that was to say, that the talookdars, or native nobility, should be called upon to produce written titles to their estates, and in those cases in which they should fail to produce them that the estates should be confiscated, with the view of replenishing an exhausted exchequer, leaving to the proprietors of those estates only a life interest or some sort of right of curtailed occupation. Those respective views had been submitted to the Marquess of Dalhousie, and the result had been that he had decided in favour of the policy of Sir J. Lawrence, which might be described generally as of that centralizing character which prevailed in the North-Western Provinces. Sir H. Lawrence had, in consequence, been sent to Lucknow, while his brother had been installed in the Punjab, with full power to carry into execution the views and opinions which he entertained. Now, it appeared from the evidence of Mr. Mangles, who had been examined before the Committee on the Colonization of India, that the confiscation of property in the Punjab had been carried on to a greater extent than in any other portion of that country. The results of the system had, he might add, soon manifested themselves, inasmuch as the Government had received from Sir J. Lawrence constant requisitions to be supplied with fresh troops, and regiment after regiment had to be marched up to his assistance. So far, indeed, had that state of things proceeded, that the Indian Government had found it expedient to consider whether it was possible to carry out the system the adoption of which Sir J. Lawrence had recommended in consequence of the extraordinary expense which its maintenance entailed. The question, however, had been argued in the Indian Council upon the principle that the Punjab formed part of the Bengal Presidency; that they were compelled to maintain in that Presidency a certain number of troops, and that it was immaterial in what particular districts those troops happened to be quartered. For it was supposed by those who seemed to have been very ignorant of the state of native feeling that there was no necessity for the presence of British troops either in Lower Bengal or in Central India, or in the North-West Provinces, and the scheme founded upon that notable argument had accordingly been carried into effect. Regiments had been marched from every part of Bengal to the Punjab, and their places supplied by Native troops. The consequence had been that when the mutiny broke out it had been discovered that while Sir John Lawrence had a force of 13,000 soldiers in the Punjab there were only 1,300 European troops to be found between Delhi and Calcutta—a distance of more than 1,000 miles. Could any one doubt that this policy in the Punjab was the cause of the success that attended the first outbreak of the rebellion, and of its earliest and most disastrous consequences? He did not say that the rebellion would not have occurred under any circumstances; but he said that if the troops had been left in their accustomed stations,—if there had been a single regiment at Cawnpore, the horrible massacre would never have taken place there, and if a single regiment had been at Delhi that arsenal would never have fallen into the hands of the rebels; and it was only the fortunate arrival of the British troops on the sudden termination of the war in Persia that restored the prestige of our arms. Such was the immediate result of the system of government he had described in the Punjab; and what was the result as regards our present position in India? That was the important point to which he wished to called the attention of the House. He would offer no opinion of his own, but adduced that of far more competent witnesses—Sir John Lawrence himself, Brigadier General Chamberlain, and Colonel Herbert Edwardes. These three distinguished officers were appointed a commission to report on the organization of the Indian army, and one of the first questions put to them by the Governor General was this:—What should be the number of European troops for the permanent occupation of the Punjab, and what should be their ordinary distribution? Their answer was that 22,600 European troops were necessary. Then, as to the number of Native troops to be maintained there, they reported that there should be a force of 52,364 men. Why, the whole of Her Majesty's forces in India previous to the rebellion amounted to only 22,000, and now we had the astounding fact from these officers that 22,600 European troops were necessary for the government of the Punjab alone—the very last of our Indian conquests and a very insignificent portion of our empire. He would offer no comment on this statement, but leave it to be pondered by the House and the country. It was evident, however, that we were governing India just as the Austrians governed Lombardy, contrary to the wishes of the people, by the force of our battalions and bayonets. That was a system which would never last, and the people of England would soon find that even the honour and glory of governing India would be too costly a luxury if it was only to be obtained upon such terms. He thought he had shown that our great Indian difficulty was not to be solved by sending out an economist to deal with the financial part of the question. With regard to the Indian debt, he thought the right hon. Gentleman had not expressed himself very clearly. There seemed to be a feeling abroad, which he believed prevailed to some extent on the Stock Exchange, that sooner or later the Government would take on itself the responsibility of the Indian debt. If such an intention existed, he thought it should be done at once. But if, as he hoped, that House would never consent to put the burden, at least of the past debt of India, whatever might be done as to the future debt, on the shoulders of the people, he did think it very desirable that the Government should make an explicit declaration, so that the question might be settled, and those who embarked their money in Indian securities might know that while they got a larger percentage they must put up with an inferior security. There was another subject far more serious to which he wished to call attention—the necessity under which we were now becoming liable to maintain little short of 100,000 European troops locked up in India. Was it possible—he did not say in time of war, but in time of peace—to provide such a force, and also to provide for the wants of our other colonies, keeping also an army in this country sufficient to give security to the people that their hearths should not be invaded, and that in time of war we might be able to maintain, as of old, the honour of England? There could not be a doubt that the uneasiness which had prevailed in this country for some time past at the great military preparations in France arose in a considerable degree from a knowledge of this fact, that we had 100,000 trained soldiers to keep in India, while we had nothing but second battalions and embodied militia for the defence of our own shores. If these 100,000 men had been in the south of England, we might have laughed at all the preparations of France. Was it possible to provide and maintain such a number of men for India? Only last year the Minister for War came down to the House and told them that it was of no use to vote more men for the army, as the Government could not raise the number voted last year. That was a degrading and humiliating statement—that they had not been able to raise the number of men that Parliament deemed necessary for the country; and he trusted they would not have a similar statement on any other occasion. What he wanted to see was action on the part of the Government. He looked for action, but found it nowhere. In India there was the same old routine system going on, just as if there had been no great rebellion. In England, too, routine was still prevalent. Take the case of the militia—every one knew for the last five years that our militia system had broken down. If they wanted to call out the militia for defence, instead of 150,000 men Government could not bring 50,000 under arms. Last Session the hon. Member for Birmingham (Mr. Bright) made a very able and important speech with reference to India, in which he stated that the Government of India was too unwieldy—that such was the enormous mass of business which came before the Governor-General that it was impossible any man could get through it, and the result was that despatches remained unanswered, not for weeks, but for months and years. They had a remarkable example of this in regard to the Principality of Dhar. A despatch was received from India while a noble Friend of his was at the Board of Control, stating that the Governor General had dethroned the Rajah and confiscated his territory. It was deemed necessary to reverse the decision of the Governor-General, and order him to restore those territories, and despatches were forwarded to that effect. During the twelve months his noble Friend remained in office no answer of any kind was returned to those despatches; but he was informed that lately—in fact, just within two years—the answer was received, that answer being that the Governor-General did not think it wise to execute the orders which had been given to him. That circumstance would give a notion of the autocratic powers assumed by the Governor-General of India. The hon. Member for Birmingham also suggested that each Presidency should have its own administration. He thought that the great difficulty which stood in the way—namely, the financial part of the question, might be got over. The question had been discussed by many able civilians, and among them by Mr. G. Campbell, who had written a pamphlet on the financial state of India. Mr. Campbell said that the Government would never succeed in remodelling the finances of India until they established that localization of finance which was so much wanted there. Local finance at present was a thing unknown, whereas every district ought to be bound to regulate its expenditure in some degree by its receipts. Sir Henry Frere said that the late alterations in the Government of India might confer upon the Governor-General the autocratic power he required, but that India must be centralized by persons, and not by departments, if the Government wished to avoid general bankruptcy and ruin. He believed that if a different system of Government were adopted in India they might dispense with one-half the European troops whom it was now necessary to maintain there. Sir J. Lawrence recommended that not less than 22,600 European troops should be maintained in the Punjab, and the Government could not do better than follow Sir John's advice, for if they allowed the European troops in the Punjab to be too much weakened they might have another rebellion. Let the Government bear in mind that upon the solution of this important question, not only the honour and character but also the safety of the country were involved. He would recommend his hon. Friend not to press his Motion.

COLONEL SYKES observed that great misapprehension existed as to the state of the finances of India. A table which he had before him, and which was compiled from official papers on the table of the House, showed that in 1800 the debt of India was £14,125,000, the interest being at £12, £10, £9, and £8 per cent. The revenue of India at that period was only £10,485,000, and the interest of the debt was £1,429,000, the pressure of the debt was therefore upwards of 13½ per cent upon the revenue. The amount of the debt increased year by year in consequence of successive wars, but by numerous financial operations the pressure of the interest had been reduced, until in 1857, though the debt was £60,000,000, the interest had a pressure of only 7·13 per cent instead of 13·65 in the year 1800, and this was owing to the rates of interest having fallen from a range between £12 and £8 per cent to 4 per cent, and in 1857 a loan of £500,000 was even raised at 3½ per cent. The revenue of the country, in fact, had gone on increasing in a greater ratio than the pressure of the debt, having risen from £10,485,000 in 1800, to £33,303,000 in April 1857. There were, in 1857, 50,000 European troops in India—the charges of the civil and military establishments were no doubt very high—but in spite of that the revenues were sufficient to cover every possible charge in India and in England, to lay out £2,000,000 on extraordinary public works, and to leave a balance of £82,432. And yet an opinion was abroad at the time and was even expressed in the House of Commons that India was bankrupt! Fifty thousand European troops were sufficient to take Delhi, to take Lucknow, and to break the neck of the mutiny—50,000 troops were sufficient to hold their own against the rebellion of the whole Bengal army,—universal insurrection in Oude, and partial revolts of Native chiefs, until reinforcements arrived from Europe. If 50,000 troops were sufficient to hold India when all the Native Princes were capable of resisting us—and many were doing so—surely, now, when there was not a Native Prince capable of standing before a brigade, and not a fortress to besiege, we did not require 100,000 European soldiers in India. We need not fear the people. They had been pretty generally disarmed—that was an act which he regretted; as it was undignified, and he would almost venture to designate it, cowardly, but such was the case; and we could not, therefore, require more than 50,000 men now. The mutiny had occasioned a very large outlay, and the debt had risen from £60,000,000 in 1857 to £98,000,000 in 1859–60, but still the pressure of the interest did not amount to what it was in 1807, when India was less wealthy. It then amounted to 15·67 per cent on the revenue; it was even now only 13·54 per cent. What reason was there, then, to despair? What reason was there for seeking to increase the revenue of India by the mischievous and impolitic means lately proposed? The people of India could only consume a certain amount of our manufactures—chiefly cottons and cotton twist—woollens and hardware, beer, spirits, stationery, &c., were of no use to them. But we required every year an increasing quantity of their produce—indigo, sugar, oil seeds, dyes, &c.—and the result is that we have to pay yearly several millions in silver to them as a balance of trade. He could not conceive then a greater financial blunder than placing a duty of 20 per cent on English manufactures, the consumption of which ought to be encouraged in India. As regarded the licensing tax, his right hon. Friend (Sir C. Wood) was mistaken in supposing that an impost of that nature had been common in India in past times; men were born to their trades and fixed in them by caste and were not licensed. There had been the moturpha, a small tax on shopkeepers and trades, but it did not resemble the licensing tax, and this was proved by the great dissatisfaction which that tax had created among the Natives. Moreover, there was no absolute necessity for imposing such a burden on the people of India. All that was required to be done was to tide over the deficiency occasioned by the mutiny by loans, and that object had been already partially accomplished by the people of England having invested their money in Indian securities, without an Imperial guarantee. The Indian loans were now at a premium in the English market. The guarantee question had been practically settled, and his right hon. Friend could now obtain any amount of money that he required on favourable terms. He would recommend him to do so, and reserve any increase of taxation in India to the time when it was absolutely necessary. Let the European force be reduced to 50,000 or 60,000 men, and there would be an abundance of money for public works. He approved the plan of giving a Council to each of the Presidencies in which the chiefs and great landowners of the interior should be represented; but a Calcutta Baboo, or Native merchant at Madras or Bombay, would be out of place in such a Council. If his hon. Friend divided the House for a Committee, he should certainly divide with him. There was an extraordinary amount of ignorance in this country with regard to the people of India, and he should rejoice in anything which tended to present the Natives in their true light.

Colonel HERBERT remarked, that he was glad to hear that it was not the intention of Her Majesty's Government to make any large and sweeping reductions in the salaries of the civil servants of India. Generally speaking, those salaries were not, in his opinion, too high to maintain the responsibility and the honourable position of the service. He was also rejoiced to hear it was the intention to give more extensive powers to the governors of the minor Presidencies. It was a great detriment to the interests of the service to have those constant references from the minor Presidencies to the supreme Government of Calcutta. He had heard with surprise the remark of the hon. Member for Inverness-shire (Mr. Baillie), that India had for ages been celebrated for its civilization. India had been celebrated for barbaric splendour; but he did not believe that in this country, at all events, gorgeous palaces and splendid trappings were regarded as marks of civilization. All the principal monuments of India were raised to gratify the taste or vanity of despotic monarchs. The chief roads were roads from one palace to another; the chief towns were towns built by successive rulers to perpetuate a name. There were palaces built by Mogul Emperors, the cost of which was so fabulously great that the hon. Member for Lambeth would be appalled if it were proposed to spend one tithe of the amount on a palace in this country. He (Colonel Herbert) was not prepared to admit that such things were proofs of civilization. It had been customary to abuse those who had governed India during the last hundred years, and to compare their acts and monuments with those of the Native rulers. It would be found on examination that the Government of the East India Company had made great progress in recent years in useful and beneficial works. It was previously engaged in great wars, which were in most instances thrust upon it—wars for the very existence of British rule in India; and because its exchequer was emptied by wars, which, though they had been called aggressive, were in nine cases out of ten purely defensive, and because, in consequence of that state of things, it could not carry on the works that it desired, it had been held up to scorn and obloquy. The hon. Member for Inverness-shire said that if they did not take care India would become a millstone round their neck. He should like to know when England ever paid one farthing on account of India. As much as six or seven millions came from India to this country for the purchase of stores and the payment o salaries and pensions. The balances were thus far entirely on the side of England, and there was no other of our colonies which could show similar results. Therefore there was no ground for speaking of India as if she were likely to be a millstone round the neck of this country. The general conclusion which he had drawn from what he had seen and learned in India was most favourable to the administration of their countrymen in that country during the last hundred years. When he said this he could not be charged with being too partial to the East India Company, for although he belonged to a family that owed much to India, it could not be said of it that it owed much to the East India Company.

Mr. KINNAIRD said, he hoped the hon. Member for Windsor would withdraw his Motion, although they were much indebted to him for the interest of this debate and for much valuable information extracted from the Government and other speakers. He rose, however, principally to express his deep regret at what had fallen from the hon. Member for Inverness-shire (Mr. Baillie), who, when the Government of the Punjab was not necessarily in question, had thought fit to introduce the differences that had existed between Sir John and Sir Henry Lawrence, and unjustly to attack Sir John Lawrence, for whom they must all entertain the highest admiration. There was this consolation, that the country would know that the attack was as undeserved as it was ungenerous. If the hon. Gentleman would bring the matter in due form before the House, he was sure that the answers of those in authority and of private Members would disprove the statements which the hon. Gentleman had hazarded. The hon. Gentleman would lead them to suppose that India was saved simply by the bravery of the English troops, when he ought to have known that the capture of Delhi was as much owing to the influence of Sir John Lawrence with the Native chiefs as to the courage of our troops.

Mr. W. EWART said, he also must express his regret at the allusions made to Sir John Lawrence. He concurred, however, in one statement only of the hon. Member for Inverness-shire, that the time was near when the excessive number of the army might be diminished, and India pacified by the good administration of just laws and the courteous deportment of

British subjects. He rejoiced that the Secretary of State for India was favourable to the decentralization of authority, and he hoped by that course, and by the infusion of non-official members in the Legislative Councils, great improvements would be effected. He wished to know whether the licensing system was to be modified or abandoned.

Mr. T. G. BARING said, that the Bill which was first introduced by the Government in India was a Bill for licensing trades and professions. It was afterwards changed into an Income-tax Bill. The Legislative Council then adjourned, and they had not yet re-considered it. Her Majesty's Government could not, therefore, be aware of the precise position in which the matter stood. It was the income tax, and not the licence tax which had created most opposition in India, as a reference to meetings in Bombay and elsewhere would show. In the Punjab, for example, the licensing system had been introduced with success and without any opposition on the part of the people. He thought that after the discussion which had taken place the hon. Gentleman would probably not divide, and that the House would be satisfied of the intention of Her Majesty's Government to relieve the Supreme Government of that minute control over the local Governments of India which had hitherto been exercised. The effect would be to give the local Governments more power and more responsibility; and, so far from expecting extravagance to follow the exercise of power and responsibility he was convinced more inquiry would be made into every branch of expenditure. He cordially concurred with the hon. Member for Perth (Mr. Kinnaird) in regretting that the hon. Member for Inverness-shire (Mr. Baillie) should have introduced a reference to the administration in the Punjab, and more especially an attack on a most distinguished man—Sir John Lawrence. The statement of the hon. Member was that the policy in the Punjab caused the insurrection, and he inferred that Sir John Lawrence was responsible for the disposition of the troops at the time of the mutiny. Sir John Lawrence was no more responsible for the disposition of the troops at Delhi and Cawnpore than the hon. Member himself. Delhi and Cawnpore were not in his jurisdiction, and if any one were to blame for there being no more troops at those places at the time of the insurrection it was certainly not Sir John Lawrence. However humbly connected he might be with Indian affairs, he felt it incumbent on him to say that if there was one man more than another who deserved—not thanks, for the thanks of Parliament had been given, but honour, it was Sir John Lawrence. Instead of the policy in the Punjab being the cause of the insurrection it was the policy of Sir John Lawrence which more perhaps than any other cause was the means, under God, of saving India in those critical times. It was owing to the loyalty of the people of the Punjab and the affection and cordial assistance of the neighbouring Native Princes that Sir John Lawrence was able so to strengthen the force before Delhi as to give success to the British arms. He was sure there was no Gentleman in the House except the hon. Member who would have coupled the name of Sir John Lawrence with the insurrection not only without one word of praise but with a censure which was not in the slightest degree deserved. The hon. Gentleman referred to the India Act of last year in a manner which, considering the vote he gave, and the position which he filled when that Act passed was extraordinary; and he also attacked, in very wide terms, the conduct of our countrymen in India. The hon. Gentleman had been completely answered by the hon. and gallant Member for Ludlow (Colonel P. Herbert), and he would only add that, in his opinion, the hon. Gentleman would have done well to have listened with more attention to a speech delivered last year by the noble Lord the late Secretary of State, under whom he served, as he would then have probably avoided statements which there was no evidence to support.

Mr. DANBY SEYMOUR said, it certainly was an extraordinary proceeding for the Legislative Council even to entertain a finance Bill containing such exceptions as those referred to by the hon. Member who moved the Resolution. The Secretary of State for India indeed had stated that it was not true that in the first Licensing Bill the Indian Council had exempted themselves and the officials of Calcutta. The fact was, however, asserted in the Petition recently presented to that House from the merchants and other Europeans in Calcutta. The right hon. Gentleman had also said that the licensing tax was only the continuation of an old impost to which the people of India were accustomed, and which they extremely liked. Certainly the hon. and gallant Member for Aberdeen

(Colonel Sykes) and other Indian authorities had never heard of such a Native impost. The right hon. Baronet must have confounded this tax with the *moturpha,* which was wholly distinct from a licensing system, and affected a different class of the population. The petitioners to whom he had referred said they wanted an equitable income tax—not a licensing system, and they stated that at the time their Petition was despatched from Calcutta that obnoxious system was still being adhered to. Their Petition was presented within the last fortnight or three weeks. The Secretary of State, in answer to questions put to him in that House as to whether or not the Licensing Bill had been abandoned, had said that he knew nothing about the matter. No doubt the details of measures for India should be settled by the authorities in India; but when the welfare of a great Empire was concerned, the principles of such measures ought to undergo the statesmanlike supervision of the Home Government. The Legislative Council of India, composed as it was of a few officials who thought it their duty to follow the dictation of the Governor General and the Governors of the Presidencies, was of no earthly use. He hoped, therefore, that the right hon. Gentleman would soon be in a position to give them more details regarding the licensing question which was creating such a ferment in India; but if the next Indian mail did not bring intelligence of something satisfactory having been done upon the subject, he should feel it necessary to bring it before the House.

Mr. TORRENS said, he could state, not only from the Petition referred to but also from his own experience in India, that the people of that country bitterly complained of the measures taken in respect of the licensing system. The landholders and the agricultural interest in India contributed largely to the public revenue, while the merchants and traders had hitherto been allowed to escape scotfree. Any feasible plan for bringing the latter class under its fair burden of taxation should have his hearty concurrence.

Mr. VANSITTART replied: His acknowledgments were due to the hon. Member for Poole for correcting the Secretary of State for India's statement in regard to Mr. Harrington's having exempted himself and the other officials from the Licensing Bill. There could be no doubt that in the first Bill, brought in on the 12th August, the Government officials were exempted, though it was quite true they were included in the second. He would not now, however, pursue that matter any further. His object had been completely gained by the manner in which his Resolution had been ventilated in that House—more especially as the right hon. Baronet had given an assurance that the subjects to which the Motion referred were under the consideration of separate Committees in India, and had also held out the prospect of early legislation as the result of the labours of those Committees. It would be extremely ungracious therefore on his part to press the House to a division, and he would ask leave to withdraw his Motion.

Sir CHARLES WOOD explained: What he had said was, not that the first Licensing Bill included the holders of Government offices, but that Mr. Harrington, in the speech which he subsequently made in the Council, stated that although that measure did not include official salaries, it was intended in another way to bring them under taxation.

Motion, by leave, *withdrawn.*

FRIDAY ADJOURNMENTS.

RESOLUTION MOVED FOR.

Mr. STEUART said, he rose to move the following Resolution with respect to the Motion for Adjournment on Fridays. It was not his wish, he observed, to infringe on the liberty of debate, but to introduce more regularity than at present existed on the Motion for Adjournment on Friday, and to obviate the objection raised by the right hon. Member for Kilmarnock (Mr. Bouverie) as to the desultory nature of the conversations that then took place. As the House were aware, they sometimes were compelled to travel from India to a question, perhaps, of county rates in Ireland, and then back to India again. Last Friday, for example, there were fourteen questions on the adjournment. The first was put to the Secretary for War, relative to officers of the Land Transport Corps; then came one relative to the shrubbery in Hyde-park, followed by others on a great variety of subjects; and the thirteenth question was again one addressed to the Secretary for War with regard to Militia regiments. There were important questions put to the Foreign Secretary, and several of great interest were addressed to the Secretary for India. These were all mixed together, and hon. Members were sometimes in a state of uncertainty as to the time when they should put them. The Resolution he proposed would obviate much of this inconvenience, while it would not interfere with the privilege of the Members.

Motion made, and Question proposed,—

"That it would tend to the regularity of Debate, on the Motion for Adjournment on Fridays, if the Clerk were instructed to place in their order on the paper, one after another, all questions to be addressed to each particular Member of the Government."

MR. DISRAELI: I had supposed, Sir, that some noble Lord or right hon. Gentleman, in some manner responsible for the conduct of the business of this House, would have risen to favour us with his opinion on this matter. I have not given the Motion of my hon. Friend all that consideration which, perhaps, it deserves. I have been obliged to form my opinion of it from his few observations, and while you, Sir, were giving it to us from the Chair; but it appears to me that this House ought not to adopt it. I have always supported the privilege enjoyed by hon. Members on Friday of bringing under the consideration of the House all questions of pressing and general interest, and I think it is for the public advantage not to subject that privilege to those general regulations which are so convenient for the management of our ordinary discussions. But I have always understood that a grave objection to the continuance of that indulgence was, that the inquiries made on Friday evenings were assuming the form of debates; and I have always thought that they should not take that form—that they should not interfere with the business of the evening. The proposal of my hon. Friend is, however, that they should become debates; for should you, Sir, by an artificial contrivance put them amongst the business of the House, we should have a number of debates arranged in which hon. Members might all deliver their opinions. The argument for my hon. Friend's Resolution is, that the arrangement which he proposes would tend to the regularity of debate; but I am entirely averse to the inquiries addressed to Government taking the shape of formal discussion, which the Resolution of my hon. Friend would pave the way for. We have on Friday evenings a sort of *conversazione*, which it is for the public advantage should be tolerated; but we should be very cautious not to allow it to deviate from that character. The Resolution of my hon. Friend would aggravate all those objections which may be fairly urged against the privilege which I have always advocated. I would, therefore, call on the House to pause before they adopt a course which, if adopted, would lead to still greater inconvenience than that now felt, and which would still further strengthen those objections, which are not at present by any means devoid of weight, against the enjoyment of that indulgence which is now conceded to hon. Members on Friday evenings.

SIR GEORGE LEWIS: I am glad the right hon. Gentleman has prevented this question being formally put from the Chair, and has interposed the observations with which he has just favoured us. I should have risen immediately after the hon. Gentleman, had it not been for the feeling that it might be considered, perhaps, somewhat invidious for a member of the Government to speak on the subject before any other hon. Gentleman had had an opportunity of offering his remarks, on account of the impression—a mistaken one—which appears to prevail that the members of the Government have a sort of personal interest in shortening the Friday evening's debate and dedicating the whole of that evening to Government business, strictly so called. I have already expressed my opinion that members of the Government are the last persons who have an interest in increasing the number of hours dedicated to Government business. The right hon. Gentleman has correctly stated the object of this Motion to be to systematize the debate on the adjournment of the House. At present the notices are taken in the order in which they are put down, and if we are to maintain and extend the miscellaneous debate of Friday evening, I do not know whether the hon. Gentleman's Motion would not make it somewhat more intelligible; but it would certainly tend to produce the result pointed out by the right hon. Gentleman—a disposition to convert every knot of questions, whether on India or any other subject—into a little debate. So far it would violate the present understanding that the questions put should be as much as possible in the nature of interrogatories to the Government, and gradually the night on which Orders of the Day are by courtesy supposed to have precedence of notices of Motion would be converted into a night on which notices of Motion have precedence of Orders of the Day. My disposition is to vote with the right hon. Gentleman against this classification of notices. The present system, irregular as it is, tends to prevent abuse of the privilege, and if the hon. Member goes to a division, I shall certainly vote against him.

Mr. A. STEUART said, of course, after such an expression of opinion, he should not attempt to divide the House upon the Question; but he desired it should be understood that his object in moving the Resolution was not that attributed to him by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), and he did not see how putting two questions together could possibly render it likely that they would change their character of interrogatory and assume that of debate.

Motion, by leave, *withdrawn.*

GLOUCESTER CITY AND WAKEFIELD ELECTIONS.—LEAVE.

Mr. T. DUNCOMBE said, that in moving for leave to bring in a Bill to provide that at the next elections for the boroughs of Wakefield and Gloucester the votes of the electors might be taken by ballot, he would commence by presenting a petition from the Ballot Society, and another signed by 700 electors of Gloucester, in favour of the Motion. He was authorized to say that if the House agreed to the second reading of the Bill the signature of 1,000 out of the 1,500 electors of Gloucester would be procured to a similar petition. His object in making this Motion was to endeavour to convince the House, as he himself was convinced, that secret voting was the only remedy for the corruption which had been shown to exist at the various elections. To such an extent had that corruption been carried at the two places to which his Bill referred, that last year that House thought proper to address Her Majesty, praying Her to issue Commissions to inquire into the corrupt practices supposed to prevail in these two boroughs. The Commissions had been appointed, had inquired, and had presented their Reports. In 1854 similar Commissions were appointed for the boroughs of Canterbury, Hull, Cambridge, Maldon, and Barnstaple. In 1854 he pursued the same course as that which he was now pursuing—he had moved that the issuing of the writs for those places be deferred until provision had been made enabling the electors to give their votes by ballot. The Motion, however, was rejected. What was the consequence? Why, that nothing was done. The Commissioners for Canterbury reported that "corrupt practices had prevailed there at the last election and at previous elections"—and one gentleman said the only way he could account for it was that Canterbury was a cathedral city. In the case of Cambridge the Commissioners reported that "bribery, treating, and other corrupt practices had systematically prevailed for a long period" in that borough. This was accounted for by another gentleman by the fact that Cambridge was a university town, where there were a number of young gentlemen being brought up for the Church. The Commissioners for Hull reported that "systematic corruption had uniformly prevailed at all elections for the borough of Hull, to which our attention has been directed." At Maldon they reported that "corrupt practices in various forms had prevailed," "that open and direct bribery was practised at the last election in a greater degree than at any previous election," "that the bribe was taken openly by all and unquestioned, and this shamelessness was in some cases increased by the electors so bribed being witnesses before the Commission as to their own bribery, and perjuring themselves." It appeared that the bribery was principally carried on among the poorer classes; "but," said the Commissioners, "the corruption did not lie so much with the lower classes as with their superiors by whom it was initiated." Again it was said "corrupt practices" at Barnstaple "prevailed extensively, 205 out out of 362 electors receiving bribes." But in that case the parties were not confined to the lower class, many of them being most respectable, as far as their position in the town was concerned, tradesmen, and those men, the Commissioners said, "attempted to deny on oath the fact of their electoral corruption, apparently for the purpose of preserving their position in the eyes of their fellow-tradesmen and hiding their own shame." And yet those boroughs were still allowed to return Members, and those Reports to lie upon the table, nothing being done to cure such a state of things. Here were two more Reports—was the same course now to be pursued with regard to them? When he last made his Motion in 1854, what was called the "Corrupt Practices Prevention Act" had just passed, and the noble Lord the Member for the City (Lord John Russell), who seemed very proud of it, said "Let us grant the writs and see what this Act will do." It had been tried, and had it proved successful? Barnstaple, one of the boroughs in which delinquency from time immemorial had been established, was again about to be tried, notwithstanding the Corrupt Practices Prevention Act. But the noble Lord, he thought, must admit that the reason which he had given on the last occasion was undoubtedly bad; and he hoped he would inform the House as to the nature of the remedy which he had now in store for Gloucester and Wakefield. Two Commissions had been issued last year and had made their Report; that of the Gloucester Commission extended over thirty-three pages, and that which had made inquiry into Wakefield consisted only of three pages, but these were very much to the point, and reflected great credit on the Commissioners by whom it had been drawn up. In the Gloucester case it was reported that bribery had been practised in that borough from time immemorial, and that with regard to all the accounts of expenses which went before the auditor, they were a mere farce, "the auditor and the agent only existed to deceive and delude the Legislature and the public." The Commissioners also stated that in 1816 Colonel Webb spent £27,000, and in 1818 Admiral Berkeley spent £16,000 in contesting elections at Gloucester; but it was to be observed that elections at that time were capable of being protracted for eight days. £3,000 a day was still about the rate of expenditure. A Reform Club was formed in that city, and on the retirement of Admiral Berkely they came up to London to look for a candidate. Mr. Price was one of the members who was chosen, and Mr. Monk was the other. The orders given by the city of Gloucester on that occasion were that the candidate, whoever he was, must be an advocate of the Ballot This, he thought, proved that the electors generally were in favour of vote by Ballot. [*Laughter*]. Hon. Members who laughed might think that an evidence that the voters liked corruption, but that they were actuated by a desire to prevent corruption would be proved by a petition which was to be presented to the House, signed by 1,000 out of 1,500 electors of the borough, declaring that the Ballot was the only means of putting an end to the corruption which prevailed. He had received a letter from one of the inhabitants in forwarding the petition to him, in which it was stated that,—

> "If two or three days further had been allowed, we might have strengthened our case. We are not inherently corrupt; the Conservatives are in a large minority, and if, for the sake of carrying their candidate, they will resort, as they do, to extensive bribery, the Liberals consider themselves morally justified in slightly resorting to the same practices, and this is the true solution of our present unfortunate position."

He had also received a letter from Mr. Monk, one of the candidates, in which he said:—

> "I am convinced in my own mind that if the votes had been taken by ballot at the late election myself and my colleague would at this moment be the representatives of that city, instead of the victims of hypocrisy on the one side and of misplaced confidence on the other. I will not offer any remarks further than by stating that the result of my experience at the last election leads me to the conclusion that no amount of vigilance on the part of the candidate can prevent bribery, but that the best safeguard that can be devised against it is the Ballot. By getting in the thin end of the wedge in the cases of Gloucester and Wakefield, I believe you will do more for it than would be accomplished by ten years of agitation, and most heartily do I wish you success."

Then what said the Commissioners? It appeared that Sir Robert Carden was the Conservative candidate. He knew nothing at all about corruption, bribery, or anything of that sort. It was true that through his means St. Albans had been disfranchised, and that at a former election he had spent a very large sum of money at Gloucester, and had succeeded in gaining his election. But, as was stated by the Commissioners,—

> "Experience upon a nature so unsuspicious as Sir R. Carden's was wholly thrown away. He had been a candidate for St. Albans, the constituency of which he stigmatized as the most base and depraved probably in the whole of England, and was there made, as he told us, 'the victim of the hypocrisy of other people;' but the knowledge which he had acquired at St. Albans was, in his judgment, applicable only to St. Albans. The knowledge that St. Albans was venal afforded, he said, no reason why he should suppose that Gloucester was venal, nor did his experience of the corruption of St. Albans suggest the necessity or the propriety of making any inquiries as to the character of the expenditure at his election."

The Report went on to say that Sir R. Carden denied all knowledge of the expenses of his election in 1857 as distinguished from the expense of the petitions, though he admitted having seen the election auditor's account, which represented his expenditure as £610 12*s.* 1*d.*,—the fact being that it exceeded £1,700. Mr. Lovegrove, his agent, when questioned upon the matter, stated that Sir R. Carden did inquire how much had been expended upon the election, and how much upon the petitions in 1857; that he supplied him with the information, and that Sir R. Carden, of whom Mr. Lovegrove said, "He is a man of business, and I should say "understood figures as well as any man in England" — had the opportunity of seeing the subjoined account, which Mr. Lovegrove produced on the occasion of its final settlement in August, 1857. After this very candid evidence, given by a gentleman who, as ex-Lord Mayor and a member of the Stock-Exchange, must be supposed to know something of figures, the Commissioners still gave him a certificate of indemnity; but in summing up they found that W. P. Price and Charles J. Monk were not privy to or cognizant of the corrupt practices which they declared had prevailed extensively at the election of 1859. With regard to Sir R. Carden they were altogether silent. Finally, they reported that "corrupt practices have for a long period prevailed at contested elections for Members to serve in Parliament for the city of Gloucester." What was the remedy which was proposed for this state of things by the Government, or by hon. Gentlemen on the opposite side of the House? The proposals which they had yet heard were confined to making the Corrupt Practices Act more stringent. One hon. and learned Gentleman, the Member for Nottingham (Mr. Mellor) proposed to make bribery a misdemeanour, punishable with imprisonment and hard labour; and another hon. and learned Gentleman (Sir F. Kelly) proposed that if this were insufficient the sentence should be changed to penal servitude. The case of Wakefield likewise went to show that some step on the part of the Legislature was imperatively called for. The freemen, to the extent of some 300 or 400, had been greatly blamed in the Gloucester report—he strongly suspected that the freemen were very often made the scapegoats for the iniquities of other persons; but in the case of Wakefield there could be no such allegation, that borough having been called into existence by the Reform Act of 1832. The Commissioners stated that at the last election Mr. Leatham, the Liberal candidate, spent at least £3,900, of which only £478 passed through the auditor's account, and the rest was disbursed in illegal payments; that Mr. Leatham provided the money with the intention that part of it at least should be employed in bribery and corruption, and that at least between £1,800 and £1,900 was expended in bribery. They found that Mr. Charlesworth, the Conservative candidate, spent £4,150, of which only £652 passed through the auditor's hands, and that £1,600 at least was expended in bribery. They also stated that Mr. Charlesworth having provided the fund out of which the bribery, in fact, was afterwards carried on in his behalf, designedly abstained up to the election from inquiring as to the manner in which that fund was being employed, having before the election the means of knowing and good grounds to suspect the manner of its disposal. The Commissioners added that ninety-eight persons were guilty of bribery in respect of the votes of other persons, that eighty-six persons were guilty of bribery in respect of their own votes, and that twelve others were guilty of bribery not on side only, but on both. He thought those twelve men were very likely the most honest men of all. One of the agents gave it as his opinion that with the Ballot, bribery at Wakefield would cease. The Commissioners, however, found that it was generally anticipated by the partizans on both sides, for some time before the election, that recourse would be had to bribery by their respective opponents; and they added—

> "That the fact that bribery was being carried on on both sides was before the election a matter of common notoriety throughout the borough, and excited but a scanty measure of disapprobation even on the parts of those who did not actually join in the work of corruption."

That was the state of moral feeling at Wakefield just before the election; and he (Mr. Duncombe) wished to know, when it was stated that the fact that bribery was being committed on both sides "excited but a scanty measure of disapprobation" among the upper and middle classes of the inhabitants, how it could be any matter of surprise that the humbler orders should have accepted bribes. The Commissioners found, lastly—

> "Having regard to the length of time before the election at which the preparations for the work of corruption were commenced, to the large proportion (142 out of 866) of the whole constituency engaged in corrupt practices and guilty of bribery, to the number of persons (including fifty-six, themselves electors) who voluntarily joined in the work of offering and giving bribes, to the zeal and skill they exhibited, to the readiness with which their services were received and their acts adopted, to the open way in which bribery was carried on by the canvassers and discussed among all classes, and to the manner in which the voters received and bargained with the canvassers on both sides,—that large numbers of the electors were then not for the first time engaged in the like operations of gross corruption."

Wakefield was a borough that was called into existence under the Reform Act. The

House would probably think, with him, that the electors had made up for lost time in not being sooner admitted to the exercise of the franchise, and that in the matter of corruption they were more than a match for some of the older constituencies. He wanted to know what was the remedy of the House for such a state of things. Were they going to make the Corrupt Practices Act more stringent, when they found that, in places such as Wakefield, open and notorious bribery "excited even among the upper and middle classes of the inhabitants but a scanty measure of disapprobation." He submitted that the House ought to have recourse to a measure such as he was now asking for leave to introduce. They might limit its operation to one, two, or three elections; but let them at all events make the experiment. If it failed, they would be only just where they were. But if it succeeded, they would have the satisfaction of knowing that they had checked, if not altogether crushed, that system of bribery and intimidation which was a disgrace to our representative system.

Motion made, and Question proposed,—

"That leave be given to bring in a Bill to make provision that, at the Election of Members to serve in Parliament for the City of Gloucester and Borough of Wakefield, the Electors thereof give their Votes by way of Ballot."

SIR GEORGE LEWIS: A short time ago I had occasion to ask the House to agree to a Motion for not issuing writs to these two boroughs of Gloucester and Wakefield without seven days' notice being previously given. That Motion was agreed to by the House, and the effect of it was that the writs for those two boroughs were to be suspended without due notice was given of the intention to move that they be issued. Upon that Motion some debate ensued. The hon. Gentleman the Member for Birmingham (Mr. Bright) addressed himself generally to the corrupt practices reported to have taken place in those boroughs and expressed an opinion that it would be desirable to punish the electors there with the suspension of their electoral privilege for a certain number of years, or at all events for a single Parliament. I did not express any opinion on that proposal; but the hon. Gentleman the Member for Finsbury now makes a Motion which in its tendency is diametrically opposed to the suggestion then made. His Motion contemplates the immediate issue of these writs. It assumes that the provisional measure taken by the House should not be acted on; that the writs should be issued; that when the elections take place an exceptional mode of voting should be introduced in those two boroughs, and that the votes should be taken secretly, and by way of Ballot. I am not prepared immediately—even if I were favourable to the general plan of voting by Ballot—to give my vote in favour of this narrow and exceptional measure. If the system of secret voting be good, why is it to be applied as a penal measure to those two boroughs exclusively? By the Motion before the House it is distinctly applied as a measure of punishment. ["No, no!"] I will not quarrel about the word "punishment;" but what is the effect of the Motion? It was proposed a short time ago to visit those two boroughs with suspension of the electoral privilege. The hon. Gentleman says, "Don't do that, but apply to them as an exception—not as a general measure, or leading to a general measure—vote by Ballot." If that be not a punishment, it is at all events a visitation upon them. There is great difficulty in distinguishing between this and a penal measure. But if the measure of vote by Ballot is good let it be applied simultaneously all over the country. If, on the other hand, it is to be regarded as something exceptional and penal, do not apply it at once to those two boroughs. Let them be the subjects of a more deliberate investigation, and let us consider whether some other means may not be found of subjecting them to penal consequences. Further, if we consider it as a local and limited remedy, instead of a punishment, is secret voting, even in the view of its more strenuous advocates, fitted for this particular mode of electoral corruption? I have always understood that the particular electoral vice to which the Ballot has been applied, and for which it is now propounded as a remedy, is not bribery but intimidation. [*Cries of* "Both!"] If the voter could effectually maintain his secret—a point about which I confess I entertain the greatest doubt—the system might lay claim to the merits ascribed to it by its advocates; but we know in that country where the system of voting by ballot has been in operation for the longest time—where it has had the widest trial, and where the institutions and character of the people most resemble that of the people of this country—I mean the United States—has not led to the practical preservation of the secret of the voter. It has often been the subject of discussion in this House, and I repeat, that the testimony of all whose opinions and statements are worthy of any consideration, and who have described the state of things in America, has concurred and does concur in affirming that the mode of voting in that country is not a system of secrecy. I defy any Member of this House to produce any valid testimony in contradiction of that position. No doubt the Ballot may get rid of some of the incidents of our system; it may get rid of our poll; it may get rid of the authentic register of votes; but it does not preserve the secrecy of the voter. If it does not do this, can it be contended, with any plausibility, that it will render bribery impossible, or even difficult? We know that in the United States, notwithstanding their larger constituencies, bribery does prevail to a considerable extent. How far the Ballot would be an effectual preventive against intimidation, by far the most plausible and solid ground on which it can be defended is a question we are not now called on to discuss. Intimidation is not reported as one of the prevalent vices at the Wakefield and Gloucester elections. The evil pointed out by the reports of the Commissions was bribery, and I cannot understand, nor did I collect from the speech of the hon Member for Finsbury, how the Ballot would furnish any effectual remedy for bribery. It might, on the contrary, be argued with considerable plausibility that secret voting would render bribery not more difficult, while it would insure impunity to the persons by whom it was committed. But without going into the general question, I think this experiment is inexpedient. If the Ballot is a preservative against bribery and intimidation, are you justified in stopping at two boroughs. If, on the other hand, you wish to deal in an exceptional manner with them and inflict some penalty for their abuse of their electoral privileges as you have done on Sudbury and other places, the success of the present Motion will preclude us hereafter from any proper consideration of the subject, and anticipate the decision the House might come to on this difficult question. I shall give my vote for these reasons against the Motion.

Mr. FRANK CROSSLEY said, when the Ballot was proposed as a general measure the right hon. Gentleman had uniformly opposed it. Now they had proposed to limit it to the two worst boroughs among the cases that had come before them; the right hon. Gentleman opposed that Motion also, and said, Do not try it on those two bad boroughs alone; apply it generally. But if the right hon. Gentleman had so little faith in the Ballot, why not let them try it in this small way, and see if it would not answer? The right hon. Gentleman was illogical in his argument. If the Ballot were tried on a small scale and did not answer, it would be a stronger argument against applying it generally. There was a Gentleman, a Member of that House, Mr. Childers, who had himself been elected by ballot in Australia, who had filled the office of Chancellor of the Exchequer in Victoria, and who could tell the right hon. Gentleman that it was possible to vote by Ballot with perfect secrecy; and, if a scrutiny should be demanded, it could be shown how every man had voted. ["Oh!"] He could assure those who received this statement with some degree of incredulity that till a scrutiny took place the Ballot vote was quite secret; if a scrutiny was required the secrecy was at an end, and it was known how every man had voted. If hon. Gentlemen were in earnest in condemning bribery and intimidation, they could have no objection to vote with the hon. Member for Finsbury.

Mr. A. MILLS said, the perusal of the evidence given before the Wakefield and Gloucester Commissions had convinced him that they would not be justified in trying this experiment. The impression he had derived from their Reports differed widely from that of the hon. Member for Finsbury. The conclusion he drew from the evidence was this, that as long as there were Gentlemen ambitious of becoming Members of Parliament, and yet contented to represent nothing but strong beer and bank notes, no possible law, enactment, or machinery that could be devised by the House of Commons would prevent bribery and corruption at elections. No fact disclosed by the Reports of the Commissions appeared to shake this conclusion. So long as public opinion sanctioned the present system, all attempts to stop bribery would be utterly futile. The only remedy then was in a more elevated state of public feeling. The hon. Member for Finsbury, Mr. T. Duncombe, asked them to try the Ballot in these boroughs as an experiment, but the experiment had been tried; not long ago there was a contested election for the borough of Reigate. There were four or five Liberal candidates, and it was agreed that they should submit their claims to a sort of preliminary Ballot of the electors of their party. They did so, and one of the candidates who was rejected by it afterwards published an address to the electors, in which he distinctly stated that irregular and improper means had been resorted to to influence the result and secure the election. The Ballot had been for twenty-four years propounded to Parliament, and had been the subject of eighteen or twenty divisions in the House. It was now sought to apply it in a homœopathic form—he did not know whether as a remedy or a penalty, but professedly for the purpose of trying whether it would succeed on a large scale. They knew that it had been tried in other countries. The Ballot had produced an iron despotism in France, and had not put an end to intimidation and bribery in the United States. He had been informed by a noble Lord not then in the House (Viscount Bury) that while in America a member of Congress had shown him his poll-book, a large octavo volume, containing the names of 25,000 electors, with a statement of how each man had voted during a period of ten years, and who had remained neutral. That was the system which it was proposed to introduce in this country. With respect to intimidation, public opinion had already wrought a vast change for the better since the days when Mr. Grote first brought this question under the notice of Parliament. In the face of an enlightened public opinion, it now required more courage to intimidate than to resist intimidation. He could only say that if any one would point out to him any country in the world where the system of the Ballot had acted as a preventive of bribery and intimidation he would support it, but until then he should continue to believe that the best remedy for these evils was to be found in a more elevated condition of public opinion.

MR. ROUPELL said, that as one who was present at the Reigate case referred to by the hon. Gentleman who last spoke, he must contend that what then took place merely tended to show that the right system was not tried in the first instance. The Ballot meant secret voting, and anything by which secret voting was not assured was not the Ballot. The first experiment made at Reigate was to send a card to each elector with the names of all the candidates inscribed thereon, leaving the elector to strike out all but his chosen candidate. But the consequence was, the weakest candidate bought up most of the tickets. That was not the Ballot, it was ticket-voting, quite a different thing. A better system was then adopted, that which had been successful in Australia. A card was given to the voter as he entered an outer room, and he wrote upon it the name of the candidate he wished to vote for. [An hon. MEMBER: "Which everybody saw him do."] He was endeavouring to inform the House from what he had himself witnessed, and he could state that this second experiment, wherein the voting was secret, perfectly succeeded, and all the candidates expressed themselves satisfied with the result.

MR. BENTINCK said, it appeared to him that those hon. Members who were strongly opposed to the Ballot must have been highly gratified by the arguments they had heard adduced that evening in favour of the measure. The hon. Gentleman the Member for Finsbury (Mr. T. Duncombe) said that the House must wish to screen bribery and corruption if it did not adopt his proposal. But he (Mr. Bentinck) contended that the adoption of the hon. Member's Motion would be really screening bribery and corruption. The hon. Member said his plan would prevent a repetition of the late bribery and perjury. It might, indeed, prevent perjury, because there would be no means of detecting the bribery. The hon. Member for Finsbury also said that the electors of Gloucester and Wakefield were in favour of the Ballot. Of course they were. They had been proved to be guilty of the grossest venality and corruption, and as a penalty the new writs had been suspended; but the hon. Member wished to give them a period of ten years' uninterrupted enjoyment of their favourite amusement at the expense of any candidates that might offer themselves. Then, the hon. Member said, if his plan succeeded, it would prove the success of the Ballot. It would be sure to succeed, for once the Ballot system was applied to Wakefield and Gloucester the bribery could be carried on without detection. The right hon. Gentleman the Secretary of State for the Home Department was wrong in saying that the hon. Member for Finsbury wished to inflict punishment upon those venal electors. On the contrary, it was a reward which he would bestow upon them. Upon a former occasion he (Mr. Bentinck) had stated, when the Ballot had been brought under the consideration of the House by the hon. Gentleman the Member for Bristol (Mr. H. Berkeley) that the result of the adoption of the Motion would be to prevent the detection of bribery, and he had suggested that the Bill of the hon. Gentleman should be called "a Bill to prevent the detection of bribery." He had never heard any advocate of the Ballot grapple with this question—how they were to detect or prevent bribery under the system of the Ballot. He wished also to call the attention of the House to the high authority of the noble Lord the Secretary for Foreign Affairs, whom he was sorry not to see in his place on the present occasion. That noble Lord followed him in the debate to which he alluded, and, as he found him reported in *Hansard,* he said he was convinced the argument of the hon. Member for West Norfolk was correct, that under the Ballot candidates would be found to offer £1,000 or £2,000 for their election, without inquiring how it was spent, and that thus more corruption would exist than before. That was the opinion expressed by the noble Lord on that occasion, and he only regretted that he was not present to add his powerful voice in favour of the same view now. But he (Mr. Bentinck) would like to ask whether the House, as at present constituted, was in a condition to take up this question with clean hands? He would like to ask whether there was more guilt in a poor and ignorant man who took £5 for his vote, or in some great and distinguished Statesman, who, abandoning all his former principles, acquired by gross acts of political tergiversation and political profligacy a place in the direction of the affairs of the country with a salary of £5,000 a year. [*Cries of* "Name."] Name! Why, their name was legion. It appeared to him the poor man only added a unit to swell the majority at a contested election, but that the distinguished public character to whom he had adverted, and who was guilty of the acts he had named, deceived and betrayed millions of his fellow-citizens who, by their confidence in his integrity and the principles he professed had elevated him to the position in which he was enabled to betray them. Was such a man as this fit to sit in judgment on the poor and ignorant fellow who accepted £5 for his vote? Why, it seemed to him very much as if a tiger that had destroyed human life, and ravaged flocks and herds, were to sit in judgment on the predatory habits of a mouse. But so long as the tigers were allowed to range with impunity, it seemed to him that the mice must be let alone. He would offer one other suggestion. The hon. Member for Finsbury was fond of trying experiments. He brought forward this measure avowedly by way of experiment, which, if it succeeded, was to be more widely extended. Now, he would suggest to the hon. Member whether it would not be better to try the experiment upon themselves at first; and he would venture to suggest to the hon. Gentleman that he should bring in a Motion which he (Mr. Bentinck) would be happy to support, that they should test the advantages of vote by Ballot in that House by taking a division by Ballot whether it would be advisable this year to deal with the question of Reform. He thought that would be a very fair way of testing the experiment, and he believed the results of it would somewhat startle the hon. Member for Birmingham and his friends. The proposal of the hon. Gentleman (Mr. Duncombe) was so monstrous that the House could not entertain it, for it would, in fact, confer a reward, where the wish was to inflict a punishment.

Mr. BONHAM-CARTER said, he would not have troubled the House on this occasion, but for the circumstance that, in the year 1853, he had himself made a similar proposition to the House. He did not think the measure had been fairly characterized by the hon. Gentleman who had just sat down. For himself, he considered the proposition wise, just, and temperate. For years they had had a series of beliefs, convictions, and speculations upon this subject, and in the present Session six or seven different ways for dealing with the evil complained of had been proposed. Every hon. Member had his own idea as to the best mode of curing the evil. Some proposed to do so by declarations, some by penal enactments, some by the general adoption of the Ballot, and some by the moderate measure now before the House; but all seemed anxious to find means by which they might set themselves right not only before this country, but before the eyes of Europe. As to the Home Secretary's argument upon the result of the Ballot in America, the voting there was entirely devoid of secrecy, and they could draw no analogy between that which was an open act and that which his hon. Friend (Mr. Duncombe) was trying to render a secret one. The Home Secretary had not once alluded to the successful operation of the Ballot in our own colony of Australia. He was sorry to find that an hon. Member who was elected by the Ballot in Australia, was not present to give the testimony of his experience to the House; but he (Mr. Bonham-Carter) had had an opportunity of speaking the other day with a gentleman who lately held office in Australia—who was, in the first instance, an opponent of the Ballot, but who told him that its influence was very great in preserving order and quiet on the day of election. And this was no small matter. They all knew that it was about half-past three in the afternoon of the polling days that the Blue Lions and the Green Lambs congregated together, and watched when the poll was running close. But by the Ballot they could not tell how the poll was going, and there would, therefore, be no temptation to hold back their votes for the chance of disposing of them at the last minute for, perhaps, £40 or £50 a piece. Then it was said that the Ballot would prevent the detection of bribery. But that was a mistake. It was not necessary to know how a man voted in order to convict the briber, for even under the present system men were found to vote both ways; and it was the corrupt offer that constituted the crime, not the vote in consequence of the offer. Then it was argued that this measure must either be a reward or a punishment. He held that it was neither, but a remedy; and in considering the remedy proposed, the House ought not to forget the number of those electors who gave their votes honestly and fairly, and who sincerely regretted the existence of this corruption. Parliament should lose no opportunity of preventing the corrupt minority from overriding the opinions of the honest majority, and should put every difficulty in the way of their receiving bribes. He did not believe that the Ballot was a panacea for every possible evil that existed; but it would be of use in restraining both intimidation and bribery, and the House would do wisely and safely in giving leave to introduce this Bill. He wished it to be tried as an experiment, and he believed that if it had been tried in 1853, the question would not be under discussion now.

VISCOUNT PALMERSTON: I wish to state, in a very few words, the reasons why I shall not be able to vote for the Motion of my hon. Friend. I have always opposed the Ballot on general principles. Upon former occasions I have stated at sufficient length the grounds upon which I think that, instead of being an improvement in our electoral system, it would, on the contrary, tend to demoralize and to degrade our national character in the performance of important constitutional functions. I cannot, therefore, agree with my hon. Friend, in applying as a remedy that which I think is in itself an evil. We know very well that a poison administered in very small doses sometimes cures disease, but I do not think this kind of application will be at all adapted to the evil which my hon. Friend wishes to correct. And if I were disposed to acquiesce in any plausible proposal for the partial and local application of that to which upon general grounds I objected, any such disposition would be removed by the candour or the indiscretion of my hon. Friend, who, in reading that valuable communication received by him from one of the candidates at the last election, said that, if he could only now introduce the thin end of the wedge, it would do more to forward the cause of the Ballot generally than ten years of incessant agitation. That forms a perfectly good reason why my hon. Friend, who is a sincere advocate of the Ballot, should recommend the Motion which he has made to-night; but he will admit that it forms an equally good reason why I, entertaining different opinions on the general principle, should resist his Motion. Again, with regard to the effect which this measure would be calculated to have in the prevention of bribery, I must say that in my opinion there is another circumstance which my hon. Friend mentioned which shows that, so far from correcting the evil of which he complains, the operation of this Bill would be to generalize it. My hon. Friend, in the course of his speech, read an extract from the report of the Commissioners, which stated tha teight electors had been bribed by both sides. [Several hon. MEMBERS: Twelve]. Well, that makes my case so much the stronger, for if under a system of open voting, which compels every elector to declare for whom he desires that his vote should be recorded, men are found who are bribed by both the opposing candidates, you would, under a system of secret voting, have 100 electors who would be so bribed. In fact, all those electors who were disposed to take bribes would present themselves to each of the opposing candidates at an election, or communicate with each by means of an agent, would accept of a bribe from each, and would have no difficulty, at the same time, in promising to vote for both. After the election was over the same men would go to the successful candidate and make a merit of having given the vote for which they were paid. Now, in the case of open voting, the bad faith of those twelve electors to whom my hon. Friend alluded, became notorious, and thus far a check was imposed upon others—their number might be 1,2000—who, if a system of secret voting were established, would be quite ready to accept bribes from both parties. I shall not now enter into the general question of the merits or demerits of voting in secret; but, as the subject of the mode of voting in America has been alluded to in the course of the discussion, I may be permitted to observe that, frequently as the expediency of adopting the Ballot has in former years been pressed upon the consideration of the House of Commons, upon the ground of its existence in America, the example of America in this respect has not of late been very particularly relied upon by the supporters of the measure. The truth is, it has been discovered that the system which prevails in America of voting by Ballot is not secret voting, and the advocates of the Ballot have thrown overboard that system, and call upon us to establish in this country one of a different character. I am, however, prepared to maintain that you cannot establish here a system of secret voting unless you make a man liable to a penalty who discloses the way in which he happens to have voted. Any such proposal, therefore, as that which my hon. Friend has made, in order to be effectual, must not be simply permissive, and would, therefore, deserve to be characterized—as my right hon. Friend the Secretary for the Home Department has justly said—as a penal measure. It is, at all events, perfectly clear that if a vote given in secret may—and, as a matter of course, does—become matter of general notoriety, the arguments in favour of secret voting at once fall to the ground, and that in resorting to the Ballot you are only taking a roundabout way of perpetuating that publicity which now exists. For these reasons I feel it to be my duty to oppose the Motion under the consideration of the House.

Mr. CHILDERS :* Sir, I have been in the course of this debate so pointedly appealed to by the hon. Member for Winchester (Mr. Bonham-Carter), and by my hon. Friend the Member for the West Riding (Mr. Crossley), that I cannot refuse, even at this late hour, to give the House some information relative to the nature and working of the Ballot in Australia. At the same time I must throw myself upon the indulgence of hon. Members, not only because I now for the first time address them, but because until within the last half hour I had no idea that I should be called upon to do so. I trust that I shall receive that generous forbearance which, under similar circumstances, has been so often granted; and I anticipate it the more confidently because in the few remarks which I intend to make I shall confine myself to facts within my own personal experience.

Ever since the first concession of representative institutions to Australia, vote by Ballot had been one of the measures of reform, agitated in the Colonies and their Legislatures. It was not, however, until the eve of the introduction of what is called "Responsible" or Parliamentary Government, that it met with general advocacy. About that time public attention was directed to the corrupt practices which there, as in this country, too frequently attended Parliamentary elections. The prevailing evil was not so much intimidation as bribery. In a comparatively new country, without a landed aristocracy, and with greater facilities for personal independence than are found among our poorer voters, intimidation was, as might be expected, comparatively rare. Indeed, the only undue influence which was feared to any extent came rather from below than from above. But bribery and treating, in the vulgar forms in which we know them, were rife in the town constituencies; and to check them and at the same time to reduce the excitement and expense of contested elections, the Ballot was proposed. The first colony that took up the question was Victoria, and as I was at the time a Member of the Legislative Council, I think the House will permit me to give some details as to its introduction and machinery in that colony.

The Ballot was not in Victoria as in England exclusively advocated by the popular or liberal party, and opposed by conservatives. On the contrary, some of its most strenuous advocates sat on the conservative side of the house, and unquestionably its most formidable opponents were the leaders of the extreme democratic party. And to this, I think, much of its success is due. For not being a party measure, its details were honestly discussed and settled by the ablest men in the house; and if it is not perfect in its operation, at any rate it is consistent and simple. But before I explain to you, Sir, what it is, I will tell you what it is not. In the first place it is not the American Ballot. There is, I think, no greater popular delusion than that the Ballot in America has generally had for either its object or its result secrecy in voting. It was really established not for secrecy but for speed. With frequent elections, not only to the Legislatures, but to offices of all kinds; with almost if not quite universal suffrage; and without those means which we in an older country have for fairly proportioning the number of booths to voters, oral voting was impracticable, and it became absolutely necessary to devise a more expeditious machinery. This was called Ballot; and, although in a few States, and within the last few years, secret, as distinguished from open, Ballot has been proposed and even put in practice, these are only exceptions, and the change is not, so far as I can learn, likely to be generally adopted. This open or American Ballot then, as giving no protection to the voter, was not established in Victoria.

Nor, Sir, on the other hand, did any of those systems, which Mr. Grote used to offer for the consideration of this House, meet with favour in Australia. For they all appeared to us open to the objection, that they would afford encouragement to personation and to the recording, without remedy, of bad votes. I believe that no plan had ever been proposed in this country which admitted of a scrutiny on petition before an Election Committee. The vote once given, however bad it might be, the mischief was done; and whether the voter were convicted of personation or bribery, or for any other cause were proved incapable to elect, as there was no means of ascertaining how his vote was cast, so it could not be struck off. We felt, Sir, that with an extended suffrage, and consequently increased facilities for personation, under whatever system we might establish, the evil would be greatly aggravated under the Ballot in its usual form; and we, therefore, by a very large majority, decided to reject that form.

But we did introduce a machinery obnoxious to neither of the evils to which I have alluded. And I will now describe it to the House: premising that in every other respect, as to the registration of voters, as to nominations, the regulation of expenses and petitions, elections in Australia are conducted almost exactly on the English model. After the nomination, the returning officer sends to a public officer—I think the Clerk of the Peace—a requisition for a number of voting papers equal to that of voters on the roll. On the face of each paper is printed a list of the candidates, with instructions to the voter to strike off those for whom he does not poll; and on the back the returning officer signs his name. When the elector comes up to vote, and after the usual questions have been put to him, the returning officer writes at the back of a voting paper the number of the elector on the roll, and hands it to him. The voter takes the paper to a table, not overlooked by the poll clerks or the public, and after erasing the necessary number of names, folds it, brings it back, and drops it into the ballot box in front of the returning officer. At the close of the poll the box is opened, and the voting papers are, in the presence of the scrutineers, unfolded by the returning officer, placed on their backs so that the numbers cannot be seen, and the result is recorded. They are then sealed up in a separate packet, and sent to the clerk of the Parliaments with the return, and with two other packets containing respectively the unused and informal papers; and until an Election Committee orders the seals to be broken, every vote is protected by the most complete secrecy. Even then no vote is ascertained, unless the voter's name be included in the scrutiny list as objected to. I think, Sir, that my hon. Friend the Member for the West Riding most correctly described this process as one combining perfect secrecy with a simple means of testing any vote, in the event of a scrutiny.

And what, Sir, has been the result? That I conceive to be the real question, and indeed the only one which would justify my addressing you this evening. Why, by the common consent of almost every public man who has seen its working, the Ballot has been thoroughly successful. It came into operation in the year 1856, when I was myself elected under its provisions. I cannot speak to the number of elections in other colonies; but in Victoria I understand that about 200 have taken place since that time. They have been distinguished by the almost entire absence of those practices which were previously so prevalent. I believe that in only two cases have petitions been presented, complaining of illegal returns. Not that it is more difficult to proceed on petition there than here, for as I have explained, the voter can always be connected with his vote before an Election Committee, and in other respects the proceedings are identical with ours in England. In one of these cases the member was accused of treating, and he was unseated. In the other, I think, some two or three voters were bribed; and this also was proved without difficulty. There was also at the last general election a complaint of intimidation; and this undoubtedly existed, and arose from the notorious and deep-seated religious animosity in a rural district between the Roman Catholics and Presbyterians, which no system of voting could have concealed or suppressed. But, as a whole, elections have been conducted with a regularity and quiet altogether unknown before; and this in a population far more excitable, and during the agitation of questions far more exciting, than you have in this country.

I admit, Sir, that the Ballot has its weak points. I have no wish to conceal from the House what I have myself observed to its disadvantage, and I will state them to you candidly. It is unfavourable to candidates against whom local or private prejudices exist, prejudices which, with open voting, would be often concealed; and it unquestionably works better in a constituency represented by one than by more members. In the latter case, as the state of the poll is not known through the day, decided partizans of individual candidates are induced to plump rather than to vote for the whole list of their own party, when it is expected that the contest will be close; although with open voting they might have no reason, and indeed would be ashamed, to do so. I remember that at the first election for the city of Melbourne under the Ballot, although there were ten candidates and five members to be returned, the average number of votes given by each elector was barely over two. By this defect less prominent men are frequently placed at a disadvantage when standing with leaders, although their party may have a small majority on the roll; an inconvenience easily cured by subdividing the electoral districts and giving to none more than one, or at most two, members. But on the other hand, and for precisely the same reason, the Ballot altogether puts a stop to what I will call afternoon bribery. I allude to what many borough Members, who have had the misfortune of being engaged in a close contest, must know well,—the temptation to bribe arising from organizations of corrupt electors, who at two, three, or half-past three o'clock in the afternoon, offer themselves to the best bidder at prices which rise as the poll approaches its close. This the Ballot manifestly intends to stop; for as the state of the poll cannot be known through the day, a vote is as valuable at half-past eight in the morning as at half-past three in the afternoon; and in practice it has been found, that by thus removing all the food for excitement, and by reducing the value of unpolled votes, bribery, on the day of polling, at least, becomes useless and obsolete. In this respect the success of the Ballot in Australia is unquestioned by its most determined opponents.

I trust, Sir, that I have now shown you that the Ballot is not so impracticable as the hon. Member opposite confidently informed us; but I would, in conclusion, venture to allude to the special case under discussion. I take it that the constituencies of Gloucester and Wakefield have, in fact, committed political suicide. Like many instances, which will at once occur to you, of men highly distinguished in politics or science, whose better principles have been momentarily overthrown by some morbid over-excitement, these two boroughs have been brought down, by a small and corrupt minority in their bodies corporate, to the disgrace and the political death which has now justly overtaken them. They lie, as it were, on our dissecting table; and it is for us to deal with them as we think fit. Whether or not the Ballot be un-English and degrading, so far at any rate as their interests are concerned, we need not determine. But if, as I have endeavoured to show, the Ballot may be and has been carried out in a British community, and by the side of British institutions, not only without mischief, but with the most perfect success; if the evils which were predicted of it have been unknown, and the good which it was designed to bring about has been accomplished; then I say it becomes our duty, in the interest of society and of our constitution, to test by experiment, under our own eyes, this problem in political science, which cannot in any other way be satisfactorily solved. When the advocates of the Ballot, instead of demanding it for universal adoption, generously offer to abide by the result of its trial on such constituencies as Gloucester and Wakefield, it is, I will not say unjust, but impolitic in its opponents to decline the experiment. For my part, I hope the House will agree to give practical application to a principle which is dear, not only to the greater part of those who sit on this side, but to the majority of the people; and I shall therefore give the Motion of the hon. Member for Finsbury my most cordial support.

SIR JOHN SHELLEY appealed to the Government, after the speech they had just heard, showing the entire success of the ballot in Australia, to withdraw their opposition to a Motion which was supported by the Liberal party in that House. Everything said by the Home Secretary had been contradicted by what had fallen from the hon. Member for Pontefract (Mr. Childers).

MR. T. DUNCOMBE replied, he was sure the House felt exceedingly indebted to the hon. Member for Pontefract for the very able and interesting statement he had made in reference to the Ballot, and he personally begged to thank him for the valuable support he had given to his Motion. With regard to the argument of the noble Lord at the head of the Government, he had only to say that he put this forward as an experiment, and nothing else. He wanted the experiment to be tried, and he used the expression of one of the candidates for Gloucester when he said that he wanted to get in the thin edge of the wedge, hoping that he would soon be able to drive it home. Great measures were not carried in a day. They must proceed by slow degrees. It was thus they carried Jewish emancipation. It was by taking Baron Rothschild from behind the bar and placing him in one of their Committees and to meet the Peers in conference that they were enabled to convince all rational men that the contest was at an end, and the result was, they had now four hon. and distinguished Members of the Jewish persuasion representing in that House large and important constituencies, while the British constitution and the Established Church, which it was said would perish the day a Jew took his seat, stood exactly where they were; and so it would be with their representative system after the Ballot was introduced. Its effect would be equally harmless.

Question put.

The House *divided*:—Ayes 118; Noes 149: Majority 31.

List of the AYES.

Adam, W. P.
Alcock, T.
Atherton, W.
Baines, E.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Bellew, R. M.
Biddulph, Col.
Biggs, J.
Black, A.
Bonham-Carter, J.
Brocklehurst, J.
Buller, Sir A. W.
Campbell, hon. W. F.
Childers, H. C. E.
Clay, J.
Clifford, C. C.
Clive, G.
Collier, R. P.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Dalglish, R.
Davey, R.
Deasy, R.
Douglas, Sir C.
Duke, Sir J.
Ellice, E. (St. Andrews).
Esmonde, J.
Ewin, H. E. C.
Ferguson, Col.
FitzGerald, rt. hn. J.D.
Foley, Henry W.
Forster, C.
Freeland, H.W.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl
Goldsmid, Sir F. H.
Gower, hon. F. L.
Hadfield, G.
Hankey, T.
Hanmer, Sir J.
Hennessy, J. P.
Ingram, H.
Jackson, W.
James, E.
Kershaw, J.
Kinglake, A. W.
Kinglake, J. A.
Kinnaird. hon. A. F.
Knatchbull Hugessen, E.
Laing, S.
Langston, J. H.
Lanigan, J.
Laslett, W.
Lawson, W.
Leatham, E. A.
Lindsay, W. S.
Locke, John
M'Cann, J.
MacEvoy, E.
Marjoribanks, D. C.
Marshall, W.
Martin, P. W.
Mellor, J.
Merry, J.
Mitchell, T. A.
Monson, hon. W. J.
Morris, D.
Napier, Sir C.
Noble, J. W.
Norris, J. T.
North, F.
O'Brien, P.
Osborne, R. B.
Paget, C.
Paxton, Sir J.
Pease, H.
Peto, Sir S. M.
Pilkington, J.
Pollard-Urquhart, W.
Redmond, J. E.
Robertson, D.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, A.
St. Aubyn, J.
Salomons, Mr. Ald.
Salt, T.
Scholefield, W.
Scott, Sir W.
Scully, V.
Seymour, Sir M.
Seymour, W. D.
Shelley, Sir J. V.
Smith, J. B.
Smith, Augustus
Stansfeld, J.
Sullivan, M.
Sykes, Col. W. H.
Talbot, C. R. M.
Tite, W.
Tollemache, hon. F. J.
Trelawny, Sir J. S.
Villiers, rt. hn. C. P.
Vivian, H. H.
Watkins, Col. L.
Westhead, J. P. B.
Whalley, G. H.
Wickham, H. W.
Williams, W.
Wyld, J.

TELLERS.

Duncombe, T.
Ayrton, A. S.

List of the NOES.

Archdall, Capt. M.
Baillie, H. J.
Baring, T.
Barrow, W. H.
Bathurst, A. A.
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Blackburn, P.
Botfield, B.
Bridges, Sir B. W.
Brooks, R.
Browne, Lord J. T.
Bruce, Major C.
Burghley, Lord
Carnac, Sir J. R.
Cartwright, Col.
Cave, S.
Cavendish, Lord G.
Cecil, Lord R.
Clinton, Lord R.
Close, M. C.
Codrington, Sir W.
Cole, hon. Col.

Collins, T.
Denman, hon. G.
Dickson, Col.
Disraeli, rt. hon. B.
Du Cane, C.
Duncombe, hon. W. E.
Dunne, Col.
Edwards, Major
Elmley, Visct.
Elphinstone, Sir J. D.
Estcourt, rt. hn. T.H.S.
Ferguson, Sir R. A.
Filmer, Sir E
Finlay, A. S.
Forde, Col.
Forster, Sir G.
Foster, W. O.
Gard, R. S.
Garnett, W. J.
Gaskell, J. M.
George, J.
Gladstone, C.
Goff, T. W.
Gordon, C. W.
Gore, J. R. O.
Gray, Capt.
Grogan, Sir E.
Haliburton, T. C.
Hardy, G.
Hartopp, E. B.
Henley, rt. hon. J. W.
Herbert, Col. P.
Hervey, Lord A.
Hood, Sir A. A.
Hope, G. W.
Hopwood, J. T.
Horsfall, T. B.
Hotham, Lord
Howard, hon. C. W. G.
Howes, E.
Hume, W. W. F.
Hunt, G. W.
Jermyn, Earl
Johnstone, hon. H. B.
Jolliffe, rt. hon. Sir W. G. H.
Kekewich, S. T
Kelly, Sir F.
Kendall, N.
King, J. K.
Knatchbull, W. F.
Knox, Col.
Lacon, Sir E.
Leeke, Sir H.
Lefroy, A.
Legh, W. J.
Leighton, Sir B.
Lewis, rt. hon. Sir G.C.
Liddell, hon. H. G.
Longfield, R.
Lopes, Sir M.
Lovaine, Lord
Lyall, G.
Lygon, hon. F.
Macaulay, K.

Mackie, J.
Martin, J.
Matheson, A.
Miller, T. J.
Montagu, Lord R.
Morgan, O.
Mowbray, rt. hon. J. R.
Mure, D.
Naas, Lord
Northcote, Sir S. H.
Packe, G. H.
Pakington, rt. hon. Sir J.
Palk, L.
Palmerston, Visct.
Papillon, P. O.
Parker, Major W.
Patten, Col. W.
Paull, H.
Peacocke, G. M. W.
Philipps, J. H.
Powys, P. L.
Puller, C. W. G.
Quinn, P.
Repton, G. W. J.
Ridley, Sir M. W.
Rogers, J. J.
Sclater-Booth, G.
Selwyn, C. J.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Major
Smith, Montagu
Smith, Abel
Smith, S. G.
Smollett, P. B.
Spooner, R.
Stanhope, J. B.
Steuart, A.
Stewart, Sir M. R. S.
Sturt, H. G.
Taylor, Col.
Tempest, Lord A. V.
Thompson, H. S.
Thynne, Lord E.
Thynne, Lord H.
Tollemache, J.
Torrens, R.
Trefusis, hon. C. H. R.
Valletort, Visct.
Vance, J.
Vandeleur, Col.
Vansittart, W.
Vernon, L. V.
Walker, J. R.
Walsh, Sir J.
Watlington, J. W. P.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Wyndham, hon. H.
Wynn, Col.

TELLERS.
Mills, A.
Gurdon, B.

THE FINANCIAL STATEMENT.

Viscount PALMERSTON said, that perhaps it would be convenient that he should inform the House that he had that evening received a communication from his right hon. Friend, the Chancellor of the Exchequer, who stated that he felt perfectly competent to be in his place to-morrow and make his financial statement.

CONVEYANCE OF VOTERS, &c.

LEAVE.

Mr. COLLIER said, he rose to move for leave to bring in a Bill to prohibit the payment of the expenses of conveying voters to the poll, and to facilitate polling at elections. The provisions of the Bill he proposed to introduce were the same as those of the measure he had brought in last Session, and as that Bill had been read a second time in the last Parliament by a large majority, it was not necessary for him to make a long statement to the House. The state of the law on the subject was that it was lawful to convey a voter to the poll, but it was bribery if money was given for his conveyance. This state of things was clearly absurd, and it was clear that they must either make the payment of these travelling expenses, including the conveyance of voters to the poll, absolutely legal or illegal. He trusted the House would permit him to introduce the Bill and to proceed with it at no distant period. He believed it would have a tendency to insure the purity of elections, or, at all events, do away with some clear and manifest evils of which everybody complained.

Mr. COLLINS said, he did not rise to oppose the introduction of the Bill, but to deny the statement of the hon. and learned Gentleman that the payment to voters themselves of the expense of their conveyance to the poll was bribery under the Corrupt Practices Act. The Huddersfield Committee decided last Session that such payment, though it might be a misdemeanour, was not bribery within the meaning of the statute. He should oppose the second reading of the Bill.

Mr. PEASE said, that to prohibit candidates in counties from conveying voters to the poll would practically disfranchise many poor electors in outlying districts. He hoped, therefore, that the Bill would be narrowly watched by county Members.

Mr. JOHN LOCKE remarked, that whatever the decision of the Huddersfield Committee might have been, the Courts at Westminster had declared that to pay the voters themselves the expense of their conveyance to the poll was bribery.

Mr. DARBY GRIFFITHS said, he had

a great respect for the Courts at Westminster, but their decisions could not affect what was the end and object of bribery—a seat in that House. The decision of the Huddersfield Committee on the contrary, was one of a practical character, and, therefore, entitled to considerable weight.

LORD JOHN BROWNE expressed the hope that candidates in counties would not be prevented from conveying voters to the poll.

MR. BOOTH suggested that some provision should be made for multiplying polling places.

MR. COLLIER stated that a clause to that effect formed part of the Bill.

MR. LIDDELL said, that this was the third measure for reform of the representation in one shape or another that had been introduced that evening by private Members; and he doubted whether, seeing that the Government were about to introduce a general measure of Parliamentary Reform, the former exercised a wise discretion in bringing forward Bills dealing with small parts of the subject.

Leave given.

Bill to prohibit the payment of the Expenses of conveying Voters to the Poll, and to facilitate polling at Elections, *ordered* to be brought in by Mr. COLLIER, Mr. MELLOR, and Mr. BAINES.

SPIRITS (IRELAND) ACT AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at a quarter after Twelve.

HOUSE OF LORDS,

Friday, February 10, 1860.

ANNEXATION OF SAVOY AND NICE TO FRANCE.—QUESTION.

THE MARQUESS OF NORMANBY said, he wished to obtain an explanation from the noble Earl (Earl Granville) relative to an apparent discrepancy between the statement of the English and French Governments as to what had passed on the subject of the annexation of Savoy and Nice to France. It was only last night it came to his knowledge that a general impression had been created in Europe as to the discrepancy and difference between these two accounts, and it was alike desirable and necessary that the earliest opportunity should be given to Her Majesty's Government to furnish some explanation as to what had been alleged, not apparently authoritatively, but certainly and beyond doubt with the sanction of the late Minister for Foreign Affairs of France. When, on a previous occasion, he (the Marquess of Normanby) brought the Motion relative to the annexation of Savoy and Nice before their Lordships, he alluded to a paragraph, containing a semi-official announcement, in a French ministerial paper, as to the communication that had been made in the other House of Parliament by the Secretary of State for Foreign Affairs. It was stated that, as far as the communication went, they did not complain, but that at the same time it was not complete, official communications having taken place between the French and English Governments on the subject subsequent to the month of July. This statement was probably made on the part of the existing Government; but at an earlier period most of these transactions passed under the administration of the late Foreign Secretary. A letter from Paris in the *Independance Belge*, with which Count Walewski, the French Minister, was known to communicate in that shape, stated that the account given in this country was partial and incomplete. Now, in this country we should never think of attaching the importance that public opinion abroad attached to these sort of communications; but the French Minister, as well as ex-Ministers in France, were apt to communicate in a somewhat authoritative tone on public transactions in letters to newspapers not identified by any *bonâ fide* signature. The French Chambers had no tribune—they had not even a number of red benches with a throne at one end and a gallery at the other, and they were compelled to have recourse to this mode of justification. The letter or communication that had appeared in the journals represented that Count Walewski did so and so; that the explanations given in this country were not complete, and that at a later period a communication was made by Count Walewski to Lord Cowley, that in consequence of the interference—the active interference—of England for the purpose of procuring the annexation of the Central States of Italy to Piedmont, the Emperor of the French had thought it necessary to revert to the intention of annexing Savoy and Nice to France. He was not going to pronounce any opinion on this new application of the "logic of facts." The communication went on to state that no doubt what transpired between Count Walewski and Lord Cowley would be communicated to the Government of England; and the letter, speaking in the name of Count Walewski, stated that whenever the matter was presented to both Houses of Parliament, it would be found that these circumstances were accurately stated by him. He would not now pronounce an opinion on the subject, but should be glad to hear that no such circumstance had occurred; because if there was no contradiction, it showed that what was stated in the other House was not a complete account of the whole transaction. Should this statement prove to be correct, and should there have been such a communication between the two Governments at a later period other than that stated by Lord John Russell, the public would not have been in full possession of the facts. If what Count Walewski is supposed to have stated, or to have authorized some one to state, on the subject was correct, there was no person, however much inclined to retain their notions of the disinterested patriotism of the King of Sardinia, who could doubt that the French Government would never have spoken in that way of their projects unless they were already sure, by something that had passed before, that the King of Sardinia was ready to agree to barter away his ancient hereditary dominions and the affections of his subjects for the possessions of another Power, which perhaps were of more value and more gratifying to his personal ambition. In conclusion, he wished to ask whether it was true that the French Government, during the administration of Count Walewski, made any communication to Lord Cowley on the subject of the annexation of Savoy and Nice, subsequent to those which had been stated to have taken place in the other House of Parliament by the Foreign Secretary; and if so, at what period such communication came to the knowledge of the British Government; and whether, supposing any such communication to have taken place, any allusion was made to the policy of the British Government in Central Italy, and as regarded the annexation of Savoy and Nice?

Earl GRANVILLE said, he could not enter into the statements in an anonymous letter in a Belgian newspaper, but he had no hesitation in telling the noble Marquess that Her Majesty's Government had received no official communication of any such communication having been made by Count Walewski to Lord Cowley. At the same time he was not in a position to deny that some conversation might have passed on the subject between the late French Minister for Foreign Affairs and Lord Cowley.

The Marquess of NORMANBY thought he had laid the ground for explanation, if it so happened that the Foreign Minister of this country refused, or did not consider it consistent with his duty, to present an official communication of what passed between the two Governments; and the account which was offered instead of documents did not agree with the statement of the other party to this transaction, it would be satisfactory to have stated the final purport and effect of any communication that passed between the Ambassador at Paris and the Secretary of State for Foreign Affairs on the subject of the annexation of Savoy and Nice.

Earl GREY remarked that his noble Friend (Earl Granville) had told them that there had been no official communication between the French Minister and the British Ambassador at Paris; and he should like to know whether by that their Lordships were to understand merely that there was no written communication—because he for one believed, and he thought their Lordships would agree with him, that any communication of such great public importance made verbally by the French Minister for Foreign Affairs to the British Ambassador was an official communication. Therefore he wished to know whether it was in that sense only that Her Majesty's Government were not informed that this annexation was in contemplation.

Lord WODEHOUSE said, his noble Friend did not mean to rest his answer on there being no written statement. A communication might be made without its being written. The fact was, that there were no despatches, no communication at all of a formal character between the two Governments between the times stated by his noble Friend the Secretary for Foreign Affairs, when he made his statement in July last to the House of Commons, and a recent time, when some further communications had taken place between the French Government and Her Majesty's Government on the subject of Savoy. When his noble Friend said he could not deny that some conversation had passed between Lord Cowley and Count Walewski, all his noble Friend meant to convey was, that between July and January the subject may have been occasionally alluded to in conversation between Count Walewski and Lord Cowley, but there was no official communication of the views of the French Government made by Count Walewski to Lord Cowley, which the latter was bound to transmit to his Government. The subject was, so to speak, dropped between July and January, and his noble Friend the Foreign Secretary had stated most accurately all that had passed on the subject.

EARL GREY said, it had been rumoured that a distinct warning had been given by Count Walewski, that in the event of a certain line of conduct being followed by this country, the measure for the annexation of Savoy would be pressed by the French Government. Was he to understand that such a state of things was generally unfounded?

LORD WODEHOUSE said, that he did not mean to assert that there had been no mention in conversation between Count Walewski and Lord Cowley of the annexation of Savoy from July, when the communication was made to which his noble Friend the Secretary of State for Foreign Affairs had alluded in the other House, up to the date of the recent communications between the two Governments on this subject; but that nothing had passed which had been considered by Lord Cowley as matter for a despatch to his Government, and it was therefore strictly correct, as had been stated by his noble Friend (Earl Granville), that no official communications had passed between the two Governments on the subject of Savoy since last July till very recently.

THE MARQUESS OF NORMANBY said, he knew Lord Cowley well enough to be convinced that he would have dealt with anything communicated by Count Walewski as a matter of diplomatic communication. He begged to draw the attention of the Under Secretary of State to the fact that as yet there had been no statement with reference to what was alleged to have passed between Count Walewski and Lord Cowley which might not, in his opinion, if the report were correct, be made the subject of communication. The only denial his noble Friend had made was, that Lord Cowley did not consider any statement made by Count Walewski of a nature to make it a matter of official communication; and if so, the statement attributed to Count Walewski might be erroneous, as far as Lord Cowley was concerned, since it was impossible that a person of Lord Cowley's experience must not have felt that a communication or conversation of a probable change of policy on such an important point notified by the French Minister and based on the objections felt to the conduct of his own Government, was subject-matter for immediate official report on his own part.

ST. GEORGE'S-IN-THE-EAST.

PETITION.

LORD BROUGHAM *presented* a Petition from the Rev. Bryan King, M.A., Rector of St. George's-in-the-East, complaining of interruption of Divine Service in the Church of St. George's-in-the-East, and praying for relief. With the petitioner he had no acquaintance whatever, but he had been asked to present this petition, and of the truth of its statements he could have no knowledge. But the party had a right to be heard. He should therefore desire that the clerk at the table might read it. This was done. The petitioner, after stating that he had been rector of the parish, which contained a population of some 50,000, for sixteen years, related in some detail what appeared to him the causes of the disturbances in the church, laying particular stress, as an exciting cause, on the appointment of a Sunday afternoon lecturer by the parishioners in 1859. He adverted to the proceedings in the Court of Queen's Bench, arising out of that appointment, and to the unsuccessful mediation of the Bishop of London with a view to the suppression of the disturbances. He also referred to the circumstance of his having had recourse to the Chief Commissioner of Police, Sir Richard Mayne, and to the Home Secretary, to interfere to protect him in the discharge of his sacred duty; that that interference had not been equal to the emergency; and he prayed the House to take such steps as might seem necessary to secure him and those who assisted him in his ministrations from personal violence, and the celebration of Divine Service from interruption. The noble and learned Lord expressed a hope that the Government had made arrangements for putting an end to the repeated desecration of the Church of St. George's-in-the-East and the interruption of the services, which had become an intolerable nuisance to the neighbourhood, and was offensive to the moral feelings of the whole community. His opinion was that the difficulty of dealing with this nuisance was not insuperable, if Sir Richard Mayne would direct the police to enter the church and watch and control the conduct of the disturbers and their tools during the service. At all events the Acts of Parliament should be put in force. He had no doubt the course he recommended was the right one, and that the law, as it now stood, was sufficient for the suppression of the disturbances.

Petition read, and ordered to lie on the Table.

DIVINE SERVICE AT PUBLIC THEATRES.

NOTICE POSTPONED.

Viscount DUNGANNON, who had a notice on the paper,

> "To call Attention to the Performance of Divine Service at Sadlers Wells and other Theatres by Clergymen of the Church of England on Sunday Evenings; and to move a Resolution, that such Services, being highly irregular and inconsistent with Order, are calculated to injure rather than advance the Progress of sound religious Principles in the Metropolis and throughout the Country;"

intimated that in consequence of a suggestion that had been made to him, and owing to the interest attached to the proceedings in the other House that evening, he should postpone until Friday, February 24th, his Notice for calling the attention of their Lordships to the performance of Divine Service at Sadler's Wells, and other theatres, by clergymen of the Church of England on Sunday evenings, and concerning which he proposed to move a Resolution to the effect that such services, being highly irregular and inconsistent with order, are calculated to injure rather than advance the progress of sound religious principles in the metropolis and throughout the country. It was a matter of the most serious importance, both as regarded the interests of true religion and the stability of the Church in this country. It was a question on which he thought there ought to be the fullest and freest discussion, both on the part of their Lordships generally, and particularly the right rev. Bench of Bishops; and he therefore would postpone his Motion to the 24th February.

Lord PORTMAN trusted the noble Lord would reconsider his determination to bring this matter forward for discussion between this and the 24th February. No topic was more calculated to disturb the tranquillity and equanimity of their Lordships' House, and he trusted he would reconsider whether it was wise to raise a discussion on the subject.

Viscount DUNGANNON: I am bound distinctly to state that in bringing forward this Motion I conceive I am doing nothing more than making use of my privilege as an independent Peer of Parliament, and that I am endeavouring to discharge my duty as a sincere and honest Churchman; and nothing can induce me to withdraw it.

The Marquess of WESTMEATH thought the subject altogether had better be left in the hands of the right rev. Prelate of the diocese of London, who, by his great good sense, and the judicious exercise of the powers entrusted to him, had attracted the good feeling and admiration of all the members of the Church of England. It might be safely left in his hands, and he trusted that the Motion would not be persevered in.

Viscount DUNGANNON repeated that he could not withdraw his Motion.

The Earl of RODEN concurred in the expediency of not bringing forward the subject for discussion. It involved very delicate questions which would be far better dealt with by the Bishops. He thought it had better be withdrawn.

The LORD CHANCELLOR observed that if in bringing this Motion forward, it could be shown that its object was to deal with anything in the shape of irreverence or breach of decorum, or anything of which a good Christian had a right to complain, the House and the country would be much obliged to the noble Lord for calling their attention to it and animadverting upon it; but if these services were conducted with piety, propriety, devotion, and decorum, he thought there was no reason why they should be dealt with or interfered with.

The Archbishop of CANTERBURY said, he had only to express an opinion in unison with that of the noble Lord who suggested the withdrawal of the Motion. He felt convinced that the noble Viscount who had brought the subject before the House was solely actuated by zeal for religion and reverence of the Church. At the same time it must be borne in mind that if the new system merely attracted by its novelty and curiosity, then alterations would soon cease, and the whole practice would come to a natural end. If, on the contrary, the system was founded on other grounds—was productive of good, and likely to benefit those who greatly needed benefit—he was sure the House would be unwilling to interfere or place an obstacle in the way.

THE BISHOP OF LONDON said, as the noble Marquess had made allusion, in connection with this movement, to himself, he might state that in considering this question he had felt it to be a difficult and a delicate one, but that he had in no respect interfered with it in one way or the other. What had been done had been done by individuals on their own responsibility. He confessed that when the movement was first mentioned it appeared to him to be a sort of incongruity to have services in such places, and he privately expressed an opinion with the view of advising the clergy to be cautious in the matter. It was a very delicate and difficult question, and one on which he was unwilling at present to express an opinion. By doing so he might prevent clergymen from that which in their consciences they felt bound to do. Therefore neither he nor his right rev. Brother of Winchester, in whose diocese the same practices had taken place, had expressed either approbation or disapprobation of the movement.

VISCOUNT DUNGANNON said, he had listened with great attention to the suggestions that had emanated from one he so highly respected as the Archbishop of Canterbury, but he felt a conviction in his own mind that these proceedings were utterly at variance with decency and order, and that therefore he had a duty to discharge from which he would not shrink.

House adjourned at a quarter before
Six o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 10, 1860.

MINUTES.] PUBLIC BILLS.—1° Bribery Prevention, &c.; Registration of Voters; Packet Service (Transfer of Contracts).

HARBOURS OF REFUGE COMMISSION.

QUESTION.

SIR JOHN PAKINGTON said, he would beg to ask the Chancellor of the Exchequer, whom he was glad to see in his place, Whether it is the intention of Government to take any steps in the present Session with a view to carrying out the recommendations of the Harbours of Refuge Commission?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it would be difficult for me, within the limits of an ordinary reply, to give to the question of my right hon. Friend the answer which its importance deserves. If he will permit me, I would simply say that Her Majesty's Government have in preparation a measure on the subjects of Harbours of Refuge, and my right hon. Friend, the President of the Board of Trade will take as early an opportunity of explaining their views in regard to it as the pressure of other parts of public business will permit.

MR. GLADSTONE'S MISSION TO THE IONIAN ISLANDS.

QUESTION.

MR. MAGUIRE said, he would beg to ask the First Lord of the Treasury, Whether he has any objection to produce the papers relating to the Mission of the Right Hon. W. E. Gladstone as High Commissioner to the Ionian Islands; and also, if it is the intention of the Government to produce them, at what time they are likely to be laid on the Table of the House?

VISCOUNT PALMERSTON: Sir, Her Majesty's Government have no intention of laying any papers upon subjects referred to before Parliament; and I do not conceive there is any necessity for their doing so.

ALLOWANCE TO MAJOR-GENERALS.

QUESTION.

SIR HENRY STRACEY said, he wished to put the following question to the Secretary of State for War,—As officers promoted to the rank of Major-General from the Household Cavalry receive £1 9*s.* 2*d.* per diem, and Officers promoted to the rank of Major-General from the Infantry of the Line receive £1 5*s.* per diem, why Cavalry Officers of the Line, promoted to the same rank, and who have been required to attain that rank, to expend for the regulated price of their commission £1,675 more than the sum required as the regulated price for the same commission of the infantry officer should receive the same pay only—that is to say, £1 *5s.* per diem; and the principle of higher pay for greater outlay being recognized in the instance of the Officer promoted from the Household Cavalry, why it is not applicable to the Cavalry Officer of the Line, who has been required to expend for his Commission £1,675 above the sum required of the Infantry Officer of the Line?

Mr. SIDNEY HERBERT said, that the hon. Member was quite right as to the fact of Officers of the Household Brigade receiving a higher rate of pay than Cavalry Officers of the Line. It was not, however, on account of the greater cost of their commissions, but simply because the regular full pay of their regiment was higher than the allowance to ordinary General Officers.

ST. GEORGE'S-IN-THE EAST.

QUESTION.

Lord HENRY LENNOX said, he rose to ask the Secretary of State for the Home Department whether his attention has been directed to the contents of a Letter from the Rev. Mr. Lee, published in *The Times* of Wednesday the 5th inst., detailing certain acts of outrage and violence attempted against the person of the officiating Minister and others during the performance of Divine Service in the Church of St. George's-in-the-East on Sunday last; and whether the Home Secretary will take efficient steps to prevent the recurrence of such outrages on Sunday next.

Mr. BUTLER said, that before the question was answered he had a statement to make, and a question to ask the Secretary of State for the Home Department, upon a matter in which the safety of human life might be involved. It was necessary for him in the first place to read an extract from a letter which he had received that morning from one of the churchwardens of St. George's-in-the-East. That extract was as follows:—

> "From the experience of the past, and particularly of Sunday last, I fear that should the church be opened on next Sunday evening, injury and loss of life will be the consequence. I do not state this from any fear of my own safety, for, judging from my present indisposition, brought on by the anxiety and fatigue caused by the disturbances, in all probability I shall not be able to attend the church on Sunday next."

The question he had to put to the Home Secretary was, Whether he has any objection to state distinctly what steps have been taken to prevent a recurrence of the lamentable scenes which took place in St. George's-in-the-East on Sunday last, and, if loss of life should unhappily occur, who will be held responsible?

Mr. HENLEY said that in the early part of the week the Secretary of State for the Home Department was reported to have said,—"The House will understand that the law does not arm the Police with the power of summary interference in cases of noisy disturbances, or interruptions of silence and order during public worship." He wished to know whether from that answer the country is to understand that the police or other constables are not authorized and required, when requested by the proper authorities, who are the minister and churchwardens of the church, to apprehend persons wilfully disturbing or interrupting public worship, either within or without the church?

Mr. CLIVE said, he would beg leave, in the absence of his right hon. Friend (Sir G. Lewis) who, he regretted to say was unable to be present from indisposition, to answer the three questions which had been put. In reply to the question of the noble Lord (Lord H. Lennox), he had to say that the paragraph in *The Times* which he had referred to had not escaped the observation of the Home Secretary or of the Chief Commissioner of Police. Upon the appearance of that paragraph Sir Richard Mayne wrote to Mr. Lee to the following effect:—

> "I observe in *The Times* a letter with your signature, in which it is stated that 'Mr. King was kicked by a man, who easily managed to get away from the crowd. Another man, calling me a name not usually printed, struck me a violent blow on the stomach, in which act the bystanders, with one exception, seemed to sympathize with him.' I request you will let me know where you were at the time, and whether the assault took place after the service was over—also that you will give as correct a description as you can of the party. It is mentioned in the Police report that Inspector Harrison was called to go to the church, as Mr. King had been assaulted, but Mr. King said he did not know the man who assaulted him. It was not mentioned to any one or made known to the Police that you were assaulted. I have a report from three of the Police who were in the church in plain clothes, who followed close behind down the aisle, who did not see any assault committed upon you, nor did they hear of it till they saw your letter. If communication had been made to the Police at the time the party would have been taken into custody, and if you will give me information the Police will do all in their power to apprehend him."

No answer had yet been received to that

letter. As to the question of the hon. Member for the Tower Hamlets (Mr. Butler) there had been nothing in the disturbances hitherto, so far as he could judge from the reports of the police, to raise any apprehension that loss of life was at all probable. No doubt most improper and indecorous interruptions of the public worship had taken place, but there appeared no necessity for further precautions than those already taken. ["Oh, oh!"] He would be glad if hon. Members would hear him out, and he would tell them what those precautions were. For six successive Sundays the Chief Commissioner of police sent between thirty and forty constables, with a superintendent, to attend the church at all the services. They accordingly attended during part of the month of November and the whole of the month of December, and reported that, although there were interruptions by the shuffling of feet and reading the responses in a disrespectful manner, nothing whatever occurred which they could lay hold of to justify the arrest of any person. As the functions of the police were interrupted, and other duties were neglected, it was thought desirable at the end of the six weeks to put a few men in plain clothes within the building. Since the 1st of January a certain number of men had attended the services, and they also reported that they had been unable to fix on any person who had committed any such outrage as would justify his apprehension. Mr. Inspector Harrison's report, which applied to what took place last Sunday, contained this statement:—

> "I beg to report that on Sunday last I was called to the church and informed that Mr. B. King had been assaulted. I saw Mr. King, and asked whether he wished to give any person into custody. He said no; he did not know the man who had assaulted him. At that time Mr. King was surrounded by fifteen or sixteen gentlemen, his personal friends. I heard nothing of an assault on Mr. F. G. Lee, except by his letter in *The Times* newspaper."

In addition to the body of police within the church a large body were placed outside within a few yards, and the churchwarden was informed that on notice of their being required they were ready to enter. He apprehended that it was not within the duties of the police to suppress manifestations of disapprobation, but that it would undoubtedly be their duty to take into custody any person whom they saw committing an outrage, or assault, or in any way misbehaving himself. With respect to the question as to the laws, the right hon. Gentleman (Mr. Henley) was, no doubt, perfectly aware that a police constable could not arrest any person for a common assault unless he witnessed it. The police had, therefore, naturally looked to the churchwarden or any person who was assaulted to give information; of course, had they witnessed the assault they would have taken the person committing it into custody. The churchwarden intimated to the police that they should be at the door to assist him. They were at the door, and when the churchwarden was asked if he wished their interference, the answer was that he did not. The only statute which would authorize a constable to arrest any person was that of Queen Mary, the words of which were directed against any person who should "molest, disturb, vex, trouble, or unlawfully ill-use any preacher or preachers while celebrating mass or any Divine service." A subsequent statute gave no power of arrest, but merely of issuing a summons, upon which the party summoned might be bound in recognizances to keep the peace.

MR. HENLEY said, that as no definite answer had been given to his definite question, he should renew it upon a subsequent evening.

LORD JOHN MANNERS said, he wished to know what steps the Government intend taking to prevent a scene of disgraceful riot next Sunday.

MR. CLIVE said, he had already answered that question. The same strong body of police which had been on duty at that church for the last eight or ten weeks would be there again. He did not know whether any hon. Gentleman had anything else to suggest. There would, of course, be also police outside the church and ready to be called in.

PUBLIC-HOUSES AND BEER-HOUSES.

QUESTION.

MR. FRANK CROSSLEY said, he would beg to ask whether it is the intention of the Government to bring in a Bill during the present Session respecting Public-houses and Beer-houses.

MR. CLIVE said, the Government had no intention to introduce a Bill on this subject during the present Session.

ATTEMPTED EXCLUSION IN A FREE CHURCH.—QUESTION.

SIR JOHN TRELAWNY said, he wished to ask the Under Secretary of

State for the Home Department whether he has read in the Report of a Committee on means of Religious Instruction, presented to this House, the evidence of Archdeacon Rushton on a case which he witnessed of "repeated and violent" attempts to turn "a poor devout worshipper" out of a church "professedly free" (Trinity Hulm); and of another case in which only one free seat (and that a bracket in the aisle) was provided in a church which, under an Act of Parliament, ought (as Dr. Rushton states) to have had one-third of its seats free.

Mr. CLIVE said, that in answer to the hon. Baronet, he would ask him whether he had read this blue-book (producing a very thick volume). Early next week, no doubt he should be able to answer the question.

VOLUNTEER CORPS (IRELAND).
QUESTION.

Mr. M'EVOY said, he would beg to ask the Chief Secretary for Ireland whether it is the intention of the Government to introduce a measure for the purpose of repealing the Acts which at present prevent Her Majesty's subjects in Ireland from co-operating in the formation of Volunteer Corps?

Mr. CARDWELL stated that Government had no intention of repealing any Acts which at present prevented Her Majesty's subjects in Ireland from co-operating in the formation of Volunteer Corps with their fellow subjects in England and Scotland.

THE TREATY WITH FRANCE.

Lord JOHN RUSSELL appeared at the bar, and on being called by the Speaker, brought up Papers by command.

The Clerk at the table read the title:—"Treaty of Commerce between Her Majesty and the Emperor of the French."

ADJOURNMENT OF THE HOUSE.

Viscount PALMERSTON: I rise, Sir, to make the usual Motion that this House at its rising do adjourn to Monday, and in doing so I will put it to those hon. Gentlemen who have Notices on the Paper of questions and discussions founded on that Motion whether they will have the goodness to postpone them so as to enable my right hon. Friend the Chancellor of the Exchequer immediately to make his statement of the finances of the year.

Motion *agreed to.*

House at rising to adjourn till Monday.

Sir John Trelawny

CUSTOMS ACTS—COMMITTEE.— THE FINANCIAL STATEMENT.

The House, according to Order, resolved itself into a Committee on the Customs Acts.

Mr. Massey in the Chair.

(In the Committee.)

The CHANCELLOR of the EXCHEQUER rose and said: *Sir—Public expectation has long marked out the year 1860 as an important epoch in British finance. It has long been well known that in this year, for the first time, we were to receive from a process not of our own creation, a very great relief in respect of our annual payment of interest of the national debt—a relief amounting to no less a sum than £2,146,000—a relief such as we never have known in time past, and such as I am afraid we never shall know in time to come. Besides that relief, other and more recent arrangements have added to the importance of this juncture. A revenue of nearly £12,000,000 a year, levied by duties on tea and sugar, which still retain a portion of the additions made to them on account of the Russian war, is about to lapse absolutely on the 31st of March, unless it should be renewed by Parliament. The income-tax, from which during the year we shall have derived a sum of between £9,000,000 and £10,000,000, is likewise to lapse at the very same time, although an amount not inconsiderable will still remain to be collected in virtue of the law about to expire. And lastly, an event of not less interest than any of these, which has made public feeling thrill from one end of the country to the other—I mean the commercial treaty with France which my noble Friend the Foreign Minister has just laid on the table—rendered it a matter of propriety, almost of absolute necessity, for the Government to request the House to deviate, under the peculiar circumstances of the case, from its usual, its salutary, its constitutional practice of voting the principal charges of the year before they proceed to consider the means of defraying them, and induced the Government to think they would best fulfil their duty by inviting attention on the earliest practicable day to those financial arrangements of the year which are materially affected by the treaty with France, and which, though they reach considerably beyond the limits of that treaty, yet, notwithstanding, can only be examined by the House in a satisfactory manner when examined as a whole.

This must be our apology, if any apology be needed, for asking the House to take into its earnest consideration the matters which I am about to submit to it. And, Sir, every consideration both of gratitude for the kindness of the House to myself and likewise of public duty will ensure that, if I have an extensive field to traverse and many subjects to open and discuss, I shall not, at least, make any wanton trespass on the time and attention of the House. The results of the finance of the last year, inasmuch as it has not positively reached its close, can only be presented in a form founded partly on account and partly on estimate. At the same time they will be given in figures on which the House may place reliance as being for every practical purpose perfectly safe. It is necessary for me here to remind the House that, as is not usually or frequently the case, circumstances have occurred during the latter portion of the present financial year which tend materially to influence its results. The expedition to China has made it necessary to enlarge the proposed military and naval expenditure of the year, even beyond the liberal scale of provision supplied by Parliament in the last Session ; and likewise the arrangements coming into force under the commercial treaty with France, in case the provisions of the treaty shall receive the sanction of the House—will act materially upon the Customs revenue for the residue of the year. I will, therefore, Sir, with your permission, first present to the Committee the state of the account as it stood, entirely apart from these disturbing causes, and I will then in a few words show the Committee how, since these causes have come into action, it is at present likely to stand. The results of the year in a financial point of view—at least, so far as receipts are concerned—have been eminently satisfactory. The Customs revenue, which I estimated at £23,850,000, and which I estimated at that amount so lately as the month of July last, will produce—apart from the causes to which I have referred—and I beg the House all along to bear this parenthesis in mind—£24,750,000. The Excise I estimated at £19,310,000 ; it will produce £19,724,000. The Stamps, however, show a small deficit, having been estimated at £8,100,000, while they will produce only £8,000,000. The Land and Assessed Taxes were estimated at £3,200,000 ; they will produce the same sum. The Income tax was estimated at £9,940,000 ; it will produce £9,894,000. The Post-office revenue was estimated at £3,250,000 ; it will produce that sum. The Crown Lands were estimated at £280,000 ; they will about fulfil that estimate. The Miscellaneous Revenue was estimated at £1,530,000 ; it will produce £1,480,000. The general result will be this :—The revenue was estimated to produce £69,460,000, and it would have produced £70,578,000. On the other hand, looking at the side of expenditure, we should have stood as follows :—The interest of the funded and unfunded debt, estimated at £28,600,000, will amount to £28,638,000; the Miscellaneous and Consolidated Fund charges amount to £1,960,000, the sum at which the estimate was taken; the Army was estimated at £13,300,000, and it would, independently of the recent measures, have cost £13,550,000, in consequence of an excess of expenditure handed over from the preceding year. The Navy was estimated at £12,782,000; it would have cost £12,630,000. The expenses of the Civil Service—called miscellaneous—were estimated at £7,825,000; they would have cost £7,700,000. The Revenue Departments were estimated at £4,740,000; they would have cost £4,447,000. The total result is that, whereas the estimated charges of the year were £69,270,000, the total expenditure would have been somewhat less, or £68,953,000. Comparing this expenditure of £68,953,000 with the receipts of £70,578,000, the Committee will perceive that we should have had a surplus of income over expenditure of not less than £1,625,000. That surplus would have been the result of the liberal and wise provisions made by Parliament in the past Session to meet the expenses of the year. As matters now stand, indeed, it will not be available for the reduction of the National Debt, for it has almost entirely been absorbed; yet, nevertheless, it may serve for a good example of the prudence of that rule which always induces this House, when appealed to for the purpose, to provide ample means to meet the public expenditure, inasmuch as Parliament will by means of it be enabled, if it shall think fit, to carry forward measures of great importance without any new financial provision.

But, Sir, after Parliament had adjourned, as I have stated, we had to encounter additional charges; and I come now to what I have called the disturbing causes which have acted on the revenue.

The necessity of making provision for the expedition to China—an expedition to be the bearer, in the first instance, of peaceful remonstrance—cast an addition on the votes for military expenditure, which, together with an excess in the army expenditure in the year 1858-9, stands as follows:—Army, £900,000; Navy, £270,000. Then has arrived the treaty with France. It is very difficult indeed to estimate for so short a time as that which has to pass before March 31st what the results and effects of that treaty will be upon the Customs revenue, more especially as a question may arise with respect to certain payments which it may be requisite to make to a limited class of persons who are affected by some of the peculiar arrangements of that treaty. However, we have assigned what we think an ample amount; and I have therefore to deduct from the estimate which I have submitted to the Committee for the Customs revenue of the current year a sum of £640,000. We, therefore, stand worse than we should have stood by £1,170,000 for additional charges on the army expenditure, and also by £640,000 likely to be lost on our Customs receipts in consequence of the treaty with France. The total of these two is £1,810,000, which, being deducted from the surplus we should have had, would appear to place us on the wrong side of the account. But deliverance has come in from a quarter from which, perhaps, it would not have been expected.

> "Via prima salutis,
> Quod minimè reris, Graiâ pandetur ab urbe."

A friendly kingdom has undertaken to pay us a debt, and this at the very moment when she herself is engaged in war. Spain, not under any peculiar pressure from us, but with a high sense of honour and duty, not wishing to avail herself of the plea which, I do not hesitate to say, she might under the circumstances have advanced for time, has remitted to us a sum in bills which will shortly come due, of nearly £500,000, of which £250,000 will come to the credit of the revenue before March 31st. And now, Sir, if the Committee will take the trouble to compare the figures, it will be seen that we set out with a probable surplus of £1,625,000; adding to that surplus the £250,000 of which I have spoken, it becomes £1,875,000, against which we have a charge of £1,810,000; a state of the account which will leave the Chancellor of the Exchequer with a surplus—undoubtedly one of the narrowest on record, but still a surplus not a deficit.

This, then, Sir, is the probable state of the account for the present year, ending with the 31st of March. I now proceed to approach the more extensive and more difficult part of the subject—that which relates to the charge and expenditure of the coming year 1860-61.

First, Sir, the estimated charge for the funded and unfunded debt in the coming year is only £26,200,000, which shows a decrease of £2,438,000—a sum considerably larger than the amount of the annuities which are about to fall in. But the reason of that greater decrease is that—as the Committee may probably recollect—we were called on last year to make a special provision for the quarterly payment that falls exceptionally into this year, in consequence of the determination of the annuities; whereas, if it had continued to run its full term of half a year, it would have gone into the year 1860-61. That arrangement swelled the charge for the debt in 1859-60, and proportionately augments the relief from that charge in the year 1860-61. Therefore, the charge for the debt stands only at £26,200,000. The Consolidated Fund charges, commonly so called, stand at £2,000,000 exhibiting an increase of £40,000. The Army and Militia, including a Vote of credit to the amount of £500,000, which it will be our duty to propose on account of the Chinese expedition, will amount to £15,800,000. The Navy and Packet Services—which I mention together for the purpose of easier comparison with former years, though the Packet service is likely to be separated from the Admiralty—will stand in the Estimates at £13,900,000. These two sums, which together include the whole military expenditure of the country by land and sea, along with the cost of the packet service, amount to £29,700,000, showing an increase of £3,618,000 on the Military Estimates, in the same sense of the term, which were voted last year, and an increase of £2,448,000 on the Military Estimates for the current year, as they stand augmented by the additional charge that will be brought upon them if the House should grant the sum for which the Goverment will think it their duty to ask.

The Miscellaneous Civil Estimates are taken at £7,500,000. That amount exhibits a decrease as compared with the Estimates of last year of £325,000; and if the Committee which the House has in some manner declared its intention of appointing, should be enabled to enter on its labours at an early period, and shall prosecute them with such vigour and success as to enable us to carry further the process of retrenchment, I assure the hon. Gentleman who moved, the hon. Member for Birmingham who supported, and the other Members of the majority who carried the Motion for its appointment, that it will be a result acceptable to Her Majesty's Government.

The estimate for the Revenue Departments, standing at £4,700,000 presents an apparent increase of £225,000 ; but do not suppose that this is a real increase of the charge ; it is due, to speak in general terms, to an increase of accommodation in the Post-office Department, which I have no doubt will continue to be fully balanced by the increase of revenue in that branch of the public service. The total amount of the six sums which I have stated to the Committee is £70,100,000.

With respect to one great and conspicuous head of increase—that on the Military and Naval Estimates—it is not my intention at the present to enter into any discussion ; but it will be the duty of my right hon. Friend and of my noble Friend who represent those departments respectively, to explain that subject to the Committee at the earliest date, and to lay before them the nature of the special, and, we may hope, in a great degree temporary, causes which have rendered it necessary to make so considerable a demand on the country. Now, Sir, when we look at the estimated income for the coming year, it is a matter of which the first view will hardly be found satisfactory. And I confess I am not sorry that the figures should be such as will at least draw serious attention to the whole subject. For it is well that, in addition to your annual review of the income and expenditure, there should be special junctures with circumstances so marked that you are obliged to institute a deeper and more comprehensive examination, and to consider more at large what is the proper scale both of taxation, and likewise of expenditure, for this great country.

The estimated income for 1861 will be taken by me in the first instance with reference simply to the law as it stands ; except that I shall assume that the Committee would, almost as a matter of necessity, think it right to renew the taxes on tea and sugar at rates not less than that which they deliberately adopted in 1853. Pray understand that I am assuming the renewal of these particular duties at what would be called the *minimum* rate, but I shall assume nothing else beyond what is absolutely given us by the law, so that I may exhibit to the Committee, as fully and as clearly as I can, the nature and the whole extent of the deficit which they will have to supply, in order that they, on their part, may exercise the largest and the freest choice with respect to the means which they may think proper to adopt for that purpose.

Approaching the subject from that point of view, we estimate that the Customs will yield £22,700,000 ; the Excise, £19,170,000 ; the Stamps, 8,000,000 ; and the Taxes, £3,250,000. The Income-tax, that is one half-year still outstanding at the rate of five-pence in the pound, would yield £2,400,000 ; the Post-office, £3,400,000 ; the Crown Lands, £280,000 ; and the Miscellaneous Revenue, 1,500,000. The total of these receipts would be £60,700,000. The total charge which I have exhibited is one of £70,100,000 ; and the apparent deficit, I need hardly state to the Committee, amounts to £9,400,000.

I am not representing a brilliant state of affairs as respects the revenue and expenditure of the country, nor do I pretend to place on it any such colour. We have a prosperous country, a wealthy country, a country rapidly growing in wealth and power ; but the relative state of your revenue and expenditure is such as I have described. And pray observe that in that charge of £70,100,000 we get the benefit of the 2,000,000 and upwards of annuities which will fall in during the year. I am bound, also, to say that I am not in a condition to ask you to do all that might under other circumstances have been desirable. I frankly own that I do not feel myself in a position to propose, as I otherwise might have proposed, that you should make provision for the payment of the sum of £1,000,000, which will be due for Exchequer-bonds in November next. Such as it stands, without any such provision, you have the deficit before you.

And now, Sir, it would be perfectly possible for me to close, were it not for the treaty which I have to discuss ; it would, at any rate, have been perfectly possible for the House, if such were the view which they entertained, to close the whole account by a very simple, but, I must say, a very rude process. £9,400,000 is wanted. I will suggest to you two modes, by either of which you might have thought fit to supply it. You might have said, or you may still say, we shall keep the tea and sugar duties at their present rates; that determination would supply a sum of £2,100,000. But £2,100,000 taken from £9,400,000 still leaves the less formidable, yet rather intractable sum of £7,300,000. And now I beseech the Committee to observe that if they think with the Government, that the large and ample provision which we are about to propose for the services of the country is a necessary outlay, they will have to make good the deficit of £7,300,000, irrespective of any treaty with France, of any relief to the people, of any improvement of the commercial laws, of any remission whatever of taxes affecting trade or industry, even to the extent of a single shilling. And what is meant by filling up the deficit of £7,300,000? It means, at any rate, an income tax of 9*d.* in the pound. The tax at that rate would give you for the year 1860-1 the sum of £7,672,000, or a surplus of £372,000. This would certainly be a possible measure. But, again, supposing you were to take a more liberal view of the matter, and to say we do not think it right that there should be no remission on articles connected with the trade and industry of the country, or that duties on tea and sugar which were imposed for the purposes of war, and have been kept on during three or four years of peace, should be further prolonged. Well, then, abandoning the war duties on tea and sugar, and keeping on what may be called the peace duties, then in order to fill up the deficit of £9,400,000 you would require the very neat and easily stated and easily understood sum of an income tax of 1*s.* in the pound. This also would be without any other remission of duty, and would be simply what is required for the general demands of the revenue.

Then, Sir, it may be said, and said with justice to many Members of Her Majesty's Government—but most of all with justice may it be demanded of me—what has become of the calculations of 1853? It is a perfectly legitimate question, and I can render to my hon. and learned Friend who cheers it an answer so simple that the wayfarer "who runs may read" it. Our financial calculations dated 1853 are to be found in *Hansard*, and from that indubitable source I have within the last two or three days refreshed my own recollections. Those computations I find are capable of being presented in a very simple form. We reckoned that we should gain

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upon revenue in the interval between 1853 and 1861 in the following proportion:—from new taxes then proposed, including the succession tax, £2,549,000; from lessened charge on account of the national debt, £1,264,000; at the same time we knew that terminable annuities would fall in in 1860 to the amount of £2,146,000. Adding together these three chief sources of relief, they make a sum of £5,959,000, which is as nearly as possible the sum to which the income tax, at the rate of 7*d.* in the pound, was estimated for the year 1851. The actual estimate was £6,140,000, which, with this sum of £5,959,000 to set against it, we should have been able to surrender. With regard to these calculations, they have suffered some damage; they have suffered considerable damage from what has since occurred. But that damage is not the cause of our not being able to dispense with the income tax. I can show demonstrably that this is not the case. The succession duty failed to produce what we expected of it, partly, or rather mainly, because it was found that by the usual course of succession real property goes in the direct line in a much greater number of cases than personal property; so that if £100,000,000 a year in real and settled property came under the succession duty, that amount would not yield the same average of duty as if it had been personal property. I do not now speak of a fact known to the Committee, that only life interest is valued with respect to real property, but, over and above that, real property descending in the direct line from father to son and grandson pays only 1 per cent duty. That course of direct descent prevails in a much greater number of instances in real than in personal property, and consequently, while the revenue from this source attains its *maximum* more slowly than we anticipated, that *maximum* itself will also be lower. At the present moment, for the year 1860-1, we stand worse than we reckoned in 1853 by £1,000,000 on account of the failure of the succession duty. Besides this, instead of being able to apply an annual surplus of revenue towards the extinction of debt, that surplus has been required by the necessities of war, and its application to the diminution of debt was stopped for three or four years. That likewise tended to disturb our calculations. The amount of this surplus may be taken at £320,000. But the most serious item of all was the additional debt contracted on account of the Russian war. It created an additional charge upon us of £1,400,000 per annum. Under these three heads, therefore—the deficiency in the amount of the succession duty, the stoppage of the surplus applicable to the extinction of debt, and the additional charge created by the Russian war—we stand worse than in 1853 by the sum of £2,720,000 a year. But, Sir, that sum has been fully compensated from other sources. The experiment I commenced with a timid hand in 1853, of raising the spirit duties, was again followed up by myself in 1854, and by my successors down to 1858. That increase has added a permanent revenue to the country of perhaps from £1,500,000 to £2,000,000 a year; and if, along with the general productiveness of the revenue, your expenditure had continued to be anything like what it was, you might at this day have done what you please with the income tax. In 1853 the annual expenditure was £52,183,000. To that sum I add on account of the additional debt, £1,400,000, and £4,700,000 for the collection of the revenue; this would make the actual charge £58,283,000. But the estimate of the revenue for the year 1860-61, with the tea duty and the sugar duty each reduced to the *minimum* as fixed for a time of peace, is not only £58,283,000, it is £60,600,000, leaving a surplus at your disposal, without looking to any removal of the income tax, of £2,317,000, if your expenditure had continued what it was. A larger sum, I need hardly remind the Committee, than the amount of income tax which will still be outstanding on the 1st of April. And now I come to the true explanation of your altered power. It is to be found simply and entirely in the comparison of charge at the respective periods. In 1853 the whole amount voted for Supply and Services of every description, including the Miscellaneous charges on the Consolidated Fund, was £24,279,000—that was the proportion of the public charge or expenditure that was under the control of Parliament. But in 1860-61, instead of £24,279,000, these charges amount to £39,000,000, showing an increase in your expenditure of £14,721,000. This increase is, as nearly as may be, the exact representative of what would be in itself an income tax of 13½*d*. in the pound. I ask now, Sir, from my learned Friend, whether I have not redeemed my pledge?

Sir, the period at which I address you is a period of so much interest and so much importance that, even at the risk of occupying a few minutes of your time, I wish to dwell a little on the subject of public expenditure, because I admit that my statement thus far, though true, and I hope clear, is an imperfect statement. It would not be fair to speak of the great increase in the expenditure of the country without considering the great extension of the means by which that increase is supported. The country is richer than it was in 1853 in a degree really astonishing. Permit me to lay before the Committee, as well as I can, a criterion by which we may arrive at some idea of the truth with respect to the increase in the wealth of the country; and then we can institute a just comparison between the rate of increase in this wealth and the rate of increase in the public expenditure. The best mode of making an estimate of the rate of increase in the wealth of the country is to resort to the income tax. No other criterion is comparable to it, for, though it may not be an exact index of the truth in this matter, in any one year, yet, as between any one period and another, I believe it is an index on which we may safely rely. But, in taking the income tax as a measure of the income of the country, I beg to object to two out of the five schedules of the tax. Schedule C does not, I think, represent any portion of the wealth of the country in the sense of its productive power. It represents income from the funds, that is to say, a charge imposed upon the property of the country at large, just as a mortgage is imposed upon a particular estate. Schedule E represents the income of the fraternity to which I myself have the honour at present to belong, including the salaries of what are termed officials, that is to say, Ministers and others who are receivers of public allowances. But I do not take an increase in the salaries of these gentlemen as any material augmentation of the wealth of the country. What this House has been about I do not exactly know; I believe there has been a considerable transfer of officers from D to E, which may have imparted to the latter schedule something of a factitious augmentation; assuredly, however, the growth of that most respectable company of salaried gentlemen must have been viewed with delight by all who take an interest in the body. But the test of the wealth of the country by comparison must be taken principally from Schedules A, B, and D. The profits derived from lands and tenements, from all real and moveable property, are included in Schedule A. Schedule B represents the tax levied upon the occupiers of land, and it varies mainly with the amount of rent paid. Schedule D includes the profits derived from trades and professions. I will take two periods; the period from 1842, when we commenced our great career of commercial legislation, to the year 1853, when we closed it—I hope to be renewed—under the pressure of war. I will also take the period from 1853-4 to 1857-58, because it is the last year in which the returns are made up; and I will carry it on for two years by estimate, assuming the same rate of increase to have continued to 1859-60. Now the net amount shown by these three schedules of the income tax conjointly is as follows:—In 1842, £154,000,000; in 1853, £172,000,000; in 1857-8, £191,000,000; and in 1859-60, £200,000,000. The increase in the wealth of the country between the first period and the second was 12 per cent in eleven years; the increase between 1853 and 1860, as thus returned, was 16½ per cent in six years. That undoubtedly shows a very large increase in the wealth of the country. I think it will also be interesting to the Committee to know in what proportions that increase has been distributed between the classes represented by three of the Schedules to which I have referred; for I must say that the statement is one which throws a very considerable light upon the condition of the landed interests, and more especially upon that of our old friend, the farmer. I shall take the period from 1853-4 to 1847-8, a period of four years, for which we have the latest possible returns; and I find that during those four years the income under the head of Schedule D, which embraces the profits on trades and professions, grew from £64,974,000 to £70,703,000, or at the rate of 9 per cent; while that under the head of Schedule A, which represents real and immovable property, grew from £96,129,000 to £106,972,000, or at the rate of 11¼ per cent. At the same time, Schedule B—which represents the profits of the farmer, but having, also, no small degree of reference to the rent of the landlord—grew no less than from £11,123,000 to £13,436,000, or at the rate of 19 per cent. That being the case, I rejoice to think that we now live in times when any hon. Gentleman may, if he thinks fit, attend an agricultural dinner, and congratulate his hearers upon the prosperity of their condition without being considered to offer them an insult. I must at the same time observe, lest I should appear to be representing the condition of this particular class in colours too sanguine, that during the period which elapsed between 1842 and 1853, the case was far different with it, inasmuch as Schedule B exhibited during that time, unfortunately, no increase whatever. A change has since taken place, and I am happy to say it is a change which must be satisfactory in the highest degree to the community at large.

Having thus spoken of the increase of wealth in the country, the Committee will, perhaps, permit me very briefly to compare it with the rate of increase in our expenditure. I shall in the first instance compare the growth of wealth with the total expenditure—that is to say, with the whole State as well as the whole local expenditure, as far as the latter can be ascertained; for the local expenditure of the country is likewise beginning to form a very considerable item in our financial calculations, and it shows a disposition to grow to an extent which makes it well worthy of the serious attention of the Committee. I may, in the first place, state that my right hon. Friend the Secretary for the Home Department has been good enough to obtain for me certain returns in connection with this local expenditure, which are trustworthy, although I do not mean my statements will be literally accurate, as they must in part be founded upon estimate. Well, then, to proceed—the gross expenditure of the State was in 1842-3, £55,223,000, and the local expenditure in the three kingdoms was in the same year £13,224,000; making a total, in round numbers, of £68,500,000. In 1853-4 the total State expenditure was £55,769,000, or very nearly the same amount as in 1842-3, and the local expenditure £15,819,000; making together, in round numbers, 71 millions and a half, instead of the 68 millions and a half which was the amount in 1842-3. In the year 1859-60 the gross State expenditure had grown from £55,769,000, which it was in 1853, to £70,123,000. The local expenditure—no doubt actuated by a spirit of honourable rivalry—increased in the same period from £15,819,000, which it was in 1853, to at least £17,458,000. The total expenditure for the year 1859-60 thus reached £87,697,000. It thus appears that in the eleven years from 1842-3 to 1853-4, the expenditure of the country under the two comprehensive heads which I have mentioned, increased at the rate of

4½ per cent, while in the six years which have elapsed between 1853 and 1859 it became much more mercurial, and increased at the rate of 22½ per cent. But in order to bring home to the Committee the real importance of the question which is raised, not so much by the gross amount of the Imperial expenditure as by that portion of it which is under the control of Parliament, and for which Parliament is responsible, let me take the increase which has occurred during the same period in the expenditure which has been voted by this House, or which is, for certain miscellaneous purposes, charged on the Consolidated Fund. The two items which come under this head I shall call optional expenditure, and I may briefly state that they amounted in 1842-3 to £21,487,000; in 1853-4 to £23,361,000. Thus the increase in this expenditure which, as I before said, is under the control of Parliament, and whose amount is in the main determined by public opinion, in eleven years amounted to no more than a sum of £1,874,000, or at the rate of 8¾ per cent; but during the period from 1853 to 1859, a period of six years, it increased from £233,61,000, at which it had stood in 1853-4, to £36,898,000, or at the rate of 58 per cent.

Now, therefore, you have at your command a tolerably complete comparison between the rate of growth in the wealth of the country and the increase in its expenditure. Between the years 1842 and 1853 the increase in her wealth was at the rate of 12, and that in her expenditure at the rate of 8¾ per cent; while between 1853 and 1859 the national wealth grew at the rate of 16½, the public expenditure, so far as it was optional and subject to the action of public opinion, at the rate of 58 per cent.

I have troubled the Committee with these particulars because I deemed it right to invite their attention to what is a subject of vital importance. The country may be right in the course which she is now taking, but, at all events, that course ought not to be pursued blindfold. We ought, on the contrary, to have a clear knowledge of the proportion which our wealth bears to our expenditure, in order that we may be able to take a comprehensive view of our financial position, and have full means of measuring the policy which we ought to adopt. Let me now recall to the recollection of the Committee the fact that our fiscal situation—to borrow a phrase from our neighbours on the other side of the Channel—as it stands is this. There is a deficit of £9,400,000, the best means of providing for which it becomes our duty to consider; and we ought not, in my opinion, to face a question of such magnitude as is now before us, without having duly weighed the principles upon which we are to proceed, and the policy on which we mean to act. Now I have already indicated to you a summary budget which might have the effect of filling up the hiatus which I have mentioned. I have also shadowed out to you another and a more generous budget, which, providing you with an income tax of 1*s.* in the pound, would achieve the same object, and would enable you to relieve the consumers of tea and sugar to the extent of the remaining portions of the war duty; as well as that more niggardly budget, which would keep up the duties on tea and sugar, and would still leave the country liable to an income tax of 9*d.* in the pound. With what views, then, and upon what principles, are we to face this state of circumstances; I may at once venture to state frankly that I am not satisfied with the state of the public expenditure, and the rapid rate of its growth. I trust, therefore, that we mean in a great degree to retrace our steps. The process of retracing our steps in such a matter, however, even were it resolved upon and begun, is one which must necessarily be gradual; for, if it be not pursued with circumspection and with caution, it will serve but to aggravate the very evils which it may be intended to remove. I assume, therefore, whether the Committee concurs with the Government in the expediency of the Estimates which they have submitted, or are about to submit to the House, or whether it does not, that you can effect no radical change in the scale of that expenditure on which you have now, for a series of years, embarked—no radical change, I mean, applicable to the operations of the present year, or to the provision you will have to make for filling up the gap which yawns before you, and which is represented by the figures £9,400,000. The real question with which we have to deal is whether we ought upon this occasion to say our necessities are great, our means too narrow, to enable us to effect any commercial reforms. Such reforms are all very well, it may be contended, for fine weather, but they do not suit a period of pressure and alarm. That is, I know, a favourite doctrine with some classes, but against the justice of that doctrine I for one protest. And upon the part of the Government I do not hesitate to say that, at an epoch so marked and signal in our financial history as the year 1860, it is their opinion that it is the duty of Parliament to take some steps in advance in that career of commercial improvement which, perhaps, more than any other cause, has contributed to confirm the prosperity of the country, and the security of its institutions, under the auspices of the Sovereign under whose rule it is our happiness to live.

There are in the present year special reasons why we should pursue such a policy as that to which I refer. The first of these I find in the cessation of the Long Annuities. Are we to be told that when a sum of £2,000,000 and upwards annually, which we have hitherto been obliged to pay on the national debt, comes into our possession, it only remains for us to cast it into that great gulf of expenditure, there to be swallowed up and to disappear? That sum is a mighty engine for the purposes of relief, while for the purposes of expenditure, such as expenditure is now, it is comparatively unimportant. Applied to the purposes of relief, you may by its means shed a thousand blessings over the land; thrown into the scale of your expenditure it represents, after all, but the difference between the £13,000,000 which you have already added to that expenditure and the £11,000,000 which you might have added. The next of these reasons is to be found in the state of the tea and sugar duties. They have continued to be levied for three years at a rate exceeding that which was fixed for time of peace, and this even while the income tax was allowed to sink to *5d.* I do not say that we are bound to choose these particular duties for reduction unless we find that a reduction of them will be the best of all the reductions that may be within our choice; but I do confidently urge that the position of these duties offers a strong reason why we should endeavour to afford on this occasion a considerable relief, and give attention to the claims of the people, as well as to the claims of trade, on which the prosperity of all classes mainly depends. There is yet another special reason. It is my intention before sitting down to propose to the Committee that they shall apply in aid of the expenditure of the year a sum of not less than £1,400,000, which is no part of the proposed taxation of the year, but which will be obtained by rendering available another portion of the malt credit, and the credit usually given on hops. That may, under our present circumstances, be a salutary measure; but if we are employing in aid of the year extraordinary resources which form no part of its public burdens, that is a reason why we should also include in its arrangements special benefits, and make use of the means thus supplied for carrying forward the great work of public improvement.

But, Sir, I am not satisfied to place this duty on narrow grounds of whatever kind. It is not simply because annuities are falling in—it is not simply because we have considerable funds to be drawn from this source or that. We must look at the question from another point of view. We must take it for granted that for the present we have attained to what may be called a high level of public expenditure, and that we are likely to remain on that high level for some time at least. Is that a reason, or is it not, why we should arrest the process of reforming the commercial legislation of the country? I say that is no reason for stopping—I say more, it is a distinct reason for persevering in that process and carrying it boldly and readily to its completion. Let us, however, glance for a moment at our position. If we were, in the year 1860, to hold our hands, let us consider what aspect our procedure would bear. For seven years, under the pressure of war and of demands for increased expenditure, we have intermitted the course of commercial improvement on which we had entered: we have now arrived at a year of unexampled financial relief as regards the charge of the public debt, a year of which the Ways and Means will be enlarged by special resources, and a year which obliges us to reconsider the existing duties on tea and sugar. If, after such a period of years, on a review of a juncture like the present, we stop in 1860, will it not be supposed that we stop for ever? In truth, if this be not a fitting opportunity for endeavouring to give increased effect to the beneficial principles of your legislation, I, for one, must frankly own I know not when such an opportunity will arise. But, Sir, I come now to the broader view of the truth of the case. Our high taxation is not a reason for stopping short in our commercial reforms; it is a reason why we should persevere in them. For it is by means of these reforms that we are enabled to bear high taxation. What, I ask, has the country done during the last six months? It has paid an income tax, which, during the half-year, was at the rate of 1*s.* 1*d.* in the pound. Would that tax, so suddenly imposed, have been borne as it has been borne without discontent, but for the strength which the country has derived from the recent commercial legislation? In stating that this great and sudden augmentation of the income tax has been borne without discontent—[An hon. MEMBER: Hear, hear!]—I speak in general terms. Indeed, I now remember that I myself had, about a fortnight ago, a letter addressed to me, complaining of the monstrous injustice and iniquity of the income tax, and proposing that, in consideration thereof, the Chancellor of the Exchequer should be publicly hanged. Of course I do not mean to say there has in no individual case been a murmur; but, upon the whole, speaking with the necessary latitude that must attach to general expressions, I am justified in saying that this high rate of taxation has been borne throughout the country with a most extraordinary, laudable, and honourable forbearance. It was, I think, Lord Londonderry who complained of the people of England as exhibiting an 'ignorant impatience of taxation;' but I think, were he to rise from the dead and again take his place in this House, he would be very much more likely to describe them as distinguished by an ignorant patience of taxation.

I wish, however, Sir, to show more particularly the connection that subsists between commercial reforms, as affecting trade and industry, and the power to pay the high taxes you have imposed. These two subjects are inseparably locked the one in the other. You shall have the demonstration in figures. I again ask you for a moment to attend with me to the experience of two periods. I take the ten years from 1832, the crisis of the Reform Bill, down to 1841, during which our commercial legislation was, upon the whole, stationary; and I take the twelve years from 1842 to 1853, within the circuit of which are comprehended the beneficial changes that Parliament has made. In the ten years from 1832 to 1841 this was the state of things:—You imposed of Customs and Excise duties £2,067,000, and you remitted £3,385,000, exhibiting a balance remitted over and above what you imposed of £1,317,000, or at the rate of no more than £131,000 a year. Now, observe the effect on the state of the revenue. During these ten years the Customs and Excise increased by £1,707,000, or, at the rate of £170,000 a year; while the increase of the export trade was £15,156,000, or at the annual rate of £1,515,000. Let us next take the twelve years from 1842 to 1853. You remitted during that period of Customs and Excise £13,238,000, and imposed £1,029,000, presenting a balance remitted of £12,209,000, or an annual average of £1,017,000. What was the effect on the revenue? The Customs and Excise increased £2,656,000, or at an annual rate of £221,000. When you remitted practically nothing, your Customs revenue, in consequence of the increase of the population, grew at the rate of £170,000 per annum; and when you remitted £1,017,000 a-year, your Customs and Excise revenue grew faster than when you remitted nothing, or next to nothing at all. I ask, is not this a conclusive proof that it is the relaxation and reform of your commercial system which has given to the country the disposition to pay taxes along with the power also which it now possesses to support them? The foreign trade of the country, during the same period, instead of growing at the rate of £1,515,000 a-year, grew at the rate of £4,304,000. I say, then, Sir, without hesitation, that it is the duty of the Legislature, both on account of the special circumstances of the juncture, and likewise, and still more, on the broad ground of general and comprehensive principle, at this time to make considerable remissions; and if that be so, the next question is on what principle you should make them.

When we have arrived at this stage of the question, the subject of the tea and sugar duties may naturally occur to the mind of every one as having a presumptive claim, at any rate, to the first consideration. I am bound, however, to say that these are not the subjects on which it has appeared to the Government that they might operate with the greatest advantage. No doubt the duties on tea and sugar are taxes most desirable to be reduced. They are harmless and beneficial articles—articles of universal consumption, and I trust the time may arrive, and arrive at no distant date, when we may be able to recur to our former standard in regard to these taxes. But, on the other hand, there never was a time when the people were so well able to pay these taxes as now. The increase in the consumption of these articles is regular, and the revenue is a growing revenue. If we are to have a very large scale of expenditure and a very high income tax, I cannot think, while the bulk of the burden should fall on the shoulders of those having property, that it is otherwise than desirable that the labouring classes should bear their share of the burden in a form in which it will be palpable and intelligible to them, rather than in forms in which it will be veiled from their eyes. But, Sir, I take my stand more especially on this consideration;—the duties on tea and sugar, whatever else they may be, are simply revenue duties. They entail no complexity in the system of Customs law; above all, they entail none of the evils that belong to differential duties; and I will by-and-by invite you to join the Government in adopting measures whereby you will be able to counteract and root out evils of that peculiar and aggravated kind, as well as to give relief in the price of commodities. But I do not hesitate to say that it is a mistake to suppose that the best mode of giving benefit to the labouring classes is simply to operate on the articles consumed by them. If you want to do them the *maximum* of good, you should rather operate on the articles which give them the *maximum* of employment. What is it that has brought about the great change in their position of late years? Not that you have legislated here and there, taking off 1*d.* or 2*d.* in the pound of some article consumed by the labouring classes. This is good as far as it goes, but it is not this which has been mainly operative in bettering their condition as it has been bettered during the last ten or fifteen years. It is that you have set more free the general course of trade; it is that you have put in action the process that gives them the widest field and the highest rate of remuneration for their labour. Take the great change in the corn laws; it may even possibly be doubted whether up to this time you have given them cheaper bread—at best it is but a trifle cheaper than before; that change, however, is one comparatively immaterial; but you have created a regular and steady trade which may be stated at £15,000,000 a year; by that trade you have created a corresponding demand for the commodities of which they are the producers, their labour being an essential and principal element in their production, and it is the price their labour thus brings, not the price of cheapened commodities, that forms the main benefit they receive. That is the principle of a sound political economy applicable to commercial legislation, and that is the principle on which we will to-night invite you to proceed.

I may simply state, therefore, in passing, in regard to the tea and sugar duties, that we shall ask Parliament to renew them,—not to renew them for any lengthened period, but only for one year, with the further addition of three months till July, 1861; an addition for which we shall ask on the simple ground that the 1st of April is an inconvenient period, as it restricts too much the time within which Parliament has to consider the question.

SIR J. PAKINGTON: You propose to leave the duties as they are?

THE CHANCELLOR OF THE EXCHEQUER: I mean to ask for the duties precisely as they now stand; that is, 1*s.* 5*d.* per pound on tea, and the duties on sugar, which are classified at various rates on the various descriptions, but which may be represented on the whole as being about 3s. the cwt. above the *minimum* point at which they stood fixed in 1853.

Having thus far stated to the Committee the conviction of the Government that we ought to have remissions, and large remissions of duty—and further that we ought to have those particular remissions in preference to all others by which we may most effectually act upon the trade and commerce of the country, and upon the demand for the labour of the people—I come now to the question of the commercial treaty with France. And, Sir, I will confidently recommend the adoption of the treaty to the House, as fulfilling and satisfying all the conditions of the most beneficial kind of change in our commercial legislation.

But, perhaps, Sir, as the Committee has not yet had an opportunity of reading the treaty, it may be convenient that I should in the first place state to them very briefly its principal covenants. First, I will take the engagements of France. France engages to reduce the duty on English coal and coke from the 1st of July, 1860; on bar and pig-iron and steel from the 1st of October, 1860; on tools and machinery from the 1st of December, 1860; and on yarns and goods in flax and hemp, including I believe jute,—an article comparatively new in commerce, but one in which a great and very just interest is felt in some important districts,—from the 1st of June, 1861. That is the first important covenant into which France enters. Her second and great engagement is postponed to the 1st of October, 1861. I think it is probably in the knowledge of the Committee that this postponement is stipulated under a pledge given by the Government of France to the classes who suppose themselves to be interested in the maintenance of prohibition. On the 1st of October, then, in the year 1861, France engages to reduce the duties and to take away the prohibitions on all the articles of British production mentioned in a certain list, in such a way that no duty upon any of those articles shall exceed 30 per cent *ad valorem.* I do not speak of articles of food, which do not materially enter into the treaty; but the list to which I refer, Sir, includes all the staples of British manufacture, whether of yarns, flax, hemp, hair, wool, silk, or cotton—all manufactures of skins, leather, bark, wood, iron and all other metals, glass, stoneware, earthenware, and porcelain. I will not go through the whole list, but I am not aware of any great or material article that is omitted. France also engages to commute these *ad valorem* duties into rated duties by a separate convention. But if there should be a disagreement as to the terms on which they shall be rated under the convention, then the *maximum*, chargeable on every class at 30 per cent *ad valorem*, will be levied at the proper period, not in the form of rated duty, but upon the value, and the value will be determined by the process now in use in the English Customs. That is to say, the importer will declare the value, and it will be in the option of the Custom-house authorities in France to appropriate the article upon paying the price which he has declared, with a per centage added. And I must say that I hold it to be a signal proof of earnestness and liberality on the part of the French Government that it has introduced this administrative regulation into its code, borrowed, as I believe, from our own, for the purpose of disarming suspicion and insuring the efficacious execution of the treaty. There is a further provision, Sir, that the *maximum* of 30 per cent shall, after a period not exceeding three years, be reduced to a *maximum* of 25 per cent.

And I may be permitted to remind the Committee that this rule of 30 per cent, to which France is nominally about to pass from a system of prohibition, is the very rule which was adopted, nominally adopted, by the British Parliament when Mr. Huskisson was our Minister for trade, and when we first set about making important commercial relaxations. But there is, I am bound to say, this difference between the two cases—that the rule was accompanied in England with such modes of operation that duties far exceeding 30 per cent were, in a multitude of instances, nay, are in many instances to this day, kept alive; whereas, as far as the terms of this instrument go, France has, I think, given us a security that 30 per cent will really be the *maximum.* And I need hardly observe that if this be the *maximum*, then, with a system of rated duties, it must happen that, in a great multitude of instances, the duties will be much below that rate on many classes of our manufactured goods.

I come next, Sir, to the English covenants. England engages, with a limited power of exception, which we propose to exercise with respect only to two or three articles, to abolish immediately and totally all duties upon all manufactured goods. There will be a sweep, clean, entire, and absolute, of manufactured goods from the face of the British tariff. She engages to reduce the duty on brandy from 15*s.* per gallon to the level of the colonial duty—namely, 8*s.* 2*d.* per gallon. She engages to reduce immediately the duty on foreign wine. In the treaty it is, of course, French wine which is specified; but it is perfectly understood between France and ourselves that we proceed with regard to the commodities of all countries alike. England engages, then, to reduce the duty on wine from a rate nearly reaching 5*s.* 10*d.* to 3*s.* per gallon. She engages further to reduce that duty from the 1st of April, 1861, to a scale which has reference to the strength of the wine as measured by the quantity of spirit it contains. That scale is as follows:—On all wines in bottles, whatever the strength, and on all wines having 26 degrees and upwards of proof spirit, 2*s.* per gallon; on wine having 15 and under 26 degrees of proof, 1*s.* 6*d.* per gallon; and on wine with less than 15 degrees, 1*s.* per gallon. The *maximum* of 40 degrees, beyond which no liquid is admissible as wine will remain without change. A power is also reserved to us of increasing our duty on wine in case we should increase our duty of Excise chargeable on spirits. We have also reserved a general power of augmenting or imposing duty upon purely fiscal considerations. The exercise of this power is subject to the condition that we shall not charge upon any article of French production a greater sum than may be equal to the corresponding duty on the same article of domestic production, together with an allowance for any extra and further charges to which the English producer may be put in consequence of the necessary regulations of our Inland Revenue Department.

These, Sir, are the chief covenants on the part of England. There are also provisions by which both parties reserve to themselves power to place Customs duties anew on any foreign articles whatsoever, provided they place the same duties on the like articles of domestic production. They likewise agree to treat each other on the same terms as the most favoured nations with respect to all the matters comprised in the Treaty, and with respect to all prohibitions. Lastly, all the articles of the Treaty are to continue in operation for a period of ten years, with a provision as to giving notice of any desire for their revision.

These, then, are the principal stipulations of the Treaty with France, which may have been seen by hon. Members in one form or another, but which have not collectively, or upon authority, as yet met the public eye. I will not affect to be unaware that many objections have been stated to this Treaty. It has even been said that its terms indicate a subserviency to France, and involve a sacrifice of British interests to those of foreign nations or of a foreign Government. Sir, I am thankful to think that no Ministry, be its own merits or be the distinction of its chief what they may, can in this country hold office for a single Session upon terms of subserviency to any foreign Power whatever. There is here a perfect security (to omit all mention of any other guarantees) in the nature and in the traditions of the two Houses of Parliament. But, Sir, I know not what is meant by subserviency to France as regards the articles of a Treaty like this. We have given to France in the proper sense of the term, nothing by this Treaty, if I except some very trifling fiscal sacrifice which we are to make with respect to the single article of brandy. I mean that it might not be necessary to reduce the duty to quite so low a point as is fixed by the Treaty, and therefore there might be a question whether some infinitesimal advantage may not be surrendered in that form. But, with that small, and I believe solitary exception, we have given nothing to France by this Treaty which we have not given with as liberal a hand to ourselves. And the changes here proposed are changes every one of which deserves the acceptance of this House on its own merits, in conformity with all the principles that have been recognized and acted upon for many years past.

But further, Sir, as respects the charge of subserviency to France, I know that this Treaty may be said to bear a political character. The commercial relations of England with France have always borne a political character. What is the history of the system of prohibitions on the one side and on the other which grew up between this country and France? It was simply this:—That finding yourselves in political estrangement from her at the time of the Revolution, you followed up and confirmed that estrangement, both on the one side and the other, by a system of prohibitory duties. And I do not deny that it was effectual for its end. I do not mean for its economical end. Economically it may, I admit, have been detrimental enough to both countries; but for its political end it was effectual. And because it was effectual I call upon you to legislate now for an opposite end by the exact reverse of that process. And if you desire to knit together in amity those two great nations whose conflicts have often shaken the world, undo for your purpose that which your fathers did for their purpose, and pursue with equal intelligence and consistency an end that is more beneficial. Sir, there was once a time when close relations of amity were established between the Governments of England and France. It was in the reign of the later Stuarts; and it marks a dark spot in our annals, because it was an union formed in a spirit of domineering ambition on the one side, and of base and vile subserviency on the other. But that, Sir, was not an union of the nations; it was an union of the Governments. This is not be an union of the Governments; it is to be an union of the nations; and I confidently say again, as I have already ventured to say in this House, that there never can be any union between the nations of England and France except an union beneficial to the world, because directly either the one or the other begins to harbour schemes of selfish aggrandizement, that moment the jealousy of its neighbour will powerfully react, and the very fact of their being in harmony will of itself be at all times the most conclusive proof that neither of them can meditate anything which is dangerous to Europe.

There is another class of objections of which I do not complain, but which I hope to remove. There are those who say that a commercial treaty is an abandonment of the principles of free trade. Well, certainly a commercial treaty would be an abandonment of the principles of free trade, in the latitude in which we now employ that phrase, if it involved the recognition of exclusive privileges. In this sense I admit that Mr. Pitt's commercial treaty would, if we had now adopted it in the terms in which it was expressed, have been on our part an abandonment of free trade; but, at the same time, I cannot mention that treaty without saying that I think it was, for the time at which it was made, one of the best and one of the wisest measures ever adopted by Parliament, and has contributed at least as much as any other passage of his brilliant career to the fame of the great statesman who concluded it. We, however, have no exclusive engagements; we have not the pretence of an exclusive engagement. France is perfectly aware that our legislation makes no distinction between one nation and another, and that what we enact for her we shall at the same time enact for all the world.

I am, however, a little surprised at the number and variety of these objections which come rushing from all quarters. It is like the ancient explanation of the physical cause of a storm—all the winds, north, east, west, and south, rushing together:—

> "Unà Eurusque Notusque ruunt, creberque procellis
> Africus."

Sometimes a treaty is an obsolete and antiquated idea; sometimes it is a dangerous innovation. In the view of one class it is an abandonment of free trade. There are also another class of men, of opinions diametrically at variance with these, and those are gentlemen with whom we shall have much difficulty in dealing. These are they who find fault with it—and that I must say is by far the soundest objection, inasmuch as it is unquestionably founded on the facts — because it is an abandonment of the principle of protection. This treaty is an abandonment of the principle of protection. I am not aware of any entangling engagement which it contains; it certainly contains no exclusive privilege, but it is an abandonment of the principle of protection, and a means, I hope complete and efficacious, of sweeping from the statute book the chief relics of that miscalled system which still remain upon it. The fact is, and you will presently see that it is so, that our old friend Protection, who used formerly to dwell in the palaces of the land, and who was dislodged from them some ten or fifteen years ago, has since that period found very comfortable shelter and good living in holes and corners; and you are now invited, if you will have the goodness to concur in the operation, to see whether you cannot likewise eject him from those holes and corners. I told you that we are to remove the duty from all manufactured goods. Now, Sir, there is hardly one of that class of duties which is not, in point of fact, the representative of a strictly protective duty; nay more—and mark my words—in many cases of a prohibitory duty.

Perhaps the best method of giving a summary view of the case will be by my stating to the Committee what will be the financial results of the treaty as it stands. I will not enter into any of the smaller details, and will take three branches of reduction only—the reduction of the duty upon wine, the reduction of that upon brandy, and the abolition of the duties upon manufactured goods. The reduction of the duty upon wine from 5*s.* 10*d.* to 3*s.* per gallon will afford to the consumer a relief of £830,000, and will entail upon the revenue, after allowing for an increase of consumption to the extent of 35 per cent, a loss of £515,000. The reduction of the duty upon brandy from 15*s.* to 8*s.* 2*d.* a gallon will give to the consumer a relief of £446,000, and, assuming that the consumption will be raised to the point at which it stood in 1850, just before the disease of the vine commenced, it will cause a loss of £225,000 to the revenue. Before I give the chief items of manufactured goods I will mention some minor cases, with which we propose to deal for the time as exceptions. There are three small articles the abolition of the duties on which we propose to postpone for a short period, in the meantime reducing it by one-half. One of them is the article cork, which has been the subject of a great deal of debate in this House. I must say that although there never was a stronger apparent case made out for protection, and although, in consequence of the measures which were adopted, there has been a considerable shock to the trade, and a considerable change of its nature and of the course which it takes, the House has nothing to repent. On the contrary, the total consumption of cork wood in the domestic manufacture is much larger now than it was before the duty was reduced. On account of the importance of the present change, however, we propose to give until the 1st of April, 1861, for the reduction of the duty on cork; and we also propose a delay of the changes affecting two other trades, upon the simple ground that they are trades carried on almost entirely by widely-diffused rural labour, to which it is not desirable to give a sudden shock. These are the glove trade and the trade in straw plaiting. In the meantime the duties will be reduced, and next year they will be taken off.

I pass now to state the mode in which the treaty deals with manufactured goods in general. The amount of duty on these articles, which will be abolished, is no less than £432,000. The principal articles are silk manufactures, £270,000; gloves, subject to a short delay, £48,000; artificial flowers, £20,000; watches, £15,000; certain oils, £10,000; musical instruments, £9,000; leather, £9,000; china, £8,000; glass, £7,000, and many others yielding smaller amounts. There are a great number of minor articles of industry produced largely in France, especially in Paris. The total relief to the consumer—that is the gross amount of duty remitted under the French treaty—will be £1,737,000; the loss to the revenue for the first year will probably be £1,190,000. Now, Sir, the objections which are taken to this treaty in the interests of Free Trade will not, I am quite sure, be very long-lived; but there is one objection which turns upon another point, and with which I must endeavour to deal. It is that which tells us that the duties we are about to repeal are, forsooth, revenue duties, and duties which are levied upon luxuries, but which do not affect the poor man. Compassion for the poor man is a very fine feeling, and I should be very sorry to say anything that appeared to depreciate or undervalue so sacred a sentiment, but I must say that it is entirely out of place here. There is not one of these duties that is a revenue duty—no, not one of them. How they work with respect to poor men, how they work with respect to those who are not rich men, we will presently inquire. But if these are revenue duties, it is very curious to notice which are the classes that are alarmed at the treaty. Are the manufacturers of British brandy the guardians of the British revenue? Are the importers of Cape wines the guardians of the British revenue? Have the manufacturers of British wines a peculiar interest in the well-being of the exchequer? The manufacturers of Spitalfields, and those of Coventry, who have an incomparable organ in my right hon. Friend (Mr. Ellice), are most excellent citizens, and no doubt contribute their share to the revenue; but my right hon. Friend will not tell me that their great activity, their speed in rushing up to London, and urging their representations upon this subject, has arisen from their interest in the British revenue. It has arisen from something very different. These gentlemen do not enter my room to tell me that they come there as the guardians of the British revenue; they tell a much more simple and a much more intelligible tale. They say this—that the duties which now stand upon your tariff are, and it is perfectly true, levied upon articles consumed by the rich. But why are they not levied upon articles consumed by the middle, the lower middle class, and the poor? Because they will not let them in; because they are prohibitory as against those articles. That is the explanation of the whole case. Our manufacturers give over to France the highest qualities under cover of duties, which are as good for their purpose as prohibitions, and reserve for themselves the making of the lower qualities, and the power of exacting from the British consumer a higher price than they will be able to obtain if this treaty is confirmed by Parliament. I took the liberty of saying to one of the deputations, "It seems to me this is much the case of the corn law over again." Now do not let there be any mistake. What is wanted is, a higher price than that at which the public can get goods from France. That is the Alpha and Omega, the beginning and the end of it. I asked then, "Is not this the case of the corn law?" The answer was, "Oh dear, no; not the least like the corn law." In fact, there is generally, on the part of the most respectable classes, a desire for the protection of their own business. They show that though they are without exception adherents of free trade, they are not adherents of free trade without exception. They make no secret of it, nor should there be any secret made of it here, that the duties in which they take an interest are not revenue duties but are protection duties, and, therefore, duties ill adapted for the purposes of revenue.

Let us now, Sir, proceed to consider some of the circumstances which have rendered it allowable and desirable, in the view of Her Majesty's advisers, to make a special arrangement in this case. I entreat the Committee to look at the present state of the trade between England and France; it is not a little instructive. Consider, in the first place, the relative positions of England and France. It is perfectly true, that France is a foreign country, but she is a foreign country separated from you absolutely by a narrower channel than that which divides you from Ireland; and while nature, or Providence rather, has placed you in the closest proximity, it has also given to these two great countries such diversities of soil, climate, products, and character, that I do not believe you can find, on the face of the world, two other countries which are so constituted for carrying on a beneficial and extended commerce. I believe, indeed, that the prohibitory system subsisting between England and France is but little less unnatural as to every commercial—I think I may add as to every moral and political —result than if you were to revive those prohibitory systems which formerly separated England from Scotland, and Great Britain from Ireland. I shall be told, perhaps, that our system is not prohibitory. And certainly in respect of many articles the statement is a true one, for we have considerable importations from France; but when I remember how much we still practically prohibit, I have no hesitation in saying that, although our system is far better than that of France, yet, on the other hand, it is far indeed from being what it ought to be. And now let us look for a moment at the question on the French side. The doctrine is that we should attend to our own interests, and leave France to manage hers. What, then, is the state of the trade as regards France? In 1858 the total value of exports from England to France—not British exports only, but exports of whatever origin—was £14,821,000. Of that amount the home consumption in France took £10,465,000. A portion of the articles are unenumerated, and I cannot get at the details, but I have obtained the particulars of articles to the value of £9,819,000, about nineteen-twentieths of the whole. Observe how they are distributed. Of this large proportion of the goods sent to France in 1858, amounting to £9,819,000, raw materials, upon which no labour whatever had been employed, and the great bulk of which were not of British origin, but merely passed through our warehouses, were £8,070,000, and half-manufactured articles were £1,060,000. The total amount of manufactures which we send abroad every year is about £130,000,000; but in 1858 our exports of manufactured goods to France were only £688,000. It is worth while to go yet one step further in the analysis. Of that £688,000, £208,000 were for Cashmere shawls, which merely came here in transit, and £217,000 for machinery, which our friends over the water have been pleased to admit under some notion of special advantage. The value of all the other manufactured articles sent from the United Kingdom to France was £263,000. I want to know whether that is a state of things so satisfactory that when we have an opportunity of amending it we should refuse to do so. I understand the statement of the moderate Free Trader who says that half a loaf is better than no bread, that all breaking down of restrictions is good, and that it is wiser to break down our own restrictions and leave those of our neighbour standing if we cannot touch them than to perpetuate both. That is true and reasonable; but I cannot understand those immoderate and unmanageable Free Traders who come from other quarters, many of whom have not long been thus fastidious and jealous on behalf of free trade in its most rigid purity, and who seem to think it is a positive evil to induce our neighbours to break down their restrictions. They do not see that what they condemn is a doubling of the benefit. They think there is a chivalry in free trade, which is degraded if it becomes a matter of bargain, whereas it appears to me that bargain is really the true end and aim of the whole. The only reason why we have not made bargains similar to the present in former years was simply because we could not make them. It was not for want of trying. For four or five years this was almost the chief business of one or more departments of the State, and yet no progress could be made. Why? Because they set out upon a false principle—the principle that the concessions which each party made to the other were not a benefit but an injury to itself. We have not proceeded upon that principle. We have never pretended to France that we were going to inflict injury upon ourselves.

We have offered France our best aid in breaking down her own vicious prohibitory system. In doing so, we may have given a greater benefit to France than to ourselves. I shall not attempt to measure it on one side or the other. What we have done is good—nay, doubly good—good for ourselves if France had done nothing at all, doubly good because France has done a great deal. And now, Sir, one word upon our exports to France at a former period. About twenty years ago there was a trade in English manufactured goods with France. It was in linen and linen yarns. In 1842 we greatly reduced our table of Customs duties, not by treaty, and independently of France, but in such a manner as greatly to extend our trade. How did that country reply to us? France was under a very friendly Government at the time, but how did she meet the immense changes we had made in favour of her commerce? She met it by smiting this single branch of trade in British manufactures with prohibitory duties. She raised her duties upon linen yarn, which before 1842 had been from 9 to 12 per cent, to from 13 to 27 per cent. Her duties upon linen cloths, which before 1842 had been from 15 to 23 per cent, were increased to from 20 to 36 per cent. The result may be anticipated. In 1841 we sent to France linen and linen yarns to the amount of £1,090,127, whereas in 1858 we sent only £151,483. Such is the state of trade between England and France; and I confess I am not so well satisfied with it as not to think that it admits of some improvement. As an hon. Friend whom I see opposite said the other day with respect to our wine duties, so I say of our trade with France, it is not in "the best" possible state, but, on the contrary, might be amended with advantage.

I have promised, however, to show what is the real meaning of the allegation urged against the treaty that we are here dealing with revenue duties. Take the article of brandy. I presume nobody will pretend that a duty of 15*s.* upon French brandy, compared with a duty of 8*s.* on British spirits, is a revenue duty. There is indeed an article manufactured in this country which some of us may have been happy or unhappy enough to taste. It is called British brandy. In consequence of the immense price to which French brandy is raised by our duty, which has the effect not only of raising the price of the best French brandies, but of excluding entirely everything but the superior French brandies, our middling and indifferent British brandy comes into the place which is kept empty for it by means of the prohibitory power of our duty. As far as brandy is concerned, therefore, we are not dealing with revenue duties. Can we, then, regard the duties upon silk and wine as revenue duties? The mystery of the wine duty is a very deep one. Here especially we are met by the cry that wine is the rich man's luxury. It is the rich man's luxury, but I shall show presently that those who are not rich are making desperate struggles to get at it, and that, too, with some limited and qualified success, but under grievous discouragement. But wine, forsooth, is the rich man's luxury. Is tea the rich man's luxury? No. It is the poor man's, and, above all, the poor woman's luxury. But I speak in the year 1860. In 1760, tea too was the rich man's luxury. In 1760 there was no more tea consumed per head of the population than there is wine now. In 1760 there were 4,000,000 lb. of tea consumed; now the annual consumption is 76,000,000 lb. The price of tea which is now sold at 3*s.* per lb. was somewhere about that time advertised by the cheap houses at £1 per lb. Wine is the rich man's luxury, and you may make tea, or sugar, or any other article of consumption, the rich man's luxury if you put on it a sufficient weight of duty. By that means you will not only effectually bar the access of the poor man to it, but will reserve to yourselves the proud satisfaction of saying with literal truth, "Our indirect taxes are paid by the rich; none are levied upon articles consumed by the poor."

Let us consider now the necessary operation upon an article like wine of a uniform rate of duty. Wine, I suppose, more than almost anything else that is produced from the earth by the labour of man, varies in quality and price. It is not too much to say that the price of wine runs from 1 up to 100. Upon all qualities we lay the same rate of duty. What is the effect? That we tax even the highest wines somewhat heavily; the next to the highest we tax very heavily indeed, and all except those limited classes we in effect totally and absolutely prohibit. Let me give one illustration from a simpler case than that of wine, which very clearly explains how this matter stands, and let me thus dispose, once for all, of the notion that we are dealing with revenue duties, laid upon the luxuries of a class, and not upon articles wanted for the consumption of the poor. It is the very simple case of gloves, which was stated to me by a most intelligent and respectable deputation, who, as became them, made no secret at all about the matter. Our import duty upon gloves is 3*s.* 8*d.* a dozen. We imported in 1859 about 300,000 dozen. The value of the gloves we import is about 24*s.* a dozen wholesale ; the retail price of such articles probably ranges from 30*s.* to 36*s.* and upwards. Our duty is something like 15 per cent, which seems very moderate, and enables those who are so disposed to say, "Ah ! we do not discourage the importation of French gloves ; we merely lay upon them a duty of 15 per cent, simply for the sake of revenue." How does this work ? It works in this way, that it causes the French to furnish us with the finer qualities of gloves, while they leave to the British producer the supply of the poorer qualities. Abolish the duty, and you will find that a quantity of gloves would be imported from France, Naples, Germany, and Belgium. They will not be gloves at 24*s.* a dozen, but gloves at 18*s.*, 15*s.*, 10*s.*, and even, as I am informed, at 6*s.* a dozen. These lesser-priced gloves cannot pay the duty, for the duty, when applied to gloves of 10*s.* a dozen, is 37 per cent, and when applied to gloves of 6*s.* per dozen is 58 per cent ; and those gentlemen, whose words I heard with implicit belief, told me distinctly that if this duty were removed a large quantity of gloves would be imported here at 10*s.* and 12*s.* the dozen. Therefore the duty is not a revenue duty, but it is a protective duty on the higher qualities, while as regards the bulk of the trade, and as regards the bulk of the British consumers, it is to every practical intent and purpose a duty not of protection but of prohibition. Even so it is with the wine duties. Is that doubted ? Let us then see how the wine duties operate as a system of protection. We have heard of Cape wine, and if we visit places much frequented by what may be termed the lower middle classes we see advertisements representing large tuns surrounded by jovial people, with the words Cape port and African sherry written on them. In all probability that is not Cape port or African sherry. Some of those who import Cape port and African sherry know how to make a better use of them. There is a system of promotion and preferment in wines. The African wines are used for mixing with foreign European wines, and, to employ language familar to my right hon. Friend the Secretary for War, *vice* the African wine promoted, some new composts are brought forward and delivered to a discerning public, with what results it is not for me to say. The colonial wine has a differential duty in its favour of nearly 3*s.* a gallon ; and, if there really be this great care for the revenue from wine, I beseech those who feel that anxiety to go along with us in reforming the wine duties; for they will find that the decrease in the receipt of duty from year to year would, apart from any treaty with France, but from fiscal considerations, compel them in the course of a few years to reform the wine duties.

To afford the proof of what I have just stated, I take for each period of three years, during the last nine years, the consumption of foreign wine and Cape wine in the United Kingdom. The average of foreign wine consumed in the three years, 1851-3, was 6,225,000 gallons. During the same period the average consumption of colonial wine was 254,000 gallons. In the period of 1854-56 the average consumption of foreign wine was 6,393,000 gallons, being an increase of 168,000 gallons over the previous period. It is worthy of notice that this increase took place when the disease of the vine was at its worst ; and I mention this particularly, because, as this represents the consumption of foreign wine during the disease, it shows that the increase which has taken place in the consumption of Cape wine cannot be owing to the disease in the European grape. When that disease was at its worst the consumption of foreign wine increased, as I have already stated, by 168,000 gallons ; the average consumption of Cape wine during the same period—1854-56—rose from 254,000 gallons to 298,000 gallons. During the latest term of years—1857-59—the disease of the vine was very much mitigated, but the average consumption of foreign wine showed a decrease of 500,000 gallons as compared with the consumption of 1854-56. The average consumption of foreign wine in 1857-59 was 5,893,000 gallons, while the consumption of the colonial wine had increased by no less than 357,000 gallons, the average consumption in this last period being 655,000 gallons, more than double the consumption of the former triennial period. The colonial wine is, in fact, rapidly displacing the foreign. The present duty is purely a protecting and differential duty, and is hostile to the revenue of the country.

But, besides wine imported from a colony, there is another element affecting the wine revenue, and that is the manufacture of what is called British wine. While the consumption of foreign wine has fallen from an average of 6,225,000 gallons to 5,893,000 gallons, there has been an increase in the manufacture of British wine. British wine—I mean that in the hands of highly respectable manufacturers, and I am not referring at all to what is sold for fraudulent purposes—is made very much with raisins, sugar, and brandy. The duty paid on these materials is reckoned as amounting to 1*s.* 2*d.* a gallon. Therefore you have a duty on foreign wine of 5*s.* 10*d.* the gallon—on colonial wine of 2*s.* 11*d.* the gallon, and on British wine of 1*s.* 2*d.* the gallon. The result is that the consumption of foreign wine diminishes, the consumption of colonial wine has increased, and the consumption of British wine has doubled within the last ten years. This case, then, has all the essential characteristics of a trade carried on, and a revenue pining, under the influence of differential duties. I therefore say that the present wine duty is a protective and differential duty with respect to the three classes which enter into our consumption, namely, foreign, colonial, and British wines, they all paying different rates of duty to the revenue.

Out of the enormous quantity of foreign wine manufactured abroad no doubt it is true that only a small fraction would become available in this country. The great bulk is a wine which an Englishman would not take in exchange for his beer; but it is also true that between that common and coarse wine and the fine wines there are ten thousand intermediate shades, and there is an immense capacity for producing wines fitted for the English market and for the taste of the middle and lower middle classes in this country, which capacity is at present entirely stifled by the operation of the wine duty.

There is a notion gone abroad that there is something fixed and unchanging in an Englishman's taste with respect to wine. You find a great number of people in this country who believe, like an article of Christian faith, that an Englishman is not born to drink French wines. Do what you will, they say; argue with him as you will; reduce your duties as you will; endeavour even to pour the French wine down his throat, but still he will reject it. Well, these are most worthy members of the community; but they form their judgment from the narrow circle of their own experience, and will not condescend for any consideration to look beyond that narrow circle. What they maintain is absolutely the reverse of the truth, for nothing is more certain than the taste of English people at one time for French wine. In earlier periods of our history French wine was the great article of consumption here. Taste is not an immutable, but a mutable thing. If you go back to what an eminent living poet has called

'The spacious times of great Elizabeth,'

you will find that the most delicate lady in the land did not scruple then to breakfast off beefsteaks and ale. Down to the revolution, French wine was very largely consumed here. I have seen it stated, and have no reason to doubt the assertion, that in 1687 there were imported into this country 3,800,000 gallons of French wine, or nearly two-thirds of the whole quantity of foreign wine which we now consume. How was this consumption subsequently checked and discouraged? By the influence of prohibitive duties. The prohibitive system grew up by degrees, and by degrees the English people were positively punished and starved out of their taste for French wine. But for 100 years, after that the taste itself remained, for when Mr. Pitt made the treaty of 1786, what was the result? According to the interesting paper written by Lord Chelsea, in the year preceding 1786 the import of French wine into England was under 100,000 gallons. In the six years from 1787 to 1792 the import grew to 683,000 gallons. Then, with the outbreak of the war, or not more than two or three years afterwards, a nearly prohibitive, at all events a high differential, duty was imposed, and the average import fell to 161,000 gallons. At that average it remained till 1824, when the differential duty, instead of 4*s.* 5*d.* became 2*s.* 5*d.*, and the consumption rose to 379,000 gallons. I must admit that when the duties were finally equalized in 1830, the consumption of French wine did not increase. It seemed as if by that time, after the pressure of heavy duties for a century and a half, the taste for it was nearly forgotten. It had become the luxury of a very limited class in the community, and of a class the variations of whose tastes are but little controlled by price. But it is remarkable that in conjunction with the very changes of taste which have been proceeding of late years, we may likewise perceive, even under the operation of the present wine duties, and without any fiscal change in their favour, proofs of a growing taste for French wine; for whereas from 1825 to 1830 we only consumed 379,000 gallons a year, and after 1830 that consumption was reduced to something like 310,000 or 315,000 gallons, on the average of the last ten years we have consumed 584,000 gallons; so that both the importation of French wines is absolutely increasing, and the percentage of the total consumption is relatively increasing. Taste, I say, is mutable. It is idle to talk of the taste for port and sherry and the highly brandied wines as fixed and unchangeable. There is a power of unbounded supply of wine if you will only alter your law, and there is a power, I wont say of unbounded demand, but of an enormously increased demand, for this most useful and valuable commodity.

And now, Sir, I think cause enough has been already shown for an alteration in the present system of wine duties. But I beseech the Committee to remember the immense masses of evil which are connected with that system. Look at the fraud and adulteration to which it gives rise. Many of the houses engaged in the wine trade bear as high a character as any in England; but those gentlemen will tell you of the difficulties they have to encounter in holding their ground against persons of inferior character who are brought into that trade. And why do persons of inferior character embark in it? Because our law invites them to do so. Because the restrictive operation of your tariff is so severe that it affords temptations which they cannot resist to counterfeit the article on which you have laid such heavy duties. That is the way in which the wine duties work; and let me, in concluding my remarks on this subject, ask the Committee to consider yet one thing more. We hear of the rich man's luxuries, and of contemplated reductions of duty upon articles which the poor man does not consume. Now, I make my appeal to the friends of the poor man. There is a time which comes to all of us—the time, I mean, of sickness—when wine becomes a common necessary. What kind of wine is administered to the poor man in this country? We have got a law which makes it impossible for the poor man when he is sick to obtain the comfort and support derived from good wine, unless he is fortunate enough to live in the immediate neighbourhood of some rich and charitable friend. Consult the medical profession; ask what sort of wine is supplied to boards of guardians in this country; go on board the Queen's ships, and see the wine supplied there. Some time ago I had the honour of being on board Her Majesty's ship *Scourge*, at a time when an accident had happened to one of the sailors. I went to see the man when he was recovering from the effects of an operation. "What wine do you give him?" I asked. "We give him the wine of our own mess," the surgeon told me; "we cannot give him the wine supplied to the ship." He moreover insisted on my drinking some of the ship wine, and certainly it was with great difficulty I succeeded in accomplishing the operation. Now, this wine had without doubt been taken out of bond, and had paid no duty; but our system of duty vitiates the entire trade, and, except with regard to the higher and most expensive class of wines, makes it almost impossible to obtain a sound or wholesome article. Certainly, Sir, I cannot think that, under those circumstances, the Government can require further justification for making proposals which will lead to an effectual diminution of these duties.

I believe I have now gone through the principal heads of the Commercial Treaty with France. I do not think that the friends of free trade, or those who are anxious respecting the revenue, will find fault with the provisions of that treaty. I believe myself that you never were called upon to make a sacrifice—that is, an immediate sacrifice—of revenue which promised to be more fruitful of good. I believe that the trade which will be created will be immense; and I know very well that the expedition imparted to trade, and the economy brought about in the public establishments by abolishing the duties on manufactured goods, will form results of no common value. Again, everybody appreciates facility of personal intercourse with the Continent, and the changes we propose in our tariff will immensely facilitate that intercourse, by enabling the Customs' authorities to withdraw the greater part of the annoying restraints which are now found necessary.

Sir, I cannot pass from the subject of the French treaty without paying a tribute of respect to two persons at least who have been the main authors of it. I am bound to bear this witness at any rate with regard to the Emperor of the French—that he has given the most unequivocal proofs of sincerity and earnestness in the progress of this great work, a work which he has prosecuted with clear-sighted resolution, not doubtless for British purposes, but in the spirit of enlightened patriotism, with a view to commercial reforms at home, and to the advantage and happiness of his own people. With regard to Mr. Cobden, speaking, as I do, at a time when every angry passion has passed away, I cannot help expressing our obligations to him for the labour he has, at no small personal sacrifice, bestowed upon a measure which he, not the least among the apostles of free trade, believes to be one of the greatest triumphs free trade has ever achieved. Rare is the privilege of any man who, having fourteen years ago rendered to his country one signal and splendid service, now again, within the same brief span of life, decorated neither by rank nor title, bearing no mark to distinguish him from the people whom he serves, has been permitted again to perform a great and memorable service to his Sovereign and to his country.

The point to which I have now brought the Committee in this, to them, I fear, laborious and irksome inquiry is this:—I have asked them to sacrifice £1,190,000 of the existing revenue in order to effect a relief to the consumer of, I think, £1,737,000, by giving effect to the provisions of the Treaty with France. That treaty would bring about a sensible reform in the Customs' establishments of the country. At the same time, it would not effect a reform which would have any pretensions to the character of completeness, and there are many other duties still remaining on the tariff of a description which we think calls for the attention of Parliament, and by the reduction or removal of which immense advantage might be conferred upon the country. I have thought it best to separate them entirely from those articles which we deal with by the Treaty, with a view to the convenience of the Committee and their clearer understanding of the whole subject. But this being the state of the case, and the Government wishing to give, as far as may be, the character of completeness to their reform of the Customs—which, indeed, is essential to the attainment of some of the objects in view—I now come to what I may term the supplemental measure of Customs reform.

It is our intention, Sir, to propose to the Committee a further change in the Customs laws, which will entail at first a loss of £910,000, giving at the same time a relief to the consumer of about £1,040,000; but we propose also, in a manner which I will explain to the Committee, to meet the charge of that loss by certain impositions upon trade of a character which I hope will not be deemed exceptionable. I will take these two subjects next. They together form the supplemental part of the Customs reform proposed by the Government.

This second portion of the Customs reform contains many abolitions and some reductions of the duty. I will read the principal abolitions contemplated. But, Sir, at this point my memory reminds me of an omission of which I have been guilty with reference to an important point in the treaty with France—I mean the proposal to give immediate effect to the changes on the English side, notwithstanding the postponement of the changes intended by France. The provision which we have adopted to this effect was not pressed upon us by France; on the contrary, we have reason to believe that she would have given us the time which she was compelled to require for herself, but the arrangement I have stated to the Committee for early change in preference to general postponement, was owing to the deliberate judgment of the English Government that it would be, on the whole, more advantageous to the English people.

Apologizing to the Committee for this omission, I now come to the abolition of duties which forms part of the second or supplementary part of the measure we propose for the alteration of the Customs law. We propose to abolish entirely and immediately the duty on butter, which yields £95,000; the duty on tallow, which yields £87,000; the duty on cheese, which yields £44,000; on oranges and lemons, yielding £32,000; on eggs, £22,000; on nuts, £12,000; on nutmegs, £11,000; paper, £10,000; liquorice, £9,000; dates, £7,000; and various other minor articles, the total of these abolitions amounting to £382,000.

We propose likewise a reduction of duties upon five articles of great importance, one of which strikes at the principal differential duty, except those which we shall, I hope, abolish by the French treaty—namely, the duty on timber. I propose to reduce the duty on timber from 7*s.* 6*d.* and 15*s.* to the colonial rate of 1*s.* and 2*s.*

There will be on this article a relief of £400,000 to the consumer, but we reckon on a considerable recovery by increased consumption. The next article, the duty on which I propose to reduce, with the approval of the House, is the duty on currants. There is no article of greater importance to the mass of the community. All those of the labouring classes who are in good circumstances are large consumers of currants. The duty now charged on currants ought to have been reduced many years ago—I mean in 1853; but it was impossible to recommend the change to Parliament at that period in consequence of the almost entire failure of the crop, which made it impracticable to act upon consumption by any reduction of the duty which we might have made. The duty on currants is now 15*s.* 9*d.*; we propose to reduce it to 7*s.* per cwt., which will involve a loss of £170,000. This, however, will in part be compensated by increased consumption. We propose to reduce the duty on raisins from 10*s.* to 7*s.*; on figs, from 10*s.* to 7*s.* I also propose to reduce a duty with regard to which I shall have to give a further explanation—the duty on hops. I propose to reduce the duty on hops, not immediately, however, but on and after the 1st of January, from 45*s.* to 14*s.* The total amount of these reductions will be £650,000, and the abolitions £382,000. There will also be a small article, namely, plaiting, the reduction on which will be postponed, and which will raise the gross loss to £1,035,000, but the increase of consumption will probably reduce this loss, as estimated, to £910,000.

I will presently state the general condition in which these changes, if they are adopted entire, will leave the tariff; but for the present, I will go on to state the mode in which the Government propose to supply the revenue to compensate for the loss that will follow these last-named changes. I am afraid, from the sensation that is expressed, that I may cause some disappointment, for, in point of fact, I am not now going to fill up the great chasm that lay before us a short time ago, but only to deal with the little chasm created by parting with the sum of £910,000. The general principle of the measures I am about to propose will be an extension of a minute kind of taxation, which may be called generally penny taxation. The penny taxation has answered the purpose of assisting the revenue, but has not been unacceptable to the public. It seems to have shown that at least there is one kind of "penny wisdom" that is not "pound folly," for it has been at once popular and productive. We propose to levy upon all goods imported and exported, by way of registration due, a duty which will in general be charged at the rate of one penny per package. It has often been said and argued that when the tariff was cleared of so many articles, a small duty ought to have been retained to cover the cost of registration for statistics, and of the various services performed on behalf of trade by the Customs' establishment. That is an argument of very considerable force, but there has been one argument, as I think, of conclusive weight the other way, which has determined successive Governments and Parliaments not to retain these duties on the tariff, and that is, that if you retain small duties on your tariff, they are attended with nearly all the incidents of a large duty. They require the same sort of inspection, the same following the goods, the same delay, and the same system of accounts, as if you were levying large and productive duties. But none of these objections apply to the measure I now propose. It would be a measure of the simplest kind, levied at the rate of 1*d.* per package, and, on goods in bulk, according to the unit under which they are entered. There must be a few cases of raw materials, such as salt, coals, and corn, as well as of packages of small value, in which it will be necessary to alter the unit to prevent the penny from becoming a heavy charge; either with reference to smallness of value, or because, not being entered in small parcels, but by the whole cargo, and not being warehoused, they give very little trouble to the Customs. All this, however, will be matter of consideration in the Bill, and it will be for the Executive Government, in the administration of the law, to place the matter under well-considered general rules. But what an idea it gives of the wealth and power of this country, that to levy a small duty of 1*d.* per package, and a similar rate on all goods in bulk, will produce £300,000 a year. This will be levied without any reference to the goods whatever, and without any detention or examination. It will be taken off the ship's papers as one of the charges incidental to the receipt or despatch of the ship.

The next charge I propose to the Committee to enact is the charge upon certain operations now performed in warehouse.

The Committee are aware that the original object of the warehousing system was to enable the importers of goods to obtain two most important advantages—one the postponement of the payment of the duties, and the other to retain for themselves the option to the latest moment between entering the goods for home consumption and entering them for a foreign market. With neither of these do we propose to interfere or to saddle them with any charge whatever. But it has here a consequence of one system of heavy and restrictive duties, particularly with regard to certain articles, such as spirits, and most of all wine, that we should endeavour to mitigate their pressure by a system of expedients. Hence there has grown up a most complicated system of operations of every kind, which are performed in bond at a great disadvantage in respect to delay, in respect to charge upon the Customs establishment by consuming the time of its officers, to the risk of fraud affecting injuriously the owners of the goods, and to the loss of revenue, which is a loss to the country. But great as are these evils, they are some of the necessary results of the state of our law. That state is now reverting to a more moderate range of duties and to a more simple arrangement. It is, therefore, clear that all these extraordinary operations which lie beyond the proper scope of the warehousing system, and were of the nature of additional accommodation, should be subject to some charge. We accordingly propose to fix moderate sums chargeable on all removals, on bottling, on vatting, "fortifying"—I might weary the Committee with the vocabulary of the system—in a word, on all those extra operations which have grown up as excrescences on the warehousing system properly so called. The Committee will, I think, be glad to hear that we hope to find in this method of charge a mode of solving a very difficult question, which has excited a great deal of interest in many important communities. It is known as the question of inland bonding. The great inland towns of this country have always complained that they are excluded from the facilities given sometimes to what are little more than mere hamlets, and in many cases to places of no importance as measured by trade or population, if they chance to be ports, and this with respect to articles which they do not themselves import. But under the system we propose certain charges will attach to removals in warehouse, whether they are on the coast or in the interior, which will place them all on an equal footing. Of course, I do not mean to say that even with this safeguard which we now propose, the warehousing system can be applied to every town in the country. The Government will have to consider carefully the sufficiency of the accommodation which may be offered, the amount of trade and population, and the probable results to the revenue; but the principle of the plan will be first to return to the country in part the cost of the warehousing establishment, and secondly, to enable them to deal with equity and justice towards the little ports that enjoy these privileges because they happen to be ports within the meaning of the term, and at the same time to enable great communities like Manchester, Birmingham, and other large towns, which are fairly entitled to demand a concession of this kind, to obtain corresponding advantages. By this plan I expect to gain £120,000.

The next change I am about to propose is one upon which it will be desirable that the Committee should give a vote to-night, in conformity with its ordinary practice. I propose to levy a duty of 6*s.* per cwt. upon chicory or any other vegetable production to be used with coffee, as a protection to the coffee revenue, which has not grown, and which cannot grow as long as an article that assumes the appearance of coffee is admitted free, while coffee itself pays a high duty. It will be requisite that the Customs shall be in a condition to give immediate effect to this Resolution, and I therefore at once hand the Resolution to you, Mr. Massey, as I proceed. I may mention that this enactment will entail the disadvantage of an Excise charge upon home-grown chicory, but that is not a serious matter, because the growth of chicory in this country has almost died out. Some years ago many thousand acres were employed in the growth of chicory, but at the present day the whole quantity under cultivation, so far as I can learn, is under 500 acres. The duty on chicory, together with the improvement of the revenue from coffee, may be expected to yield £90,000 per annum, a sum which will bring up these minor Customs, charges to £510,000.

I will now briefly run over the changes which, with a similar view, we would ask the Committee to adopt in the department of Inland Revenue. A stamp of 1*d.* on notes of sale of foreign and colonial produce, and on brokers' contract notes, will yield £100,000. A stamp of 3*d*. on dock warrants is computed to yield £100,000 ; a reduction of the agreement stamp from 2*s*. 6*d*. to 6*d*., with the repeal of the exemption, under £20, will yield £20,000. The next change which we propose is to give to eating-houses of all descriptions, whether under that name or under the name of pastry-cooks' shops, a licence, for which they will pay at a very low rate, together with the power of taking a licence at their option from the Excise, to be had simply on the payment of a certain sum of money, and subject to no other limitation or restriction except rules of police, for the purpose of authorizing them to sell wine or beer. We think it is essential, in giving effect to the changes in the wine duties, that this sort of facility should be provided in connection with the sale of eatables, wherever the trade may be carried on ; and we also look on it as a change favourable to sobriety ; for the man who can get his glass of wine or beer at the same time with his necessary food in an easy manner is less likely to resort to places whither he would repair for drinking only, and where he would be tempted to indulge to excess. We also propose that by way of restraint, the duty should be doubled upon any such house that keeps open after 12 o'clock at night. Then there are a variety of very limited minor changes with which I am also ashamed to trouble the Committee. One change, however, I will mention. We propose to reduce the duty on game certificates, an alteration which I trust will be satisfactory. Only 34,000 game certificates are taken out every year. The price is very high, and no person can shoot for a day at any period of the season without paying the price of a certificate for the whole season. But the immediate and obvious ground for dealing with this licence, is the notorious fact that vast numbers of persons of almost all classes who do shoot at all, assume to themselves the liberty of shooting without a certificate. We are not able to detect more than some 400 or 500 of them in the course of the year ; but I hope that so many will not escape, indeed, that so many will not offend, under the new system. We anticipate that while we shall give relief by this change to those who buy certificates to the amount of £50,000, we shall have no loss, but even a small gain of something like £10,000 a year. Instead of £4 for a certificate for the season, it will be had, if taken out in August, for £3 ; if taken out on or after the 1st of October, £2 ; and if taken out on or after the 1st of December, £1.

As respects the measure of the right hon. Gentleman opposite, which was adopted with regard to stamps on cheques, we have not yet had sufficient experience to test its full effects, either fiscally or otherwise ; but I think it is quite clear that if it continues, as it is likely to do, at least till we see our way more clearly, there should be no exemption for cheques when the drawer is also the payee. It is not worth while keeping up the distinction, and a small sum will be gained by its abolition. We therefore propose to remove it. The stamp on leases will yield £7,000. All personal estate, passing by will, under general appointment, will become subject to probate duty, which will yield £30,000 ; and the repeal of the exemption of the conveyances of building societies will give £5,000. The Excise duty on chicory will yield £5,000, and a stamp on extracts from the registers of births, deaths, and marriages £3,000. Lastly, by bringing heritable bonds in Scotland under all the liabilities of personalty on a succession, we shall gain £10,000. I may now sum up. The new cheques under the Customs will give £510,000, which, added to £386,000, the produce of the items of Inland Revenue I have referred to, will give a total of £896,000. The next item on this side of the account will give pleasure to the Committee. It is not a tax, but a saving ; and a saving which of all others will, I am sure, be most acceptable to Parliament and to the people. It is a saving for the year on the Customs' Establishment of £50,000, which will be the beginning of a greater saving in consequence of the measures we are going to adopt. There will also be a saving in the department of Inland Revenue, if the measures we propose should be agreed to, of £36,000. There will, therefore, be altogether £86,000 in saving, and £896,000 in taxes, making together £982,000, which will more than replace the revenue we propose to withdraw in the second part of our scheme of commercial amendment.

Let me now once more recall to the Committee the precise point at which we stand. We venture to urge that the country may fairly expect, under the circumstances of the present year, a reduction of the indirect taxes, chosen with the greatest care for the purpose, to an extent something like that which is represented by the amount of difference between the present war duties, so to call them, on tea and sugar, and likewise by the amount of annuities now falling in. The annuities on £2,146,000, and the difference on tea and sugar duties would be represented by nearly the same sum. I mean the country has a right to expect we should proceed to that extent in loss to the revenue, but to a much greater extent in relief to consumers. Of that £2,146,000 we have disposed of about £1,190,000 by the Treaty with France, so far as the plans of the Government are concerned; and by way of supplement to that treaty, we have also proposed a further measure involving the loss of £910,000, with compensation in the shape of new charges and savings to the extent of £982,000. Consequently, there is still about 1,000,000 of remission, which, in the view of the Government, is due to the trade and industry of the country on the principles I have stated. The question remains, where shall that reduction be made?

As we have frankly admitted, we do not think the greatest benefit would be conferred either on the nation at large, or on the labouring classes, by an immediate return to the *minimum* duty on sugar and tea; and though we might take either of the two, we could not, consistently with what I have thus far proposed, take both. As we do not think that is the direction in which relief may be best conferred, I think the Committee will readily guess what I am about to propose—the abolition of the Excise duty on paper. There is only one argument I know against its abolition, and that is, that the revenue derived from it is a growing revenue. The reason why it is so is, that we live in a country with a growing literature and a growing trade; and, as neither literature nor trade can be carried on without paper, it follows that as long as the country grows in literature and trade the paper duty must increase, however impolitic, however burdensome it may be in its operation. But let the Committee briefly consider with me some of the reasons for the repeal of the paper duty. First of all, I do not hesitate to say that one reason for this repeal, not, perhaps, conclusive in itself, but certainly far from immaterial in the view of any British Ministry, is that the duty has been condemned by the House of Parliament. And how has it been condemned? Not by any chance majority, not by an Opposition happening to overpower a resisting Government, but with the full concurrence of the responsible executive of the day. On the 21st of June, 1858, my right hon. Friend, now President of the Board of Trade, made this Motion:—

> "That it is the opinion of this House that the maintenance of the Excise duty on paper, as a permanent source of revenue, will be impolitic."

The Chancellor of the Exchequer objected to a second Resolution which was proposed by my hon. Friend for the purpose of driving the nail a little further home; and, on the second Resolution being withdrawn, the Chancellor of the Exchequer, the right hon. Gentleman opposite (Mr. Disraeli), adopted the first Resolution, said that the duty required not immediate, but yet early consideration; and the Resolution was thereupon adopted unanimously by the House. It is a question whether it is altogether a wise practice to adopt Resolutions that condemn duties which cannot at the time be repealed, and I am afraid subsequent inconveniences are apt to grow out of such a practice; but the fact that the House of Commons has recorded that judgment is a material element in the case we are now considering.

That, however, is not all. The paper duty is in many respects a bad duty, and I will show presently that it is also becoming untenable in law. In the first place, as an uniform duty on a very variable article, how does it operate? It presses on the poorer sorts, and while we find that the duty on fine papers, owing to the growth of literature, is rapidly increasing, on the coarse sorts it does not advance. Look again at its operation on literature. On dear books, which are published for the wealthy, it is a very light duty; on books brought out in large quantities by enterprising publishers for the middle and lower classes it is a very heavy and a very oppressive duty. I think the Committee will admit that it is a most desirable and legitimate object to promote the extension of cheap literature. I do not speak of newspapers alone, but of newspapers and periodical publications in common with all other cheap literature which we have seen so greatly enlarged of late, and the character of which I am bound to say since the penny stamp on newspapers was removed has been so highly creditable to the conductors of what is called the cheap press. It is hardly possible to describe, except by details on which I shall not venture, the manner in which the paper duty obstructs general skill and enterprise. But the subject has this characteristic, which I beg to call to the special attention of the Committee. The material with which it cals is a material of almost boundless scope, for nearly everything which is fibrous may in one manner or another be made to serve the purpose of paper. I spoke just now of the production of British and spurious wines. I am told that in an inland town there is a manufacture of British champagne. It is made from rhubarb; and the suggestion has been made that after all the champagne has been extracted from the rhubarb the fibre should be made into paper. That is a very good recommendation. I believe, really and seriously, that whatever is grown with fibre would, by skill and enterprise, probably be made available in one mode or another for the purposes of paper if it were not for the necessary obstructions offered by the regulations of the Excise Department. But again, what are the purposes of paper? Not only those narrow ones with which the ordinary experience of every man makes him familiar. I do not think the Committee is aware of the enormous variety of purposes to which the use of this material may, in one form or another, be applied. I have a list of sixty-nine trades, in not one of which an ordinary consumer would guess it to be used. For example, it is largely used by anatomical machinists to make artificial limbs, by telescope makers, by boot and shoemakers, by cap manufacturers for the foundations of caps and hats, forming all the peaks and many of the tops which look like leather, by china and porcelain manufacturers, by coachmakers, by comb makers, by doll makers (most dolls being made of a material into the composition of which paper enters), by shipbuilders, in making optical instruments, in pictures and looking-glasses, in portmanteaus, in Sheffield goods, and in teapots. One manufacturer writes that he has made panels for doors from paper, and he looks forward, above all, to making carriages of paper when the duty is taken off. Another manufacturer, who is asked into what combinations paper may be made to enter, says—and I think it is a very just and forcible observation:—"Who can fix the limit to ingenious combinations when we see india-rubber, for instance, being made into strong and durable combs and other articles of that sort? Only this morning," he proceeds, "he was informed that paper pipes are made, prepared with bitumen, and capable of standing a pressure of 300lb. of water to the inch." These are partial but not uninteresting details, and I think that to which they bear witness is the unbounded expansion of which this trade is capable, and the way in which we may confer benefit on the working-classes by means of abolishing this duty—not only because they will get cheaper paper, which must be of advantage to every man who furnishes a cottage and desires to give some of his rooms an appearance of comfort and neatness, and to every purchaser of tea and sugar, into the cost of which it enters when tea and sugar are wrapped in it; but by putting in motion an immense trade it will give a greater and wider stimulus to the demand for the labour of the country. Above all other benefits, let me say the great advantage of this change, in my opinion, and in the opinion of Her Majesty's Government, is, that we may promote a diffused demand and a demand for rural labour; that we shall not merely stimulate the process of massing people in great centres of industry, but the demand for labour all over the country. Where there are streams, where there are villages, where there is pure and good air and tolerable access, there are the places where the paper manufacture tends to establish itself. And there is a Gentleman, a member of this House, second to no man in England for enterprise, who did within the last few years illustrate the effect of the paper manufacture on the poor rate. The paper duty has indeed, I fear, materially helped to extinguish all the small paper manufacturers. It has concentrated the trade in a few great hands. Village mills are hardly to be found. I want to see, and I do not despair of seeing, these village mills spring up again and flourish. The case I quote, to show the effect of paper manufacture upon the poor rate, is that of a Member of this House, who a few years ago, with a view to the supply of paper for a well-known periodical, established a paper manufactory at Rickmansworth, and within three or four years the poor-rates of Rickmansworth were diminished by one-half. In this condition, I believe, they continued so long as that paper mill was at work. This is an argument of a nature to be readily appreciated and understood. And, Sir, before I conclude the subject, I must state yet one other point. I told the Committee that this duty was rapidly becoming untenable, and I am bound to warn them, as I have done with respect to the wine duties, that such is the state of things to which it tends. It is not only invidious to maintain it when every other duty of the same class has been abolished, but the law is rapidly becoming incapable of being administered without discredit. The heads of the Inland Revenue Department are completely agreed that there ought to be a repeal of the duty. I asked the gentlemen whom I may call the agitators against the duty to furnish their reasons in a series of short propositions, in order to see how far they could be admitted by the Inland Revenue. They sent me fifteen arguments, and I transmitted them to the Board of Inland Revenue. The heads of that department said, that two of the propositions were rather in the nature of general propositions of political economy upon which they would give no opinion, but that with regard to all the other thirteen they agreed with the agitators. You cannot reckon on being able to maintain the duty beyond a certain time, because such are the difficulties raised as to what is paper and what is not paper, as to what are sheets of fibrous substance and what are not, that not only is there the greatest soreness among the manufacturers, and the sense of injustice that attends capricious and unequal law, but the officers of revenue find it more and more difficult to perform their duty; and the maintainers of the law will soon be placed in the ridiculous position in which they were placed when they were some years ago unable to say what was a newspaper. In short, as the paper duty must sooner or later follow the newspaper stamp, we say let it be sooner and not later, and we propose that it should follow now. It is proposed that the paper duty shall be abolished after the 1st of July next, and that drawback shall be allowed on stocks in the hands of the dealers subject to the usual rules. There will be a loss by the repeal of the paper duty in 1860—1861 of £1,000,000. But the repeal of the paper duty will enable us to take some other measures which are very desirable; to clear the tariff of all the articles coming under the heads of furnishing paper, writing paper, books, prints, and engravings, and it will greatly simplify the laborious and difficult task which the Custom-house officers have to perform in searching the luggage of passengers for pirated books—an office by which they at present afford to possessors of a particular kind of property a protection which is afforded to no other kind of property, and which ought not to be afforded to them at the cost of the revenue. Of course, whenever the Custom-house officers observe an illegal commodity it will be their duty to stop it, but an officious and vexatious description of search will, as I am informed, no longer be necessary.

The abolition of the paper duty will moreover save £20,000 a year in the establishment of the Board of Inland Revenue; and it will likewise enable us to adopt another measure of some importance which I will in a very few words describe; I refer to the abolition of the impressed stamp on newspapers. The impressed stamp on newspapers is attended with difficulties which, if I were dealing with that subject alone, I might spend a long time in explaining. It recognizes the exceptional status of newspapers, and again raises the question, "What is a newspaper?" The Post Office authorities find it impossible to draw a distinction between publications entitled to the impressed stamp and other periodicals. It involves a great deal of unrequited service; and nothing is more absurd than that when the Post Office carries newspapers, or any other printed matter not exceeding four ounces in weight for a penny, they should be liable, after a stamp is impressed, to carry it half-a-dozen times over for the same money. Again, it requires a distinct code for itself. There are some fifteen or twenty special regulations which every one is bound to observe, but which nobody does observe, to secure the condition upon which the privilege is given; and this privilege, as to the mode of stamping newspapers, and as to postage, is a privilege most inconvenient to the parties and to the revenue. The State is obliged, on the one hand, to keep up various establishments for no other purpose than stamping the paper for newspapers, and newspaper proprietors are, on the other hand, with a few exceptions, obliged to cart all their paper to the establishments where this department of revenue is raised, in order to get it stamped. I cannot but think that that is a system fraught with great inconvenience and loss; it is inconvenient to the proprietors of newspapers, while it involves a loss of public money, and, therefore, it furnishes a strong argument for the abolition of the stamp. We propose, therefore, that the stamp should be abolished on the day on which the alteration in the stamp laws takes place.

But there are certain papers that take advantage of certain occasions, and among them that great paper *The Times*, of a three-halfpenny stamp. It would be a hardship to those papers if we called upon them to pay a two-penny postage, where they now pay only three halfpence, and this difficulty we propose to surmount by the simple method of introducing a three-halfpenny rate into the present scale of the book postage, which will accordingly stand as follows: up to four ounces, 1*d.*; six ounces, 1½*d.*; eight ounces, 2*d.*; and so on. This is a change which I think will at once recommend itself to the general favour of the Committee.

I have now stated all the remissions and changes of duty which the Government propose to recommend to the House; but with a view to the necessary balance of the revenue it is necessary that I should still refer to some articles which are connected with the departments of Excise and taxes. I have mentioned the article of hops; and I have now to state that we propose to alter the system of hop credits. That system is one that is indefensible in principle, and has nothing to recommend it in point of convenience. As things now are, the grower of hops who picks and gathers in his hops in August or September and sells them in October is not called on to pay the duty till the following May, when he pays one half, and the other half in November, when he has actually got in hand another crop. This is a system that is highly disadvantageous to the revenue while no good reason recommends it on the part of the producer: we, therefore, propose as a substitute that the hop-grower, who as a general rule has parted with his crop in October or November, shall, for the next and all coming crops, pay the duty on the following 1st of January. As, however, by taking away the hop credits we to some extent put a pressure on the grower, and as we are going to admit the foreign hop-grower to equal competition with him, we propose to give a partial remission of the duty, which will stand no longer at 19*s.* 7*d.*, but at 14*s.* per cwt. or 1½*d.* per pound. I also have to mention a change in respect of malt. Malt is at present prohibited. We propose to remit the prohibition, and substitute a Customs' duty of 3*s.* per bushel, being 2*s.* 9*d.* and 5 per cent with a further allowance in consideration of the indirect burdens imposed by the Excise on the maltster over and above the duty in reference to the Excise. The subject of compensation reminds me that it is important to consider what will be the relation of the change in the wine duties to the duty on malt. I shall be prepared to show that when the change in the wine duties has taken effect, wine of the only description that can compete with malt will pay a tax a great deal heavier than malt, and malt, therefore, will not be subject to any undue pressure.

Let me now, Sir, bring into one view the alterations which I have stated in detail. In doing so I must endeavour to bring clearly before the mind of the Committee three separate sums—1st, the entire amount of the remission or relief to the consumers by the adoption of the plans we propose; 2nd, the amount of loss to the revenue which they will entail; 3rd, the amount of compensation which will be derived from the new charges upon operations of trade which we recommend for the adoption of the Committee. The Customs' duties altered under the treaty with France will give relief to the consumers of a sum of £1,737,000, and will cause a loss to the revenue of £1,190,000. By the supplemental Customs plan we will give relief to the consumers of £1,039,000, and there will be a loss to the revenue of £910,000; total relief to the consumers, £2,771,000; total loss to the revenue, £2,100,000. In the Inland Revenue Department there will be a relief on paper of £1,000,000; on hops, £105,000; and on game certificates, £50,000; making in all, £1,155,000; and a total loss to the revenue for the present year of £990,000. There will thus be a total relief to the consumers in the Customs and Inland Revenue Departments of £3,931,000, and a loss to the revenue of £3,090,000. The amount of compensation by means of increased consumption has here been estimated at £841,000, but there will be a further compensation by new charges and by savings on establishments of £982,000, being a total of £1,823,000. Taking this computation, and deducting £1,823,000 from £3,931,000, there will be a net loss to the revenue for 1860-61 of £2,108,000, a sum which, as the Committee will observe, very nearly indeed corresponds with the amount of relief which we are about to receive by the falling in of the Long Annuities.

There will, it is true, be a further loss, in consequence of the projected changes, of something more than £700,000. But I have no scruple in casting this burden on the year 1861-2, inasmuch as I feel that the effect of the changes we propose upon trade and consumption will be to enlarge its revenue in more than a corresponding degree.

I will now state in a few words the effect of these changes in bringing forward that most desired consummation of all Reformers—a simplification of the Customs tariff of the country. The number of articles subject to Customs' duties on the 1st of January, 1842, was 1052; in 1845 it amounted to 1163 articles; for I must remind the House that the first operation of the reform of the tariff was to multiply the number of articles, in consequence of the transition from duties *ad valorem* to rated or specific duties, which caused an increase of the headings under which they were described. In 1853 the number of articles was 466; lastly, on the 1st of January, 1859, 419. After the changes now proposed are adopted, without allowing for a few subdivisions, such as the specification of two or three classes of sugar, the whole number of articles remaining on the tariff will be forty-eight. We shall have three classes of articles, including in all fifteen, which are in reality the only articles that will be retained on the tariff for purposes of revenue. They are as follows: First, five articles yielding from one to six millions: spirits, sugar, tea, tobacco, and wine. Secondly, four articles yielding from £200,000 to £1,000,000: coffee, corn, currants, and timber. Thirdly, six articles yielding from £20,000 to £200,000: chicory, figs, and fig-cake, hops, pepper, raisins, and rice. Besides those fifteen articles there are twenty-nine which though yielding revenue, are only retained on special grounds. Thus, five articles are retained on account of countervailing duties of Excise on domestic articles, and twenty-four on account of their resemblance to one or other of the fifteen articles I have adverted to. We could not, for example, admit eau de Cologne free of duty while there is a duty on brandy. It thus follows that your Customs' revenue will be derived substantially from fifteen articles. That is a result which I hope Custom-house reformers will be of opinion justifies the changes we have made.

There will then be a relief from indirect taxation of about £4,000,000. Out of that £1,000,000 paper duty will go directly to stimulate the demand for diffused and rural labour, £1,800,000, or the greater part of £2,000,000, under the French treaty, and £400,000 more taken off the timber duties, will in every instance strike at differential duties, and will be the means of removing from the tariff its greatest, perhaps its only remaining deformities. There will be on the British tariff, after the adoption of these changes, nothing whatever in the nature of protective or differential duties, unless we apply that name to the small charges which will be levied upon timber and corn, and which amount in general, perhaps, to about 3 per cent on the value. With that limited exception you will have a final disappearance of all protective and differential duties, so that the consumer will know that every shilling he pays will go to the revenue, and not to the domestic as against the foreign producer. You will have a great extension and increase of trade, you will have a remission of the principal restraints upon travellers, and a great reduction in the expenses of the Customs and Excise Departments. I mentioned that, as is indeed obvious, those reductions must be brought in by degrees and in detail. They will not appear upon the Estimates as they are presented for this year, because it is impossible to foresee, especially until we know what the decision of Parliament will be, the precise changes which will be made. The immediate reduction in the Customs Department will be £50,000, in the Excise £86,000; and the ultimate reduction upon the expenses of the Customs Department alone I expect will be somewhere about £150,000. That is the nature of the change we propose in the system of Customs and Excise.

It is now time that I should for the last time revert to the state of the general account. It would have been possible to come to it, perhaps, by a less circuitous route, and, as I stated before, a shilling income tax would have balanced the income and expenditure without any further trouble. But I come to consider what are the means by which we propose to bring about a balance. I do not indeed pretend to present to the House a Budget which grapples with all the difficulties of the case that is before us. I do not, let me again press on the notice of the Committee, propose to provide for the Exchequer bonds; a shilling income tax perhaps would have effected that purpose too. I have called the attention of the House to the fact that we are going to take away the six weeks' credit now allowed to maltsters, which will give us £1,100,000 within the financial year. The hop credit will give us £300,000 more. The two sums together amount to £1,400,000. They do not belong to the year, although on the other hand they are not borrowed money.

They actually belong to the public, and they may be said at present to be public capital lent out to the producer of certain commodities without interest, which we propose to call in and apply to the purposes of the year. But the deficit which I pointed out, and which it is incumbent on us to supply, amounted to £9,400,000. The aids which I have mentioned reduce it only to £8,000,000. After this statement, you will not, perhaps, consider that there remains to us much liberty of choice. I have pointed out that a one shilling income tax would completely fill the void, and would enable you to dispense with the remaining part of the war duties on tea and sugar. Without any remission of the duties on sugar or tea or paper, and without the slightest attempt to improve your fiscal laws and extend your trade, you cannot escape with an income tax less than the amount at which it now stands, 9*d.* in the pound. We have proposed to you a remission which goes to the extent of £4,000,000, and the additional taxation which we have so far presented, falls entirely upon trade ; and now I will state in what manner we propose to supply the deficiency which remains. The charge for 1860-61, as I have stated, is £70,100,000; the income with the tea and sugar duties at their *minimum* would have been £60,700,000. Deducting from that income the loss by remissions, the amount would be £58,592,000; but by retaining the tea and sugar duties at their present rates we shall have an addition of £2,100,000 bringing up the income to nearly the point where it before stood, or £60,692,000. But when we compare £60,692,000 with £70,100,000, there is still a deficiency of nearly £9,500,000. Against that deficiency, besides taking up the malt and hop credits, which will give £1,400,000, we propose to renew the income tax at a rate only higher by one penny than that which it would be necessary under any circumstances to propose—namely, at 10*d.* in the pound. The assessment will be 10*d.* in the pound on incomes above £150, and 7*d.* in the pound below that amount. No new returns will be called for under any of the schedules, and the tax will be taken for one year only. Both with regard to that subject and the duties on tea and sugar we wish to reserve to Parliament the fullest and freest discretion. Instead of the old system, under which only half the year was collected within the year, though by law three quarters ought to be collected, we shall require three-quarters to be actually collected. The consequence of that will be, that the income tax at 10*d.*, with three quarters collected within the year, will give £8,472,000. There will still remain due, after April, 1861, one quarter of the income tax, about £2,250,000, nearly the same sum as now remains due by law after April, 1860. There is but one slight change in it which we propose ; it regards the mode of assessing railways. This proposal, which will be convenient both for the companies and for the Government, will be to assess them at their head offices instead of in the various districts through which they run. I think the House will now understand how the final balance for the year will be adjusted. But I may repeat the particulars. The revenue, after the deductions and remissions, and without allowing for what may be called the war duties on tea and sugar, stands at £58,592,000. I put the tea and sugar duties renewed at the present rates yield £2,100,000, the malt and hop credits taken up give £1,400,000, the income tax for three quarters of the year furnishes £8,472,000. That brings up the total income to £70,564,000. The total charge is £70,100,000, which leaves an apparent estimated surplus of £464,000.

As regards the method of proceeding to submit these measures, and in conformity with what I have already said, I will ask the House to pass the vote relating to chicory to-night, and the order in which we will take the other subjects will, without reference to any other matter which may intervene, be as follows. We shall proceed first with those portions of the Customs' duties which are involved in the treaty with France, and among them we shall begin with the duties on wines. I cannot overstate to the Committee the importance both to trade and to the revenue of proceeding to deal with these subjects at the earliest possible day. We should not like to make an unreasonable demand on the House or on individual Members, and, as I now speak on Friday, we could not ask the House to take an earlier day than Thursday next ; but I trust that the Committee and its members individually will allow of our proceeding on that day in a matter where despatch is of so great importance. We should, after that, proceed with the supplementary resolutions, or the second part of our plan, relating to the Customs' duties; we should then take the Excise duties, and after that the duties on tea and sugar. Probably before we get so far we shall have made some progress in the Estimates, and it will be then convenient to take the income tax.

And now, Sir, without seeking to place on the propositions, I have made a colour more favourable than they may deserve, I have endeavoured to bring strongly and clearly into view the most prominent features of the plan of the Government. We propose an ample provision for the service of the year. Our plan gives a sanction to the employment of some subsidiary resources in aid of the ordinary revenue of the year, in consideration of the great demands made on the people; it involves a high rate of income tax, and it abandons all endeavour to make a financial settlement for a term of years, a method which we do not think suited to the existing state of affairs. Those Gentlemen who may entertain a hope of some material reduction in our expenditure at an early date will be disposed, I think, to agree in the wisdom and propriety of such a course. Our proposals involve a great reform in our tariff, they involve a large remission of taxation, and last of all, though not least, they include that Commercial Treaty with France which, though objections may be taken to it, we confidently recommend, not only on moral and social, and political, but also, and with equal confidence, on fiscal and economical grounds. In conclusion, I may presume to say that I feel a hope which amounts to a persuasion, that this House, whatever may happen, will not shrink from its duty. After all it has heretofore achieved by resolute and persevering commercial reforms on behalf of the masses of the people, and not on behalf of them alone, but on behalf of every class, on behalf of the Throne, and of the institutions of the country, I feel convinced that this House will not refuse to go boldly on in the direction in which Parliament has already reaped such honours and rewards. By pursuing such a course as this it will be in your power to scatter blessings among the people, and blessings which are among the soundest and most wholesome of all the blessings at your disposal, because in legislation of this kind you are not forging mechanical helps for men, nor endeavouring to do that for them which they ought to do for themselves; but you are enlarging their means without narrowing their freedom, you are giving value to their labour, you are appealing to their sense of responsibility, and you are not impairing their sense of honourable self-dependence. There were times, now long gone by, when Sovereigns made progress through the land, and when, at the proclamation of their heralds, they caused to be scattered heaps of coin among the people who thronged upon their steps. That may have been a goodly spectacle; but it is also a goodly spectacle, and one adapted to the altered spirit and circumstances of our times, when our Sovereign is enabled, through the wisdom of Her great Council assembled in Parliament around Her, again to scatter blessings among Her subjects by means of wise and prudent laws; of laws which do not sap in any respect the foundations of duty or of manhood, but which strike away the shackles from the arm of industry, which give new incentive and new reward to toil, and which win more and more for the Throne and for the institutions of the country the gratitude, the confidence, and the love of an united people. Let me say even to those who are anxious, and justly anxious, on the subject of our national defences, that that which stirs the flame of patriotism in men, that which binds them in one heart and soul, that which gives them increased confidence in their rulers, that which makes them feel and know that they are treated with justice, and that we who represent them are labouring incessantly and earnestly for their good—is in itself no small, no feeble, and no transitory part of national defence. We recommend these proposals to your impartial and searching inquiry; we do not presume indeed to make a claim on your acknowledgments, but neither do we desire to draw on your generous confidence, nor to lodge an appeal to your compassion. We ask for nothing more and nothing less than your dispassionate judgment; we know that our plan will receive that justice at your hands, and we confidently anticipate on its behalf the approval alike of the Parliament and the nation.

The right hon. Gentleman then moved to *resolve*—

> "That the following Duty of Customs shall be charged on the article under mentioned, on importation into the United Kingdom, on and after the 11th day of February 1860—namely, Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee,—namely, Raw or kiln dried, 6*s.* the cwt."

MR. DISRAELI: Sir, it is not my intention to offer any opposition to the Resolution which the right hon. Gentleman has proposed; indeed, I must take the liberty of congratulating himself and the House on the able manner in which he has addressed it under the painful circumstances with which I can assure him all present sympathize. But the right hon. Gentleman has placed before us a very large scheme, treating of subjects of the greatest importance, and descending even to the minutest details; and having, with proper confidence, invited, on the part of the House, an impartial and searching examination of these topics, I must venture to say that, as we do not all of us possess abilities equal to those with which he is gifted, it appears to me scarcely possible that an impartial and searching investigation can take place in the very limited time that the right hon. Gentleman has intimated. The claims of the trade of the country, no doubt, are great and urgent;—when any alterations of the tariff are contemplated, no man hesitates to acknowledge them; but these claims have a limit, both in their importance and urgency,—and the urgency and importance of commercial interests cannot justify this House in entering into rash and precipitate legislation. We are dealing with a very important subject; we are also dealing in the present financial statement with elements differing, in very essential particulars, from those by which even the most comprehensive financial schemes have of late years been characterized. We have to deal not only with financial and commercial considerations, but—as the right hon. Gentleman has fairly admitted, and as no Member of this House should for a moment forget—we have to deal likewise with political considerations. We are asked to enter into relations with a foreign Power, which, having once been adopted, are not susceptible of those changes which in thoroughly domestic engagements, however important, the omnipotence of Parliament would always be able to effect. And, therefore, I feel that I am but expressing the general sentiments of the House when I state that the proposition of the right hon. Gentleman that we should enter upon the consideration of this financial scheme next Thursday is one of an unreasonable nature. Acknowledging the claims to an early settlement of commercial questions, I at the same time believe that there are questions as important as even the interests of our commerce. I have no wish to interfere with the Government in the conduct of public business, or with the arrangements which have been made for bringing forward the Bill popularly called the Reform Bill; but I should suggest that this day fortnight would be the period at which, under the circumstances of the case, and according to usual custom, the discussion on this subject might conveniently be taken. In several similar cases in which the interests involved were more limited than under the present financial statement, the House, I remember, requested a fortnight's interval, and sometimes even pressed for three weeks, and no instance has occurred where interests of any importance were concerned in which a less period than a week has been granted. And now we are called on to consider at such brief notice questions of financial, of commercial, and of political interest, all of the highest and most comprehensive character; and not to consider them merely, but to come to a decision—because this scheme must be taken as a whole, and it is evident that the very first vote which is given upon any portion of it will really decide the fate of the entire proposal. And not merely is the convenience of this House to be consulted, but our constituents are deeply affected by this proposition. Many hon. Members will, doubtless, desire an opportunity of mastering the financial scheme in all its bearings; and many others will desire to consult their constituencies on various points involved in the proposed changes. These have a right to consider its details and to communicate with their representatives, and many of them are at such a distance as to render it scarcely possible that a communication could be returned in time. On all these grounds I would suggest to the Government that the postponement of the further consideration of this question to this day fortnight is a step that would be most convenient to the House, and most conducive to public interests.

MR. ELLICE (Coventry) expressed a hope that whatever course might be adopted by the House, they would not follow that recommended by the right hon. Gentleman who had just sat down. Interests of various descriptions were concerned in the decision of the House, and on behalf of one which would be most prejudicially affected by the proposed changes, he was very anxious that the scheme should be subjected to a speedy decision. He did not intend to go into the details of the measure. The right hon. Gentleman had stated it to the House with great ability, and it was founded on a principle which recommended itself very much to their serious attention. Although the right hon. Gentleman had pointed him out as one of those who were most likely to object to the measure, he wished to express his acquiescence in its general principle, though he objected very strongly to its proposed application to the constituency which he represented; and in their name he took that opportunity of protesting against the harsh, peremptory, and inconsiderate manner in which it was proposed to deal with their interests. The silk trade was that which was most especially affected by this scheme, and of the £300,000 at present levied on silk manufactures, at least one half was paid by the particular species of silk manufactured by his constituency. A petition had undoubtedly been presented from the silk manufacturers of Manchester, in which they advocated the removal of the restrictions as calculated to benefit the general silk trade; but they were very little affected by the contemplated repeal of the duties. The branch of manufacture which would be principally affected by the alteration was that of ribands, which was principally and almost entirely carried on in the city of Coventry. In 1846, when the first general scheme of commercial reform was introduced, a certain consideration was paid to this particular trade, and a certain amount of protection was retained in their favour. That protection amounted to about 16 or 17 per cent. The trade, which was in a state of progressive improvement, was now likely to be injured by the proposed unrestricted competition. He did not say that the general interests of the country ought to be postponed for their advantage; but he thought time ought to be allowed them to prepare for the change. He was innocent enough, in the first instance, to tell his constituents that he did not believe a commercial treaty would be negotiated by the Government. In this time of day he had thought it little likely that the principle of a commercial treaty would have been resorted to; but still less had he expected that such terms would have been agreed to as were now proposed. He asked where the equivalent was to be found in the treaty for the free admission of ribands into this country? If an equivalent had been granted, if the market of France had been opened to English ribands at the same time that the English market was opened to French ribands, he should have thought the manufacturers and artisans in this country would have been able to compete with those of France on terms of equality, and that they would have consented to this measure; but when he found that the duty on French ribands of from 15 to 16 per cent was to be taken off, and that they were to be admitted freely into this country, while our ribands were to be excluded from France for a twelvemonth, and then practically excluded from the French market by a duty of 30 per cent, it would require greater ingenuity than even that of his right hon. Friend, the Chancellor of the Exchequer, to persuade the English workman that the price of his labour was not diminished, and his condition deteriorated, or that he had been treated on principles of fair play and justice. The consequence of this treaty had been that the trade of Coventry was now nearly in a state of panic; and that being so, he should be sorry to see the discussion on the measure delayed longer than was absolutely necessary to enable the House to master its details; because, while the suspense lasted, the condition of the poor people there would be truly unenviable. He trusted, therefore, that the Chancellor of the Exchequer would adhere to his determination to proceed with the discussion on Thursday.

Mr. NEWDEGATE wished the Committee to consider for one moment what was done in former years when a commercial treaty with France was proposed. It was proposed by that eminent statesman, Mr. Pitt, in 1787, in the same friendly spirit towards France which pervaded that now proposed by Her Majesty's Government. But what was the precedent which the House of Commons set on that occasion with respect to the time allowed for deliberation? It was stated in Tomlin's *Life of Pitt* that the substance of that treaty was before the public for five months before the Minister proposed that it should be adopted by the representatives of the people. And was it hurried on, as the right hon. Gentleman proposed to hurry his measure, after it was once communicated to the House? On the contrary, the treaty was proposed almost immediately after Parliament met on the 23rd of January, 1787, and it was not sanctioned by Parliament till the middle of March. But the right hon. Gentleman expected the House to master the details of a measure which, he (Mr. Newdegate) admitted, had been brought forward with consummate ability, but which involved more complicated and intricate calculation than he ever before remembered to have been laid before the House, in the course of the next five days. What was the key to the whole measure? The key to the whole measure was the treaty with France. The right hon. Gentleman said that no foreign compulsion would be brought upon us by the adoption of that treaty. But what was the fact? If the House once sanctioned this treaty, they could not for many years again deal with articles affected by the treaty without the concurrence of France, or without incurring her hostility. He therefore entreated the Committee not to commit themselves to engagements of such vast consequence without a fortnight or three weeks' deliberation; for if these steps were once taken the House could not retrace them without endangering the good understanding that now existed between two great nations whose amity they were bound by every means to endeavour to promote. He did not concur with the right hon. Member for Coventry, although of the interests and trade of that city they were the joint representatives. Such had been the secrecy with which this treaty was kept from the trade—a trade which had been greatly enlarged of late, and was now in a state of great prosperity, and upon which 150,000 of the population of the country at least were depending—for that was the number returned at the last census—that up to this moment they were in total ignorance of the measures that were proposed for adoption in conformity with the Government of France. When, therefore, it was proposed to sanction a measure of this kind, he thought the House would only manifest a due regard to its own character if it followed the example of the House of Commons in 1787—a House that was led by Mr. Pitt, while the Opposition was led by Mr. Fox, who was so far from being disposed to hasten the deliberations on such an important measure that he took it up in detail, and divided the House on several clauses of that treaty, and did not suffer it to pass till six weeks or two months were given to the people of this kingdom to inform their representatives whether the engagements into which the Minister had entered should be ratified by the Parliament or not. He would not detain the House longer, except to say that he cordially concurred in the considerations which had been so ably urged by the right hon. Gentleman the Member for Buckinghamshire, and that he hoped the House would adopt them, and not commit itself to these important considerations with France till ample time was afforded for deliberation.

MR. BENTINCK need not say that he heartily joined in the pleasure which every one had expressed in seeing the right hon. Gentleman again among them, and he need hardly add that, in common with the rest of the Committee, he had listened with the deepest attention to the speech with which he had introduced the subject. He would go farther, and say that till that night he could not have believed it was in the art of man to clothe so much tinsel in such brilliant colours. The right hon. Gentleman exceeded all he had ever before heard in the power of giving to what was worthless, or, he might say, destructive, so rich and new a gloss. He would not, however, now go farther into the question than to advert to one subject. The right hon. Gentleman, with considerable emphasis, was pleased to say—triumphing, no doubt, in his free-trade aspirations—that he understood Protection for some time past had been lurking in holes and corners. Now, he (Mr. Bentinck) had never deviated from the opinions, whether right or wrong, which he had first held on the subject of protection; and he would tell the right hon. Gentleman that the course of the Protectionists had been throughout straightforward, honourable, and consistent; and when they saw those who had acted in a manner the reverse of honourable and the reverse of consistent rampant in high places, it might be well for Protectionists to betake themselves to those holes and corners where they found at least honesty of purpose. He had listened with great pleasure to the speech of the right hon. Member for Coventry, and was glad to find that, to a considerable extent, the right hon. Gentleman coincided in the views he held; but he could not agree with him in hastening on the discussion. The right hon. Gentleman forgot that while his constituents were near enough to London to learn all the details of this measure tomorrow, there were others so far distant that it would be two or three days before the news reached them. Even with regard to the Members of this House, he believed it was not in the power of any Member here to master for some considerable time all the complicated details of this measure, much less to form a sound opinion as to the probable effect of so comprehensive a scheme within the limited time which was to be allowed to elapse before its discussion by the House. So far from thinking that the right hon. Member for Bucks had asked for too long a delay, it appeared to him that the time he suggested was rather inadequate for a full deliberation. He only hoped that the right hon. Gentleman would adhere strictly to the proposal which he had made, and he was sure he would receive the support of every man who wished to consider this question with a view to the best interests of the country, and not to make it a party measure with a view to obtaining a party triumph.

Mr. BAXTER hoped the right hon. Gentleman the Chancellor of the Exchequer would not adopt the suggestion offered on the other side of the House. These questions must be considered as a whole, and ought to be considered at the earliest possible moment. No doubt the hon. Member for Norfolk (Mr. Bentinck) had already made up his mind, for he had characterized the statement of the Chancellor of the Exchequer as "tinsel." He (Mr. Baxter) would advise the right hon. Gentleman on no account to fix the discussion of his scheme for a distant date, and certainly not to allow it to interfere with the discussion on the Reform Bill. No doubt hon. Gentlemen opposite were anxious to have the Reform Bill interposed between tonight and the further discussion of the financial statement.

Sir STAFFORD NORTHCOTE said, he merely wished to ask the right hon. Gentleman the Chancellor of the Exchequer what the Government intended to do in the case of drawbacks on wine in bond?

The CHANCELLOR of the EXCHEQUER said, he was extremely obliged to his hon. Friend for having put the question—the subject had entirely escaped his memory. He would state the intention of the Government at length on a future occasion; but that intention was quite distinct and founded on a clear principle. They intend strictly to adhere to the terms of what had been construed into a compact, and to give a drawback wherever the parties had complied with the terms of the Treasury Minute of 1843, which allowed it, and with the regulations of the Revenue Department issued under it.

Mr. HORSFALL said, he would not then venture to express any opinion upon the important proposals which had been brought under the notice of the House by the Chancellor of the Exchequer; but he felt it his duty to urge upon the right hon. Gentleman the propriety of allowing a fortnight for the consideration of the scheme before they were to proceed to its discussion.

Mr. PALK said, the only fear he had was that the right hon. Gentleman had pursued his principle of free trade a little too far. At all events he now dealt with such a variety of subjects—and affected such a great variety of interests—that it would be only fair that those who were entrusted with the interests of the electors of England should have full time for considering them, and not consider them in the narrow-minded way mentioned by the hon. Gentlemen on the other side of the House. At the same time he trusted that the Government would not be induced by any delay in discussing the financial scheme to postpone the introduction of the Reform Bill, as it had been suggested they should do.

Mr. ALCOCK wished to offer his tribute of admiration to the right hon. Gentleman for the admirable manner in which he had made his financial statement, and he rejoiced to hear that part which related to the commercial intercourse of this country with France. It was a stigma on both countries that so little trade was done between them, but now there was a fair prospect that it would be increased. But he regretted that no promise of reduction in the malt duties had been made; and as regarded the tea and sugar duties, he must state openly that the right hon. Gentleman had not done justice to them. The working classes of London spent one-eighth of their earnings in the consumption of those articles, and they would have to pay the same duties as at present for some-time longer. He was glad that the right hon. Gentleman had determined to keep on the income tax, but he wished it had been fixed at 1*s*. in the £1 instead of 7*d*. and 10*d*.

Mr. GLYN said, that as a commercial man, he felt it his duty to represent to the House and to the Government the very great inconvenience which must result from any postponement of the consideration of the financial plan. With the rapidity of communication which we at present enjoyed in this country he did not see why they should not be prepared to consider the scheme of the Chancellor of the Exchequer towards the close of next week; and he would suggest to his right hon. Friend the propriety of continuing the discussion *de die in diem* from the moment of its commencement.

Lord CLAUD HAMILTON said, that between that evening and Thursday next he certainly should not have sufficient time to communicate with his constituents, many of whom were engaged in the linen trade, and naturally felt a great interest in one portion of the commercial treaty with France. He trusted, therefore, that the Chancellor of the Exchequer would not force on the discussion upon that day; and he expressed that hope from no desire to thwart the course of the right hon. Gentleman, because he was disposed to look with much gratification at the scheme, as far as he could at present form any judgment upon the subject.

Viscount PALMERSTON: It is quite impossible for the Government to concede to the proposal of the right hon. Gentleman to postpone the discussion for a fortnight, because, for the reasons which have been clearly stated, it would be exceedingly inconvenient and injurious to various trades; but if Thursday be too early, we have no objection to fix the discussion for Friday. There will be then an entire week for consideration. But upon the question of any further postponement we must take the sense of the House. I hope if we take it on Friday that the House, feeling that these are matters of most pressing interest, will consent to continue the discussion from day to day.

Sir JOHN PAKINGTON said, the hon. Member for Kendal (Mr. Glyn) had truly stated that it was important to trade interests not to have unnecessary delay; but, on the other hand, it must be remembered when the House of Commons was called upon to decide upon proposals of such magnitude in such a startling manner, that there were other and very large interests throughout the country involved, and it was important that sufficient time should be given for the consideration of details so complicated. He could not suppose that the right hon. Gentleman after proposing so vast a scheme would be so unfair as to press it with undue haste. The delay arising from the right hon. Gentleman's illness was unfortunate, but could not be avoided; but there was a delay which the Government could have avoided, namely, in the production of the treaty until that very night. It had been suggested that when once commenced the discussion should continue *de die in diem*. That was a matter for the consideration of the Government; but they could not expect that the first discussion would pass off without an adjournment, and he would suggest whether it was desirable to begin a debate on a Friday, that could not be continued until the following week. With respect to the Reform Bill, of course, the Government could please themselves.

Mr. SLANEY was opposed to a lengthened postponement of the debate. With regard to the income tax proposed by the right hon. Gentleman the Chancellor of the Exchequer, he thought if 1*s.* instead of 10*d.* in the pound were to be the amount of the tax, and the duties on tea and sugar were remitted, the rich would willingly bear that increase to contribute to the comfort and necessities of their poorer fellow-subjects.

Mr. BALL thought the right hon. Gentleman was consistent in not showing any particular favour to the agricultural interests. In his first Budget he had made an increase in the malt duties, and he (Mr. Ball) had failed by a small minority to procure a reversal of that policy. The right hon. Gentleman, he was sorry to say, although he had dealt in a cosmopolitan spirit with other interests, and had looked about on all sides to see to what classes he might extend relief, yet had added to the burden of the maltster by shortening the period which had been so long allowed him for the payment of his duty. That, he thought, was hardly a fair course to pursue. He should not, however, enter further into the question upon that occasion, but should beg the right hon. Gentleman and the Government to put off for a more lengthened period than they proposed the further consideration of a statement so important as that which he had just made and embracing subjects so complex in their nature.

Mr. HORSMAN said, hon. Gentlemen on both sides of the House had a common interest in having the most convenient day fixed for the discussion of the proposals of the Chancellor of the Exchequer, and he did not think the question of time, therefore, was one on which it would be creditable to the Committee to come to a division. He would, under those circumstances, suggest that the further consideration of the statement of the right hon. Gentleman should be postponed until Monday next, before which day hon. Gentlemen opposite might come to some agreement with the Government as to the course which it was advisable to take. He had, however, risen principally with the object of asking the Chancellor of the Exchequer whether, it being his intention to extend to other countries the similar changes to those which had been made in the case of France, it was intended to make those changes the subjects of a treaty? [The CHANCELLOR of the EXCHEQUER was understood to intimate that it was not.] That being so, he should also wish to know whether the right hon. Gentleman had made allowance in his statement for the loss to the revenue which the change in the tariff in the case of those other countries would occasion.

MR. FRANK CROSSLEY objected to any further postponement than was absolutely necessary, on the ground that it would delay the Reform Bill. He gave credit to the Chancellor of the Exchequer for the able manner in which he had explained what he considered to be the best Budget since 1853, and which he believed would give general satisfaction.

MR. KENDALL was in favour of the Motion of the right hon. Gentleman the Member for Buckinghamshire, for he thought that time should be given for ascertaining the sentiments of the distant constituencies.

MR. RIDLEY joined in bearing testimony to the ability which had been displayed in the framing of the financial scheme which had that evening been submitted to the notice of the Committee, and dwelt upon the advantages which were likely to result from the increased commercial intercourse which was about to take place between this country and France. In its leading features he believed the Budget would receive a very cordial reception in the country, and he believed the important interests affected would be much indebted to the House of Commons if they suffered no unnecessary delay to intervene before pronouncing their decision on the great scheme which had been laid before them.

MR. R. CRAWFORD said, he had taken the means of ascertaining what was the state of feeling in the City, and he found that trade was in a state of paralysis, everybody waiting to know what would be the decision of Parliament on the Budget. Take the silk trade, for instance; there was no period in the whole year when changes of the character proposed were so likely to affect that trade as the month of February, during the first and second week of which the great transactions in the silk trade were carried on. From the communications which had been made to him, he could state that the indecision affecting all transactions in the silk trade placed all parties engaged in it in circumstances of great disadvantage. The same might be said of the wine, and indeed of every other trade. He therefore hoped that no unreasonable delay would be allowed to take place.

MR. E. C. EGERTON said, he could confirm the statement made by the hon. Member for the City of London. He deprecated any delay in the settlement of the questions involved in the statement of the right hon. Gentleman. His constituents, the silk merchants of Macclesfield, were anxious to know at once what was awaiting them. They were alive to the benefits of free trade and not afraid of the result. They only wished to start on the same footing with their foreign competitors. The great operations in the silk trade, as the hon. Member for the City of London had stated, were carried on in February; and it was most important that there should be as little delay as possible in coming to a final decision in regard to the propositions which had been submitted to the House.

MR. J. EWART entirely agreed in the views of the hon. Member for the City of London. It was most important to the commercial interest that this question should be settled as soon as possible. It certainly should not be delayed for a fortnight; a week, as proposed by the noble Lord at the head of the Government, was quite sufficient. So far as he knew the feeling of his constituents, he was quite sure that the great and comprehensive measure of the right hon. the Chancellor of the Exchequer—one of the greatest ever introduced into that House—would meet with the most cordial approval.

MR. NEWDEGATE said, he could not agree in what had been said as to the favourable feeling with which the Budget would be viewed by those engaged in the silk trade. It was proposed to admit silk free immediately, while whatever was given in compensation by France was to be delayed for a long period, and then the terms of reciprocity were to be 30 per cent in France as against no duty here. On the part of the labour employed in the silk trade he did claim that the House should deliberate before adopting what he believed to be the commands of France. The House would excuse his plainness of speech; he must say the manner in which they were proceeding would not favourably impress the minds of the labouring population, but would root in them the disparaging description of the House widely circulated in his neighbourhood by the hon. Member for Birmingham. Nothing could be more unfortunate for the position of the House than to beget a belief that they were disregarding the interests of the labouring classes by unduly pressing on a measure confessedly suggested by the French Government.

Lord JOHN MANNERS never remembered since he had had a seat in that House, an instance in which so many matters of such vast magnitude and compass were brought within the scope of a Budget, and involving so deeply the great questions of European politics. He, therefore, hoped due time would be given for deliberation and discussion. It would be impossible otherwise to put an end to those suspicions which were already widely circulated, that this was not a mere question of fiscal alterations, beneficial or the reverse, but involved higher, deeper, and wider relations; and under these circumstances, if they were precipitate in the course of policy they adopted, it could never be retraced, however deeply it might be objected to. With proper deliberation, they were much more likely to come to a satisfactory conclusion. In the long run, time would not be saved by compelling a reluctant House, or one great section of it, to come to a hasty decision before they were in a proper position to discuss this vast, varied, and all important subject.

Sir HENRY WILLOUGHBY put it to the Government whether they would not adopt the suggestion of the right hon. Member for Stroud (Mr. Horsman) and take Monday week for the discussion of this subject. There was very little difference between that and the noble Lord at the head of the Government who proposed Friday next. It was desirable that hon. Members should have time to communicate with their constituents.

Viscount PALMERSTON: As I understood, the right hon. Member for Stroud proposed Monday next.

Mr. BENTINCK thought it would be to the credit of the House and the Government if a distinct answer were at once given to one question. The noble Lord at the head of the Government had told them that the terms of this treaty had been agreed upon by the French Government, subject to the approbation of Parliament. Subsequent to that announcement it had been rumoured that if they did not consent to adopt the terms of the treaty, they would be endangering our amicable relations with France. It had been asserted by an hon. Member in the course of this debate, and without contradiction, that this treaty had been forced on this country by France. He was only repeating an assertion that others had made. If the House was to be placed under the necessity of either ratifying that treaty or of endangering by its rejection the amicable relations between this country and France, he must say the proposal was one of the most degrading that had ever been submitted to any nation. He wished, therefore, to know from Her Majesty's Government whether, in the event of Parliament not thinking it right to confirm this treaty, the friendly relations between the two Governments would be in any way interfered with.

Mr. HORSMAN explained that he had suggested the Committee nominally for Monday, that an understanding might then be come to as to when the discussion should be taken. His object was to avoid a narrow division one way or the other.

Lord JOHN RUSSELL: I cannot think the arrangement suggested by the right hon. Member (Mr. Horsman) would be convenient. It would be much more advantageous that the country should know at once when the discussion will really take place. Sir, the hon. Member for West Norfolk (Mr. Bentinck) is quite mistaken in supposing that the treaty is imposed on this country by France. Indeed, it has been long a matter of discussion whether any ruler of France would be bold enough to propose to diminish the protection which so many interests in that country are combined and organized to uphold. However, the present Emperor, seeing the great advantage of free trade, or at all events, of a change in the French prohibitive and protective system, authorized his Ministers to negotiate a treaty on the subject. The fact is that some months ago, when Mr. Cobden was going to Paris, he had a conversation with me, in which he informed me that he had several friends in France—one of them a person well known throughout Europe, M. Michel Chevalier; that he was anxious to converse with them in order to see whether there was any chance of a commercial treaty being entered into by France. I told him, on the part of the Government, that if he found there was such a disposition I was sure Her Majesty's Government would be quite ready to empower their representatives to negotiate such a treaty. The treaty itself my right hon. Friend has explained in a manner which must have made its object clear to every one who heard him. But when the hon. Gentleman asks whether the rejection of this treaty is to be followed by—I forget exactly what—

MR. BENTINCK: By any probable disturbance of the amicable relations between this country and France.

LORD JOHN RUSSELL: By any possible disturbance of the friendly relations between this country and France, I must tell him our argument is that the tendency of the treaty is to promote friendly relations between the two Governments. We believe that although there may be a time during which some of these relaxations may cause dissatisfaction in this country, and in France, it will work gradually, but surely, in improving those relations, and that the benefits both countries would derive from an exchange of each other's productions and manufactures would form such bonds of amity that it would be found more difficult to create ill-feeling between them than has been the case in past times. But, as to whether the rejection of the treaty would produce any disturbance of our friendly relations, why, the hon. Gentleman and every other Member of this House are quite as capable of forming an opinion as we are. That any threat or intimation of that kind has been made is utterly untrue. But, as to what effect any angry speeches in this House against France, followed by the rejection of the treaty, might have, the hon. Member must judge for himself. The right hon. Member for Buckinghamshire said it would be highly convenient if we postponed this discussion for a fortnight, and if I, in the meantime, would introduce the Reform Bill. Well, that is not the course I am going to pursue. However anxious I may be to bring in that Bill, it will be my duty not to submit it to the consideration of the House until we have gone through at least all the principal measures indicated by the Budget. The only point at issue now is the difference between the Friday and the Monday following. The subjects of the Budget have so many branches, so many Members are interested in the various articles affected by the proposal, that it is quite impossible we can get through the discussion in one or even two nights. I think, therefore, the Government could not properly delay the matter later than Friday next.

MR. T. BARING: It is very unfortunate that the Government should appear to press their proposal forward with unnecessary haste. Such a course must be unfavourable to its success. It will not facilitate its adoption, but must in reality retard its progress, because a feeling will be excited in the House, and perhaps in the country, that Ministers are anxious to force their measures upon Parliament. I do not believe there has been a case in which proposals of such importance as those made by the Chancellor of the Exchequer have been submitted for our approval within a week after their first explanation. Recollect that the secret of the right hon. Gentleman's Budget—and I praise him for it—has been very well kept. Recollect, also, that the secret of this treaty—and I cannot equally praise him for that—has been kept till this very day, and yet it is only next week that its provisions can be canvassed by the country. The Budget is very large, and affects a great variety of interests. I should be ashamed to hazard any opinion either in favour of or against it without giving it the consideration which its importance demands. Comprehensive as it no doubt is, I must be allowed also to say that a more complicated proposal was hardly ever made in this House. It has been introduced with that rare ability of which the right hon. Gentleman has given so many proofs. We all admire the talent which he has displayed; we all congratulate ourselves on his reappearance among us; and we must all have wished, while listening to him, that he may long remain an ornament to this assembly. Permit me to say it is not just to this House to force this measure upon our immediate consideration. It may be politically—it may be commercially right—it may be financially expedient. On the other hand, while, perhaps, financially inexpedient and commercially dangerous, it may yet be politically right. We have to view it in various aspects. Do not compel us to pronounce a hasty decision. If it be what we hope, what the Government say it is, and just what the country wants, it will lose none of its recommendations by the delay of a week. From what the noble Lord the Secretary of State for Foreign Affairs has told us, it appears there is evidently no hurry in bringing in the Reform Bill. Why not give us sufficient time to consider the Budget—to say whether we can or cannot give it a conscientious support? The Government, commanding a majority, may say they will give the House and the country no opportunity of examining their proposals, but in pursuing such a course, I am convinced they will gain neither in time nor in credit.

Mr. BASS was surprised to hear so eminent an authority in commercial matters urging the necessity for delay. Many branches of trade had been suspended for weeks, owing to the uncertainty that had prevailed as to the intentions of the Government. He thought the commercial world would have no difficulty in making up their minds by Friday.

Sir JOHN PAKINGTON: Since we understand from the noble Lord (Lord John Russell) that the discussion of the financial scheme is under any circumstances to precede the introduction of the Reform Bill, we are relieved from any practical difficulty as to Monday week; and, as it is very unpleasant to commence a discussion of this sort with a dispute as to the time at which it should commence, I would suggest to the noble Lord at the head of the Government, as an arrangement likely to be acceded to by all parties, that he should name that day for the consideration of the Budget.

Viscount PALMERSTON said, he was very unwilling to make any change in the day which had been stated, but there was some advantage in appointing a day that was unanimously agreed upon, and therefore, although he thought it was a pity not to take the discussion on Friday, the Government would agree to take it on Monday week, with an understanding on both sides that the business should afterwards go on regularly day by day.

Motion *agreed to.*

House resumed.

Resolution to be *reported* on *Monday* next.

Committee to sit again on *Monday*, 20th February.

SUPPLY.—ARMY ESTIMATES.

COMMITTEE.

House in Committee of Supply, according to Order. Mr. Massey in the Chair.

(In the Committee.)

Mr. SIDNEY HERBERT moved a Resolution granting the sum of £407,649, to cover the excess of expenditure over the Army Estimates of 1859, explaining that this apparent difference arose partly from the payment of certain sums due from the Indian Government for the supply of stores not having fallen within the year, and partly also from the extra expenditure upon the manufacturing establishments which supplied various sorts of warlike material. There was a large item for excess of forage supplied to the regiments of cavalry which were intended to have been sent abroad, but countermanded.

Sir HENRY WILLOUGHBY said, that this was another example of the inaccurate mode of framing Estimates, which rendered it impossible for any Minister to guarantee that the sums named by him to the House would not be exceeded. He had not the slightest faith in the statement of the Chancellor of the Exchequer that not more than a revenue of £70,000,000 would be required. The estimate for the levying and embodying militia in this very Vote now moved was put down at £150,000; but what was the fact? No less a sum than £821,000 had been expended on the embodied militia. The truth was, he believed, that the excess of particular Votes was, with the consent of certain members of the Government, who possessed the power to give it, handed over to purposes entirely different from those for which it was voted by the House of Commons. He earnestly protested against a system so unconstitutional. If such a system were to be acted upon, the functions of that House would be superseded. The naval expenditure was always brought before the House in a clear and explicit manner, and he could not understand why information equally decisive should not be afforded by the military Departments. Either the whole responsibility of the public expenditure should be thrown on the Government or the law ought to be altered.

General PEEL did not wish to shirk any responsibility which properly attached to him, but he begged to remind the House that the Army Estimates for 1858-9, which were now under discussion, though passed under the Government of Lord Derby, were prepared by their predecessors. An excess occurred upon only one Vote. There were at that time 30,000 militia embodied, but the entire sum taken for their pay and allowances was no more than £150,000. The first thing he did was to disembody 10,000, and by retaining the remaining 20,000 he was enabled to send to India 10,000 additional troops, whose arrival there was one of the principal means of putting an end to the mutiny. 130,000 men were voted as the British establishment for the year. That force would have required at least a sum of £4,321,000, but the House voted only £3,681,027.

The fact was that the Army Estimates could never be depended upon so long as the liabilities of one year were carried over to the expenditure of the next, and the deficit in 1858-9 was caused mainly by the non-payment of a debt of £400,000 due by the East India Company. He trusted the House would agree to the Vote now proposed.

COLONEL DUNNE wished to know what had become of the stores supplied to the Indian Government at the close of the mutiny and not used? He did not think it possible to conceive waste like that which had taken place in disposing of the surplus stores after the Crimean war.

COLONEL DICKSON said, that he thought the money which had been spent on the militia had been literally thrown into the dirt. When he saw these monstrous sums voted for the military expenditure of the country, he thought that at least some return should be found for it. He hoped the militia about to be disembodied would be allowed to receive fourteen days' pay, as was done on a late occasion. He hoped the Secretary of War would at least treat the militia with common justice, and not deprive the militia officers of the only advantage they were likely to reap from having joined that corps.

SIR HENRY WILLOUGHBY could not make out why, when £821,000 were spent on the embodied militia, though £150,000 only were voted, a Supplemental Estimate was not brought before the House.

LORD BURGHLEY observed, that a large number of men belonging to the militia, who had served on permanent duty abroad and at home for two years, and were perfectly acquainted with their duty, would leave early in March. Unless some inducement were offered, these men would leave the service altogether, and he trusted that the Government would not, merely to save a small bounty, let these men leave the militia when their time of service was up.

MR. SIDNEY HERBERT confessed that there was great difficulty in distinguishing between the Votes for the Militia and the Line. He thought it would be much better to do away with the separate head for the embodied Militia and place it along with that relating to the troops of the Line whose number was annually voted by Parliament; but it would be impossible to form an exact estimate in these two Votes, or adhere exactly to the proportion fixed in the first instance as between the regular forces and the embodied Militia. With regard to the circular issued by the War Office, it mentioned specifically that the men upon disembodiment were to receive fourteen days', and the subaltern officers six months' pay. At a time of great exigency, commissions were granted to Militia officers who brought a certain number of volunteers into the Line; but it was impossible to continue that privilege now, except by adopting one of three courses—first, by stinting the grant commissions without purchase to old and deserving non-commissioned officers; secondly, by diminishing the number of commissions without purchase given as prizes at Sandhurst; or thirdly, by moving in this House for a Vote enabling the War Office to buy commissions and present them to these Militia officers.

LORD BURGHLEY thought it was unjust to depart from the promises which had been originally held out by refusing to give commissions to young officers, who, after a service of some years in the Militia, were now totally unfitted for any other employment.

MR. SIDNEY HERBERT believed that these young men were all the better for having enjoyed the advantages of military discipline, and that they would never regret the years they had spent in the Militia.

Resolution *agreed to*.

House resumed.

Resolution to be reported on *Monday* next.

Committee to sit again on *Monday* next.

House adjourned at half-past
Eleven o'clock.

HOUSE OF LORDS,

Monday, February 13, 1860.

MINUTES.] *Took the Oath.*—The Bishop of Exeter.
PUBLIC BILLS.—2ª Indictable Offences (Metropolitan District).

INDICTABLE OFFENCES (METROPOLITAN DISTRICT) BILL.

LORD CHELMSFORD, in moving the second reading of this Bill, said the principle of the measure had been sanctioned on three different occasions by the other

House of Parliament. There had never been a hostile vote against it, and though it had not passed into a law, that was in consequence of circumstances wholly unconnected with the merits of the measure. One of the Bills introduced into the other House had been sent before a Select Committee, where competent witnesses, including such men as Mr. Humphreys, the eminent solicitor, a man of great ability and experience in criminal cases, and Mr. Alderman Wire, the late Lord Mayor, were examined. The effect of their evidence was, that at least in the metropolitan districts grand juries were not only unnecessary, but in many cases positively mischievous; and they expressed cordial approval of the Bill. The present Bill was the same in principle. It would be recollected that in the course of last year a Bill was introduced to remedy a very serious evil, arising from parties going secretly before grand juries and preferring Bills of indictment in particular cases against individuals, in order to serve purposes of extortion [Vexatious Indictments Bill]. That Bill was now the law of the land, and, following in its footsteps, he now proposed that within the limits of the metropolitan police district no person should be allowed to prefer such Bills before a secret tribunal. He proposed that within the metropolitan police district no criminal charge should be tried before the Central Criminal Court, or any other Court, unless there had been a previous investigation before a magistrate. Their Lordships were aware that in the metropolitan districts there were police courts, presided over by a body of stipendiary magistrates, gentlemen selected from the legal profession, and that in their courts everything that was done took place in public. The witnesses were examined openly, and all the proceedings preliminary to the trial of persons in a higher court were known to the public. All those proceedings were open and public. They were not only known to the parties in attendance, but were made the subjects of reports in the public journals and circulated throughout the country. The parties charged were thus enabled to become cognizant of and to sift the evidence of their accusers; and the magistrate took all care that there was a sufficient *primâ facie* case to send the accused for trial. The depositions taken at those preliminary inquiries were sent to the court at which the trial was to take place, to enable the proper officer to prepare the indictment, to assist the Judge in the course of the trial, and to be at the service of the prisoner, who by their means was able to check or contradict the witnesses if they varied from the evidence they had given before the magistrate. One would think that this was enough of preliminary inquiry before the trial took place. But no—before the trial could take place, or the prisoner be discharged, another process intervened. Twenty-three gentlemen, collected indiscriminately from the district, were assembled in a private chamber, an oath of secrecy was administered to them, and there they received from time to time the different indictments which had been prepared. They were generally persons unversed in legal proceedings; they had nothing to direct their investigation except the feeble light afforded by the indictment; they had no notion how they were to conduct the investigation, and they had therefore to grope their way almost in darkness; sometimes through a labyrinth of complicated facts which would perplex the judgment of much more experienced persons. If they found a true Bill, they merely repeated the decision of the magistrates who sent the prisoner for trial; and if they threw out the Bill, the great probability was, that they committed a grave error and hindered the course of public justice. That was the view which the late Lord Denman took, and on which he contended that the institution was superfluous. It was not to be wondered at that it frequently happened that Bills sent before grand juries at the Central Criminal Court were ignored, to the surprise of the Judges who had the depositions before them, of the magistrates who committed the prisoners for trial, of the prosecutors who knew the facts, and even the prisoners themselves. The grand jury, in fact, had been called the hope of the London thief. He (Lord Chelmsford) could not help giving two illustrations of the working of this system—one of which had come within his own experience when he was a law officer of the Crown, and the other was communicated to him by the late Mr. Pashley. The first case was one of very considerable interest. A medical officer who was attending the paupers in a lunatic asylum was struck by one of them. He immediately ordered the pauper to be taken to a shower-bath, and kept under that treatment for half-an-hour. The shower-bath was a mode of medical treatment which, properly administered, had often very beneficial effect; but half-an-hour seemed to be an extraordinary time to subject a person to one. The poor man, after being there for twenty-eight minutes, was taken out. The medical man, after giving the directions, left the asylum. When the man was taken from the bath he was in a dreadful state, and he died in half-an-hour afterwards. An inquest was held on the body; but the jury appeared not to have gone much into the case, for they returned a verdict of accidental death. When he (Lord Chelmsford) heard of the matter, he directed further inquiry to be made, and the case was eventually sent for trial. He thought that even for the interest of the medical man himself, it was a case which ought to be brought before a jury, and that it would be better for him that a full and public investigation should be made, where he might have an opportunity of defending himself, than that the matter should be stifled. He (Lord Chelmsford) was prepared to appear as counsel for the prosecution, all the preliminary preparations had been made for proceeding with the trial on the following morning, but the grand jury—whether the case was not presented before them in the same light, or that the witnesses omitted material facts—but the jury ignored the Bill, and the matter fell to the ground. Now, he submitted to their Lordships that that was a case which in every view of it demanded the solemnity of a trial. Sometimes witnesses might honestly forget important facts, but sometimes, also, witnesses might be tampered with and induced to withhold or vary their evidence before the grand jury. The other case was one which had been communicated to him by the late Mr. Pashley. Two men were charged with stealing bottles of ale from their masters, and a third person was charged with receiving the same. To the surprise of the prosecutor the grand jury ignored the Bill; and it was afterwards stated that the counsel of two of the prisoners had recommended their clients to plead "Guilty." The prosecutor was not satisfied, and preferred another indictment. This time the grand jury returned true Bills, and bench warrants were issued. One man absconded, another was convicted, and the receiver was acquitted. It was not only a few persons who desired a change of system, but for some time past it had been the custom for grand juries themselves to make presentations, setting forth their inutility under present circumstances. He would also remind their Lordships of the inconvenience, delay, and expense at present caused by the necessity of taking all witnesses before the grand jury, keeping large numbers of persons hanging about the Old Bailey for perhaps two or three days before their case came under the notice of the grand jury, and then, if bills were found, having to wait two or three days longer to give evidence at the final trial. The expense of this was considerable; for though the allowance to a witness was only 3*s.* 6*d.* a day, yet when that came to be multiplied by hundreds for several days at a time, and that there were twelve sessions in the year, the House would see that this would accumulate into a large sum. In fact, they were so great that persons often did not appear, to the great prejudice of justice. Having thus stated what he believed to be the inconvenience of the present system, he hoped their Lordships would be of opinion that the measure he proposed was a remedial one to which they could give their sanction. He did not wish to conceal from their Lordships that various objections would be urged against the Bill. He should, no doubt, be told that his measure would be a deathblow to one of our most venerable institutions and one of the greatest safe-guards of the liberty of the subject. No one had a greater veneration than himself for our ancient institutions, but his respect would not prevent him from applying a reforming hand in cases where time had impaired or destroyed the usefulness of the institution. He admitted that there had been circumstances in which the grand jury had been and might be again, a bulwark of the liberty of the subject; but this referred to political trials, and was certainly quite unnecessary in ordinary trials. It was never intended that the measure should be applied to the former class of cases, and in order to avoid all complaints upon that head he had, by the 8th section of the Bill, excluded all kinds of political offences from its operation. Other persons might object that the Bill, if passed, would be but a prelude to the abolition of grand juries throughout the country; but that certainly was not any desire of his, nor did he believe it would be a consequence of the passing of his Bill. He thought that it was very advantageous to have the country gentlemen interposing in the administration of public justice, and that providing for the exceptional case of the metropolis would not affect the existence of grand juries in other parts of the country. His object was to deal with cases where there had been a preliminary investigation before professional and experienced magistrates. Then again it was said that the metropolitan police district was not co-extensive with the Central Criminal Court, and that though the stipendiary magistrates in the metropolis might be trusted with the preparation of cases for trial, yet the same argument did not apply to the City, where the Aldermen of the City were magistrates, or the outlying districts of Kent, Surrey, and Essex, where country gentlemen acted as magistrates. His noble and learned Friend on the woolsack, he believed, entertained some doubt as to the prudence of intrusting the Aldermen of the City of London with preliminary investigations without the subsequent interposition of a grand jury. Certainly, if that doubt were to prevail, it would be fatal to the Bill, as it would be absurd to attempt to pass it as a metropolitan measure, from which the metropolitan city was excepted. He must, however, say that the conduct of the Aldermen in the investigation of crime would bear comparison with that of the police magistrates; and the late Lord Mayor had stated, that an inspection of the returns would show that the results of convictions as compared with acquittals by the City magistrates were about the same as those of the stipendiary magistrates. Considering that the City magistrates acted as openly and publicly as the police magistrates, that reports of the proceedings were circulated as widely, and that the cases brought before them did not involve any nice points of law, but were merely a preliminary adjudication on the facts brought forward in support of the charges, he thought no harm would result if they were intrusted with the same powers of final commitment as were given by the Bill to other magistrates. With regard to the outlying districts included in the operation of the Bill, the cases arising there were few in number, there being only fifty-eight in 1857, while the total number of commitments was 1,372. He admitted, however, that an objection might be urged against his measure with respect to them, inasmuch as those cases were heard in comparative privacy. But it would be excessively inconvenient that a grand jury should be summoned for those cases alone; and, therefore, adopting a suggestion made to him on a former occasion, he had endeavoured, not to obviate the objection, but, in some degree, to meet it by providing that in those cases commitments of two magistrates sitting publicly in the court or room where special sessions were generally heard, should have the like effect in those outlying districts as the commitments of the police magistrates. He thought, then, that if this did not entirely get rid of the objection, it so far diminished its cogency that it ought not to be held fatal to a measure the main principle of which had met on former occasions with the sanction of both Houses of Parliament. He trusted therefore that their Lordships would now accede to the second reading. In Committee he hoped for the assistance of his noble and learned Friends to make the measure as perfect as possible, his only wish being to remedy the acknowledged evils of the grand jury system within the limits of the metropolis.

THE LORD CHANCELLOR said, he by no means intended to oppose the second reading of the Bill. The question, however, was attended with considerable difficulty, and required that they should proceed with caution. He entirely approved the provision that there should be no indictment in the Central Criminal Court until after an investigation before a magistrate. It was the boast of this country that its criminal law was not vested in the Government, but that any individual might put it in motion. There was, however, a great hardship that any person should be able to put it in motion without the intervention of a magistrate or any public officer; and none whatever in defining how he should be permitted to do it, and in enacting that no indictment should be preferred before a grand jury until after a preliminary investigation. At present any person, acting behind the back of the person whom he wished to oppress, could prefer an indictment for perjury, conspiracy, or obtaining money under false pretences, to the grand jury, and, if a true Bill were returned upon his *ex parte* statement, he might imprison the defendant upon a warrant. A remedy had already been applied in regard to a class of cases chiefly liable to this abuse, and he (the Lord Chancellor) would be glad now to see such a remedy extended. But the proposal to abolish grand juries altogether within the metropolitan limits was a very serious one. He had no objection to dispense with them where, before the prisoner's committal, there had been an examination by a trained lawyer. Such a measure, he believed, would be safe and practicable. In Scotland, for example, there was no grand jury; the public prosecutor, through his deputies, examining each case, and determining whether a person should or should not be brought to trial; and on a comparison between the English and Scotch systems he believed that the advantage was on the side of the latter. But the Scotch system was founded on a preliminary investigation by a trained magistrate, who was a perfect master of his work. What alarmed him was that his noble and learned Friend was unable to confine his measure to commitments by trained police magistrates. The Lord Mayor and Aldermen, or any one of them, and any two justices of the peace within a considerable area around the metropolis, might under the Bill commit a person for trial without the intervention of a jury. Now, he did not assert that this was a fatal objection to the Bill, for he hoped his noble and learned Friend would endeavour to overcome it. He (the Lord Chancellor) had a sincere respect for the City magistrates, believing them to be very effective and very earnest in their attempt to do what was right; but it was rather bold to declare that the judgment of an Alderman, however respectable, or of two magistrates appointed by the Lord Lieutenant of a county should be held to be equivalent to the judgment of twelve grand jurymen. His noble and learned Friend said that difficult questions did not arise in cases which came before the City magistrates; but that was a mistake, because not merely questions of fact, but nice points of law might present themselves, to the proper consideration of which a single Alderman, however respectable, would not be equal. Again, the Lord Lieutenant of Middlesex must occasionally put incompetent men into the commission of the peace, and according to the Bill any two of them might send a person to trial for a disgraceful offence without investigation by a grand jury. Their Lordships would remember that Lord Shaftesbury was saved from a scaffold by the intervention of such a tribunal; for if a true Bill had been returned by the grand jury, he would have been brought before the High Steward and a packed jury of this House, and his fate, no doubt, would have been sealed. He did not think that in these times there was much apprehension of the recurrence of such a state of things; but he wished to draw the attention of the noble and learned Lord to this point; because, in making the exception with regard to political offences, he had used phraseology "offences against the Queen," which legally applied to all public offences, all these being offences against the Queen. In conclusion, he would express his concurrence in the second reading of the Bill, and his desire to do all in his power to assist in removing objections to some of its clauses in Committee.

LORD BROUGHAM said, he entirely agreed that the Bill ought to be read a second time, and the difficulties which had been adverted to, got over, if possible, in Committee. When, about twenty-six or twenty-seven years ago, he had the good fortune to obtain the sanction of Parliament to the Act establishing the Central Criminal Court, it was then certainly in his contemplation to make very considerable changes with respect to the grand jury system. One part of the plan was that there should be a public prosecutor for the Central Criminal Court—and, indeed, he considered that the appointment of officers of that kind should be general throughout the country. The evidence taken in the Committee, on which his learned and able Friend (Mr. Phillimore) presided, had thrown great light upon this subject, and greatly strengthened the reasons which induced him in 1834 to form this resolution. His intention certainly was not to encroach so entirely as the present Bill did on the functions of the grand jury; but, nevertheless, he conceived that the peculiarity of the London police district in having magistrates, professional men, appointed by a responsible Government, made a very great difference between that district and other districts of the country where it might still be fitting and proper that grand juries should be continued. He thought that if the present measure were carried, after due regard had been paid in Committee to the objections and difficulties pointed out, it would accomplish the great objects in view at the time of the establishment of the Central Criminal Court, the only defect of the measure being the want of a public prosecutor. He had himself known a Member of their Lordships' House to be dragged before a grand jury and a bill to be found against him, when there was not the shadow of a pretence for it. The bill was preferred by a person to whom the noble Lord had advanced large sums of money; and, because he refused to advance more, advantage was taken of the constitution of the City grand jury, and their disposition to signalize themselves by finding a bill against the first merchant perhaps in the world, and a time was chosen when one grand jury, it was supposed, would find a bill more easily than another. The bill was found, and the demand for money was repeated. The noble Lord preferred undergoing a trial at Guildhall to yielding to the demand, and he was honourably and triumphantly acquitted, and the object of the person prosecuting him was frustrated. The grand jury was often a cloak and cover for the exercise of malignant passions where there was no officer individually responsible as in Scotland, and he therefore fully approved of the clause by which it was proposed to enact that no bill should be preferred without a preliminary examination before a magistrate. He regarded this as an imperfect substitute for the responsible officer. But he would repeat, that the appointment of a public prosecutor who could prevent all improper proceedings, was the true remedy for all the inconveniences that had been referred to.

Lord WENSLEYDALE said, his principal objection to the Bill was that it might be used as a ground for abolishing the grand jury, which he regarded as a valuable institution, altogether. It was a great protection against improper prosecutions that a man could not be tried without the agreement of twelve men that a trial ought to take place. He might, indeed, be acquitted on his trial, but if the bill were thrown out by the grand jury he would stand much clearer in public opinion. Nevertheless, as he had urged his objections to such a measure as the present ineffectually last Session, he should not now oppose the second reading, but would give his best assistance in Committee to remove what might be deemed objectionable.

Lord CRANWORTH said, he would make one suggestion to the noble and learned Lord who had introduced this Bill. As he proposed to retain grand juries at the sessions to be held four times a year, for which the most important cases were reserved, it might be well that the prisoners committed by justices in the outlying parts of the metropolitan district should also be tried on those occasions, with the aid of the grand jury. They would not be detained longer than the prisoners in the rural counties of England usually were, waiting their trial at the quarter sessions or assizes.

Lord CHELMSFORD said, he would endeavour to obviate the various objection in Committee.

Bill read 2ª; and *committed* to a Committee of the Whole House on *Monday* next.

THE RED RIVER SETTLEMENT.

QUESTION.

The Earl of CARNARVON rose, to inquire what is the Intention of Her Majesty's Government with regard to the Administration of the Red River Settlement, and those parts of the Saskatchewan Districts recommended by the Committee of the House of Commons in 1857, to be withdrawn from the Jurisdiction of the Hudson's Bay Company? In referring to this question the noble Earl said, he would not enter on the larger topic connected with the validity of the charter of the Hudson's Bay Company and the other questions which arise out of it. He had then called the attention of their Lordships to this subject last Session, to the recent expiry of the exclusive licence to trade of the Hudson's Bay Company, and had drawn attention to the influence which the expiry of that licence might indirectly produce upon those territories lying between the United States on the south, and the Indian territories on the north, which, though claimed under the charter, were affected for good or evil by the particular form and system of government adopted in the other parts of the continent. He then suggested that if an early decision were not come to, difficulties and embarrassments likely to grow out of it must be enhanced—difficulties that might arise with regard to the maintenance of law and territory, the introduction of spirits and articles of trade, and the probability of feuds springing up between the Indian tribes and the white men, and between the white men among themselves. On the 31st of May the exclusive licence expired, as the Hudson's Bay Company accepted the serious responsibility of declining to renew it on the terms proposed by his right hon. Friend Sir E. Lytton. The Government then at the close of last Session, took, and wisely so, powers under an Act for the appointment of magistrates in the Red River Settlements and parts of the Saskatchewan districts, and for securing a more effectual system of criminal administration. He wished to know whether any steps had been taken, and if any what, with reference to that Act, whether any advantage had been taken of it—

whether any form of Government had practically replaced that which was swept away when the licensing trade was revoked, and if not, what was the cause of the delay? Communications that had come to him from various quarters left little room to doubt that the present state of affairs in that part of the British North American continent was one calculated to cause some anxiety. There were certain difficulties that pressed at present with reference to the Red River Settlement. In the first place, there was a feeling of very strong dissatisfaction on the part of the colonists themselves, and while at the Colonial Office he received two petitions praying for an extensive alteration in the form of government and general system of administration. In the next place, he understood that a large number of persons who had come to the settlement from Canada refused to pay the duties on the ground that they were not levyable from them, and were raising questions of great legal nicety connected with adjoining territories which, though it was important that they should be determined, ought not to be settled in a hasty or irregular manner. Moreover, since the expiry of the licence last year American citizens had crossed the border and had established an unlicensed and irregular trade, had introduced spirits among the Indian tribes, contributing thereby to the further demoralization of that unhappy people, and were practically under no sort of control or authority whatever. He was not, speaking generally, afraid of American colonization in that part of the world, for he believed that the vast districts south of the 49th degree of latitude offered for many years and generations an ample field for their energy and industry. He had no wish or belief that the stream of colonization could be permanently diverted from its natural course, or be forced into channels which were unnatural and repugnant to it; but he looked at the Red River Settlement as an exceptional case, and he considered it would be an oversight which could never be sufficiently deplored or atoned for on the part of the Government, or of the local authorities, if the sympathies of the Settlement were alienated from the Crown, or that, cut off as they were from the other settled parts of British North America, those sympathies should be drawn to the United States rather than to Canada. There were three roads that connected the Red River Settlement with our other possessions in North America. One connected it on the north with the shores of Hudson's Bay; but owing to the severity of the climate it was only open for two months in the year; a second, that connected it with the westernmost part of Canada, passable at some periods, but at others impracticable, and requiring a certain outlay; and a third leading southwards by the Red River, and in direct communication with the United States. The last route following the course of stream led to St. Paul, in Minnesota, which now was in possession, as he believed, of railway communication, and it was by this route that the greatest amount of the traffic and the chief supply of the necessaries of life for the settlement now passed. Last summer, trade to the value of not less than 1,500,000 dollars passed over this route, into the Red River Settlement from the United States. It was a significant fact that last summer, for the first time, a small steamer made her way up the river into the settlement, and he had read a communication from one of the leading residents of the colony stating that this circumstance had done more to Americanize them than anything else, and that if ever any improvement takes place, it must be from a connection with the United States route. The only alternative or remedy to meet this was to open up communication between Lake Superior and the Red River, and thus to bring the settlement into relation with the other parts of British North America. Again, it was not less worthy of attention that in the Chamber of Commerce at St. Paul, and by a public subscription, an expedition was organized by the Americans to explore, or "prospect," as they termed it, all that part of British North America that was the scene of Captain Palliser's labour last year. These were important questions, and the time in the history of the settlement was critical. Much of the ultimate destiny of the colony, and not only of the colony, but of the British possessions in North America, would depend on the conduct of the Colonial Minister on this question, and on the course taken by the Government within the next few years. Steps ought to be taken for bringing the scattered portions of that great continent into closer connection, all legitimate facilities and encouragement should be given to open up some communication between the Red River Settlement and Canada, and in that settlement at the earliest possible day the administration of the Hudson's Bay should be exchanged for the more satisfactory agency of the Crown. It was more a question of policy than expenditure, as far as this Government was concerned, and he thought there was no necessity for the outlay of any sum of money from the Imperial exchequer for the purpose, although the recent Report of Mr. Dawson showed that it was a colony possessed of great capabilities. The noble Earl concluded by putting his Question.

THE DUKE OF NEWCASTLE said, his noble Friend inquired first, what had been done in consequence of an Act passed last Session in reference to the government of what had hitherto been called the licensed territory of the Hudson's Bay Company? Their Lordships would recollect that on the second reading of the Bill he (the Duke of Newcastle) said that it was not his intention to avail himself of its powers unless he found it necessary to do so. He was anxious to disturb as little as possible what existed in the territory, and not to appoint magistrates under the Act unless there was some necessity for them. The noble Earl spoke as if the power of the Hudson's Bay Company was entirely swept away when their licence expired in May last; but though legally swept away, it practically remained in force. The posts of the Company continued in existence, and as the jurisdiction of the Company was primitive and patriarchal, rather than established in exact legal form, it had survived the expiry of the licence, and was sufficient to preserve peace and order among the natives of the district. That power, such as it was, still existed, and until there was a greater population in British Columbia and the colony was more settled, he thought it would be better to postpone bringing the Act into operation. He admitted at once that if, in consequence of the expiration of the licence of the Hudson's Bay Company, traders had introduced spirits among the natives, and thus led to a state of things which ought to be repressed, Her Majesty's Government would deem it incumbent upon them to interfere. Many gentlemen had offered him their services to act as magistrates in that district; but he had not yet exercised the power of appointment which was conferred upon him by the Act of last Session; nor should he do so, unless the introduction of spirits among the Indians or other irregularities and disorders should render it necessary. The noble Earl next asked what steps had been taken with regard to the administration of the Red River Settlement and the Saskatchewan Districts. The noble Earl must be mistaken as to the present state of things there, as the Colonial Office was not in possession of any information of such serious events as he had described. That Canadians and citizens of the United States had wandered across the boundaries of their country and entered those territories there could be no doubt; but he had no knowledge of any proceedings on the part of those persons tending to create an apprehension of evil consequences. As regards practical measures nothing definite had yet been done, but no time had been lost. Until within a very recent period he possessed really little information as to the land available for colonization. It was only three or four weeks ago that he received the concluding portion of Captain Palliser's Report, which bore very importantly upon the subject; but they had now also the valuable document prepared by Mr. Dawson, of Toronto, a native of Canada and a Member of its Legislature, who had devoted much attention to it. At present the Red River Settlement was exceedingly small, being confined to a radius of about 50 miles from Fort Garry, and he apprehended that whenever the Crown took upon itself the responsibility of governing it, it would be desirable to extend the existing boundaries to a considerable degree. An important reason why there should be no hurry in dealing with this question was to be found in the fact that plans for opening up communications between the different settlements had to be considered. There were only three modes of access—one from the north; one from the south, through the territory of the United States; and one from the East, through Canada. It was of great importance that these territories should be colonized by British subjects, and that every facility should be given for the fullest access to them. The scheme advocated by Mr. Dawson in his Report was, he thought, the most likely to tend to the colonization and settlement of these districts that had hitherto been devised, and he entertained sanguine hopes that it might be carried out. It had already met with great encouragement in Canada, and he believed it would be worthy the approval of the Imperial Government. With respect to what was to be done for the future settlement of those districts, his noble Friend must be aware that the first step must be an arrangement with the Hudson's Bay Company, which under its charter exercised a power and jurisdiction over them. He could assure the House it was his earnest desire to arrive at that settlement with the Hudson's Bay Company by amicable means; and he had every hope that such means would prove successful. In the course of the last Session papers were laid on the table in which were certain communications which had taken place between the Governor of the district and the Colonial Secretary, and among them was a letter either to Mr. Labouchere or to Sir Edward Bulwer Lytton—but he thought the latter—in which the Company professed their willingness to give up their jurisdiction over the country with a view of promoting the settlement of the Red River and the Saskatchewan district under Imperial auspices on equitable terms. It would be necessary, in the first place, to ascertain what these equitable terms would be. Having now before them as much information upon the subject as they were likely to obtain, he hoped the result of the amicable arrangement which he was desirous of concluding with the Hudson's Bay Company would accomplish this very desirable object without litigation. If so, the next step would be to devise some simple and inexpensive form of government, and should legislation be necessary for this purpose, it was of course most desirable that it should take place this Session.

ST. GEORGE'S-IN-THE-EAST.

PETITION.

LORD EBURY rose, in pursuance of a notice which he had given last week, for the purpose of laying before their Lordships a Petition emanating from the Vestry of St. George's-in-the East, complaining of certain ecclesiastical grievances, and of asking their Lordships' attention to it. The noble Lord said, that this petition differed but little from another petition, signed by between 4,000 and 5,000 of the inhabitants of the parish, to which he should have occasion to refer. Substantially they were one and the same petition. The petitioners stated that in the year 1843 Mr. Bryan King was appointed rector of the parish, which contained 48,000 souls. Fortunately, since that time, two districts had been separated from the parish; but still the parish contained a population of 30,000 persons. The petitioners said, that at the time of Mr. King's appointment, their spacious and magnificent church was filled and duly attended by the great body of the parishioners; and the parish was remarkable, to use Mr. King's own words, for its dutiful attachment to the Church of England and its loyalty to the Throne; but that shortly after his appointment the rector began to make use of uncustomary practices in the performance of his ministrations. The parishioners remonstrated with Mr. King, but without effect; although the late Bishop of London told the reverend gentleman that he left the matter entirely to his own good sense and discretion. Notwithstanding Mr. King's obstinacy in carrying on the service in a manner offensive to the parishioners, they alleged their conduct had been continuously characterized by courtesy and kindness; that from Mr. King's perseverance in these objectionable practices, they were alienated now for seventeen years from their parish church, during which time the public charities were not duly advocated in the church, greatly to the detriment of the poor. About the year 1855 the Rev. Mr. King introduced a set of strange clergymen into the parish, under the name of "The St. George's Mission," and from that period a marked development had taken place in the practices of which they complained. Dresses were worn such as were only seen in Roman Catholic churches; unusual appliances were resorted to; and doctrines were taught which, in their opinion, were not the doctrines of the Reformed Church of England. They went on to state, that by the 2nd of George II., chapter 3, they were empowered to nominate and elect a lecturer to their church. That in March last year they exercised their right, although the rector endeavoured to prevent their doing so, and compelled them to appeal to the Court of Chancery, which decided in their favour. But from that moment the Rev. Mr. King, by a course of petty annoyances, disturbed the lecturer in the performance of his duties. On application to their diocesan, they found, though he was quite willing, he had no power to grant them any relief; and they, therefore, prayed their Lordships and the Legislature to enact such measures as in their wisdom they should think fit, whereby a cheap and summary remedy might be afforded for the grievances of which they complained. The noble Earl opposite (the Earl of Derby) had last week described with so much truth and precision the feeling that existed all over the country against these attempt to tamper with the simplicity of our services, that he (Lord Ebury) was quite sure it was unnecessary for him to dwell upon that subject. The parishioners complained, and with great truth, that their silence, under the circumstances he had described, had been misconstrued into acquiescence; while the expression of their present disapproval had been characterised as violence and outrage. He now came to the question what was to be done. To that question he did not think an answer was difficult. Their Lordships were aware that everything relating to public worship was regulated by law, by the directions of the Rubrics of the Prayer Book attached to the Act of Uniformity, and of the canons of the Church. If those directions were obsolete, incongruous, contradictory, and impossible to understand, every sensible man would say that the proper thing to do would be to alter the law. He knew the Rev. Mr. King, and he was bound to say that he was a mild and gentlemanly person, very unlikely to act such a part as he had done. The truth was, he was convinced he was acting legally. He (Lord Ebury) should now wish to ask their Lordships whether they had ever read the canons of the Church. If they had not, he would recommend them to do so, assuring them they were literary curiosities well worthy of perusal. But most of them were wholly inapplicable to the present day. With the permission of the House, he would read to them the 74th canon, which would give them some idea of the authority which regulated ecclesiastical questions of this nature. It deserves a little notice:—

> "It treats of the dress of the clergy, not during service, but at other times. Clergy are to walk abroad in their gowns and college caps. In their journeys they are to wear cloaks and sleeves without guards, welts, long buttons, or cuts. Further, they must wear no wrought nightcaps, but only plain nightcaps, of black silk, satin, or velvet. In their houses they must wear no dress, that is 'cut or pinckt.' Especially they are directed to wear no light-coloured stockings. The canons altogether number 141, not 10 are observed by the clergy as a body, the rest are obsolete, impracticable, obscure. What reasonable objection can there be to the appointment of a Commission to correct and revise them? If a Commission composed of eminent divines and ecclesiastical lawyers were appointed by the Crown to draw up a few plain short rules or canons, regulating the furniture of our churches, the dress of our ministers, and other matters which must be regulated and settled, many of the dissensions which now agitate our Church would cease."

In that view he (Lord Ebury) entirely concurred. But were their Lordships entirely free from blame in this matter? He feared he must say not altogether. Two years ago he proposed to their Lordships to address the Crown, to appoint a Commission with the object of revising the Rubrics and Canons, and he believed that if it had then been granted, many of these complaints, now heard, would have been prevented. It was his intention to renew that Motion in the course of the present Session; but, as he had ascertained it would be inconvenient for the right rev. Prelates to attend before Easter, he should postpone his Motion until after the Easter recess. St. George's-in-the-East was unfortunately by no means the only church where these difficulties prevailed, and therefore it was highly necessary that some such step should be taken. He had intended in the meantime to bring in a short Bill to give a summary remedy, by leaving the matter in the hands of the Ordinary, but as he understood a Member of the other House was about to bring forward a measure, he should allow him to deal with it; but he did hope that some effectual remedy would be devised in the course of the present Session for putting a stop to the painful circumstances to which he had referred.

THE BISHOP OF EXETER said, that if any complaint had been made to their Lordships that the ordinary expedients of justice had been resorted to in this case and had failed, then there might be some reason why some special remedy should be devised to meet the evil:—but he did not understand that to be the case here. The noble Lord had adverted to some things which he deemed objectionable in the services of St. George's-in-the-East; but it was very doubtful whether they were really offences against the law. On the contrary, he believed that the clergyman had distinctly acted according to the law. He had, no doubt, pursued a course that was contrary to the wishes of the parishioners, but it did not follow that he had offended in any point against the law. He had no acquaintance with Mr. King, having only met him on business before the Committee on Spiritual Destitution, where he showed great zeal in reference to the spiritual wants of the people; but he had been assured that in all he had done to provoke the vestry and the people he was only obeying the directions given in his charge of 1842 by the late Bishop. The noble Lord had talked about vestments; but as far as he (the Bishop of Exeter) could learn, the vestments which had been referred to were distinctly according to law. They were vestments which he should be sorry to see generally adopted, but they were, nevertheless, strictly according to law. A clergyman was not bound to use such vestments till they were put before him by the officers of the parish; but when that was done he was only acting within the strict line of his duty when he did use them. It appeared that the rector of St. George's-in-the-East left off the vestments at the request of the parishioners. They had not been given to him by the officers of the parish, but by private individuals, and therefore he was not bound to use them. Had they been given to him by the officers of the vestry, he would have been bound to use them. As to the turnings round and genuflections resorted to at certain portions of the prayers, he must say he did not like these things; but it was to be observed that, at the suggestion of the diocesan, he had given up these things. He repeated, that it was a mistake to suppose that these things were not within reach of the existing law. If a clergyman chose to persist in anything that was improper he might be admonished by the Bishop, and if after such admonition he still persisted, he might be proceeded against under the Church Discipline Act. But had the Parliament shown any disposition to confer further powers on the Bishop? No such thing. What was asked for in the petition presented by the noble Lord was what had been asked for by the bench of Bishops for the last ten years—namely, a cheaper, more ready, and effectual mode of correcting irregularities of any kind in clergymen, whether relating to matters of doctrine or of manners. That had been asked for again and again, and the Bishops were still willing to receive the boon at the hands of Parliament. The noble Lord naturally laid great stress on the petition which had been entrusted to him to present; but he (the Bishop of Exeter) had seen another petition, which was carried about the parish for signature, addressed not to their Lordships, nor to the other House of Parliament, but directly to Her Gracious Majesty; and it prayed Her Majesty of her own Royal authority to issue a Commission, which should have power to inquire into the conduct of clergymen, and if need were to displace them from their benefices. He was almost ashamed to waste the time of their Lordships with any allusion to such trumpery, but he would remind them that, trumpery as these things were in themselves, they contained within them the seeds of great danger. Had they no experience on that point? Had history told them nothing? Had the history of their own country no instruction for them in these matters? He would remind their Lordships of what occurred eighty years ago, in the commotion that was raised in this country by the cry of "No Popery"—on even less apparent grounds than the commotion that was raised now. That commotion went on, just as now commotion went on in St. George's-in-the-East. Nothing was done, just as now nothing was done. The police did not interfere, the Secretaries of State of that day did not see need for interfering, and they all knew what was the consequence. And who were the persons who led those riots? We may fancy that all is safe, because they were mere boys, who are chiefly engaged in the present disorders. It was only the other day he was reading a book which all their Lordships had probably read with delight,—the last "Memoirs of Horace Walpole;" and he stated that of twenty-seven persons who were executed for fire raising and the other capital offences which grew out of that riot, seventeen were under eighteen years of age, three were under fifteen, and two were women. They could not, therefore, treat these events with scorn and contempt, for their Lordships might depend upon it that these matters had a tendency to extend; and if they were not put down at once they might prepare for a repetition of those incidents which took place in 1780. He understood that on a former occasion the noble and learned Lord (Lord Brougham) had half recommended that the church should be shut up. Why, he understood it had been shut up already, and they had seen with what effect. He understood, indeed, that the noble and learned Lord was in the first place for trying all that the law could do; and he (the Bishop of Exeter) said the same thing. Let them try anything rather than abandon the law. He ventured to say that the power to shut up a church did not reside in any authority known to the law of England. It was, in fact, to put the parish under an interdict; and though he believed even that strong step might be taken under certain circumstances, yet those circumstances were not likely to occur, and certainly nothing like them had yet occurred. He hoped Her Majesty's Government would be able to lay before the House the petition to Her Majesty to which he had referred, and he intended to move for its production.

LORD BROUGHAM said, what he meant to have stated was, that at all events the law must be put in force, and that, at all hazards, this great scandal was to be put down; and he added that if there were no other way he would even shut up the church; but in saying so he clearly meant that it should be done by legal authority. There was great excitement on this subject both in the eastern and western parts of the metropolis, and if these proceedings were not put a stop to it would spread. There was nothing more to be deprecated than the introduction into this country of that which in the United States had not yet lasted long enough to have received the name of a domestic institution—he meant Lynch-law. He had the greatest horror of it, whether as applied to churchmen or laymen. There were instances of this excitement extending to the west-end of the town. He had received letters from Kensington and parts of Marylebone on the subject—some of them anonymous, but others bearing the signatures of respectable persons. One of these had been so led away by the heat of this lamentable controversy as to have charged him (Lord Brougham) with being a Romanist, and another with being no longer a friend of liberty, because he had happened to state that the genuflexions and turning about of the clergy at St. George's-in-the-East might be right or they might be wrong, but that he could not presume to blame any clergyman who conscientiously believed it to be his duty to perform those evolutions. He did not say those practices were right or they were wrong; it was no business of his to do so; he had no right to censure any person for having recourse to them: all he said was, that, whether the rector of St. George's-in-the-East was right or wrong was altogether immaterial; that a mob had no right to interfere, or to resort to physical force to settle the question.

THE BISHOP OF LONDON said, it would be satisfactory to their Lordships to know that the service at this unhappy church of St. George's-in-the-East yesterday evening passed off quietly. He was bound, however, to say that that result, at least partly, arose from sixty policemen having been stationed inside the church. It was certainly a sad state of things that the authorities should be driven to have recourse to such a step. He said on a former occasion that he was unwilling to express an opinion as to who was to blame in this unfortunate matter, and he was not going now to discuss that question; but, if he might do so from his place in that House, he would most earnestly put it to all clergymen who had any tendency to the use of those vestments to which reference had been made, as a matter of conscience, not to irritate the feelings of the Protestant congregations who were placed under their charge. It did seem strange that any person who was intrusted with the care of souls in a parish should, for the sake of gratifying his own peculiar tastes, or the tastes of any section of his congregation, have recourse to practices in conducting Divine service calculated to offend or alienate the great body of the parishioners. He believed his revered predecessor did express to the Rev. Bryan King that there was no obligation on him to persist in the practices in question, in consequence of what was stated in 1842 in the charge of the right rev. Prelate. He wished to add a few words upon the subject of vestments, and the state of the law as laid down by his right rev. Brother (the Bishop of Exeter), to whose experience he would willingly bow, but that he feared young clergymen might be misled by his statements, to take it for granted that those vestments, which he (the Bishop of London) could not help calling foolish vestments, were even within the letter of the law. His belief was that it was exceedingly doubtful whether those vestments as used at St. George's-in-the-East could be identified with the vestments named in the old law; and however that fact might be, those vestments had been set aside by one of the canons—those canons which the noble Lord (Lord Ebury) was so anxious to abolish—which prescribe those plain vestments which were now universally used by all the clergy of the Church of England, except an infinitessimal fraction. It was not necessary to issue any Commission to alter the canons. It was not the canons themselves, but the canons interpreted by the Courts, together with a number of precedents, that constituted the law of the Church of England; and with respect to the dress of the clergy in their own homes, the canon respecting which had been cited by his noble friend (Lord Ebury), the interpretation of the Courts had long ago set that aside. If his noble Friend succeeded in procuring the abrogation of the canons, did he propose to ask Her Majesty to give authority to Convocation to make new canons, as the old ones had been passed by that body? It would be well to consider the point before proceeding in so delicate a matter. He was anxious that the occurrences at St. George's-in-the-East should not be mixed up with other matters, and that an appeal should be made to the common sense of all parties concerned in those unhappy occurrences. He repeated that if the clergy would place in his hands the management of the affair, he felt confident that he could bring the church into the state which all must desire to see it in. He was bound to add that the clergy of that parish had made some changes in consequence of his remonstrances, and he was sure, if they would only act upon his advice, the unfortunate scandals now complained of would soon cease.

EARL GRANVILLE regretted to say that the evening service at St. George's last night was not quite so satisfactory as the right rev. Prelate had been informed. Although the presence of the police prevented violent disorders, yet there was hissing, simulated coughing, and other scandalous conduct. He sincerely hoped that all offenders would be brought to justice, and that those whose indiscreet zeal had given rise to those scenes would listen to the advice of the right rev. Prelate.

THE BISHOP OF EXETER said, he could not understand why the statutes quoted by his right rev. Brother on a former evening had not been put in force. One of those statutes prescribed a certain course to be taken by magistrates before whom persons offending were taken. Now, hissing in a church was an "outrage," notwithstanding the *dictum* of a high authority to the contrary, and if there were sixty policemen present while a number of persons were hissing and making noises he could only say that those policemen neglected their duty if they did not arrest the offenders.

EARL GRANVILLE observed, that there were hundreds of persons making peculiar noises, but under such circumstances, that it was perfectly impossible for the police to fix upon any one offender.

Petition to lie on the table.

ALTERATIONS IN THE PRAYER BOOK.

MOTION FOR RETURN.

LORD EBURY moved an Address for a Statement of all Alterations made in the Book of Common Prayer by the Queen's Printer since Easter, 1859, in consequence of the passing of the 22nd of Victoria, cap. 2; by whose Orders they were made; and whether such Changes extended to any Part of that Portion of the Prayer-Book which was attached to the 13th and 14th of Charles II., cap. 2, or of those Copies of the Prayer-Book commonly called the Sealed Books, the authority by which the 20th of June was inserted in the Table of Solemn Days appended to the Table of Fasts at the Beginning of the Book of Common Prayer. Also, that there be laid before this House Copy of a Memorial presented to The Archbishop of Canterbury in the Year 1851 from certain Clergymen of the English Church, praying for Alterations in the Burial Service as by Law established, together with the Names of those who signed it; and his Grace's reply thereto.

THE LORD CHANCELLOR reminded the noble Lord that the memorial of which he desired a copy had been presented, not to the Crown, but to the Archbishop of Canterbury. How was the House to require the most rev. Prelate to furnish it with a copy?

LORD EBURY said, he would not press that portion of his Motion, especially as he was informed by the most rev. Prelate that he could not find the memorial in question.

THE EARL OF DERBY was glad the noble and learned Lord on the woolsack had urged this objection. He was at a loss to understand by what process the noble Lord expected to obtain these returns. He surely could not mean either that the House should address the Queen to order the Archbishop to give the papers, or that this House should itself lay its commands on the Archbishop.

Motion for Statement *agreed to.*

Motion for Copy of Memorial (by Leave of the House) *withdrawn.*

House adjourned at Eight o'clock,
till To morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Monday, February 13, 1860.

MINUTES.] NEW WRITS ISSUED.—For Ennis, The Right hon. John David FitzGerald, one of the Judges of the Court of Queen's Bench in Ireland; for Cork County, Rickard Deasy, esquire, Attorney General for Ireland.

PUBLIC BILLS.—1° Conveyance of Voters, &c.

2° Law of Property.

3° Probate and Administration (India).

RETIREMENT OF MR. JUSTICE PERRIN.

QUESTION.

Mr. LONG said, he wished to ask the reason of the retirement of Mr. Justice Perrin ?

Mr. CARDWELL said, he was sure the hon. Gentleman would be extremely sorry to know that the cause was ill-health. The learned Judge, being prevented by the state of his health from discharging the duties which he had so honorably discharged for twenty-five years, and being unable to go the approaching circuit, had thought proper to resign.

LIEUTENANTS OF THE ROYAL NAVY.

QUESTION.

Lord JOHN BROWNE said, he rose to ask the Secretary to the Admiralty, Whether any reply has been given to the Memorial of the Lieutenants of the Royal Navy, presented in December last; whether it is the intention of the Board of Admiralty to increase the pay and half-pay of those Officers, so as to place them more nearly on a position of equality with the Masters and the non-executive Officers of the Royal Navy of the same rank; and whether it is intended to allow their service in the Coast-guard to count as sea time ?

Lord CLARENCE PAGET said, the Memorial was received and taken into consideration by the Admiralty, although no official acknowledgment was sent. It was not intended to increase the full pay of those Officers, but when the Vote for half-pay was before the House in Committee of Supply he would explain the intentions of the Government with regard to the half-pay of Lieutenants.

THE NEWFOUNDLAND FISHERIES.

QUESTION.

Sir JOHN PAKINGTON said, he would beg to ask the Secretary of State for Foreign Affairs, Whether the English and French Commissioners sent to Newfoundland last year to investigate the questions so long at issue between the two Governments with respect to the Fisheries, have made recommendations which are likely to be accepted by both Governments, and to lead to a final and satisfactory arrangement ?

Lord JOHN RUSSELL said, that the French and English Commissioners made separate Reports to their respective Governments. He approved generally of the recommendations of the English Commissioners; but he was not in a situation to know whether the French Government would agree to a measure founded upon those recommendations. The Commissioners generally had agreed upon all the points except some of no great importance; but it was proposed to send Captain Dunlop to Paris to have some personal communication with the French Government on the subject.

FRENCH CUSTOMS TARIFF.

QUESTION.

Sir STAFFORD NORTHCOTE said, he understood it would be inconvenient to give a Return of the French Tariff of Customs Duties now in force; but he should be glad to know whether the Government could not supply the information in some other shape ?

Lord JOHN MANNERS said, that by the 3rd Article of the Treaty of Commerce certain differential duties in favour of French shipping were recognized; he wished to ask the right hon. Gentleman the President of the Board of Trade whether he proposes to make any statement as to what these differential duties are ?

Mr. NEWDEGATE said, he wished to remind the right hon. Gentleman that the other evening he (Mr. Newdegate) had asked when the changes in the tariffs of foreign countries, which are in preparation in his office, will be laid upon the table; also when the changes in the colonial tariffs will be before them ?

Mr. MILNER GIBSON, in reply, said that he had already stated that the changes in the rate of duty on foreign tariffs were in preparation, and he could give no further information at present. He understood that the colonial tariffs were under preparation also. The reason why the delay had taken place in the production of the papers relating to the change in the duties of foreign tariffs was, because they were made up to the close of last year instead of to August: with regard to the question of the hon. Baronet (Sir S. Northcote), the whole French tariff would be so voluminous that it would not be desirable to lay it on the Table of the House, but the Government had in preparation a paper containing the rates of duty on all articles of British produce and manufacture, which would shortly be laid on the Table, specifying also what would be the maximum duties, supposing the Treaty to be adopted by Parliament. With regard to the question of the noble Lord (Lord J. Manners) as to the differential duties mentioned in the third article of the Treaty, his answer was that the differential duties might be considered part of the French navigation laws. So far as the direct trade between England and France was concerned, which would grow up under the Treaty, there were no differential duties, and English ships going to France and carrying British manufactures, or from any British possession in Europe, were placed precisely in the same position as a French vessel. The Treaty, however, was merely a treaty of commerce, and not of navigation and commerce. He should be happy to lay on the Table any paper wished for; but should be glad to know the precise point any hon. Gentleman might have in view, in order to give him exact information upon it.

NATIONAL DEFENCES.

QUESTION.

MR. HORSMAN said, he would beg to inquire, Whether the Government intend to take any steps in order to carry out the recommendations of the Committee on National Defences appointed last year.

VISCOUNT PALMERSTON said, that the Report of the Committee was not in such a state of maturity as to enable the Ministry to communicate their intentions with respect to its details to Parliament. There was no item in the Estimates now presented which applied to that Report.

On Motion that the House do go into Committee of Supply.

RELATIONS WITH CHINA.

OBSERVATIONS.

MR. BAILLIE COCHRANE rose to call the attention of the House to our relations with China. It appeared to him that at the commencement of another contest with that country it was most desirable that the House should express its opinion as to the instructions to be given to the Ministers and officers out there, and also as to the authority under which those instructions were to be carried out. He should not think it necessary to refer to the former lorcha war, though he had no doubt he should only be expressing the opinion of the majority of Members, in saying that that war was the cause of the present; nor would he refer to the opinion expressed by the noble Lord, the Foreign Secretary, and other Members of the present Government in 1857, when they were opposed to the noble Viscount now at the head of the Government, nor to the blue-book, except so far as it might be necessary to enable him to explain the present position of affairs. He would regard the question as subsequent to the Treaty of Tien-tsin. Early in 1857 Lord Elgin was appointed special envoy to China; but, owing to the disturbances in India, he did not place himself in communication with the Chinese officials until the close of that year. The original demands made by Lord Elgin in December 1857 were two, one the complete execution of treaty engagements, the other, compensation to British subjects for losses incurred in 1857. But, most unfortunately, on the 11th of February, 1858, the noble Lord took a step further, and reserved to himself the power of demanding other conditions from the Chinese Government, and, more unfortunately still, the first of those demands was that the Chinese Government should concede the right of having a British Minister resident at Pekin. This demand was in fact the cause of all our present difficulties. Every hon. Member who had read the blue-book would do full justice to the ability, energy, and frankness of Lord Elgin. His energy he had displayed with an extremity of vigour against the Chinese Government, at one moment demanding from them all the observances of a high civilization, and at another treating them as most ignorant barbarians. His frankness he had displayed in the unfavourable opinion which he invariably expressed with regard to this demand for a resident envoy at Pekin. On the 12th of July, 1858, he wrote to Lord Malmesbury:—

> "The concessions obtained in it from the Chinese Government are not in themselves extravagant; nor, with the exception of the important principle of exterritoriality, in excess of those which commercial nations are wont freely to grant to each other; but in the eyes of the Chinese Government they amount to a revolution, and involve the surrender of some of the most cherished principles of the traditional policy of the Empire. They have been extorted, therefore, from its fears."—P. 345.

And on November 5, 1858, he wrote thus:—

> "In order that your Lordship may correctly apprehend the drift of this correspondence, it is neces-

sary, that I should state at the outset that the Chinese authorities contemplate the permanent residence of foreign Ministers at the capital with more aversion and apprehension than any of the other innovations introduced by the treaty of Tien-tsin. 'If we were quite sure,' say they, that you would always send to us men thoroughly wise, discreet, and considerate, it might be different; but if, for instance, so-and-so were appointed to represent a foreign Government at Pekin (and the right, if exercised by you, would, of course, be claimed by all other Governments), a month would not elapse before something would occur which would place our highest officers in the dilemma of having either to risk a quarrel or submit to some indignity which would lower the Chinese Government in the eyes of its own subjects.' No doubt such apprehensions are to some extent chimerical; but I am bound to admit that I do not consider them to be altogether so. The doctrine that every Chinaman is a knave and manageable only by bullying and bravado, like the kindred doctrine that every trading junk carries guns and is piratical, is, I venture with all deference to think, sometimes pushed a little too far in our dealings with this people. Be this, however, as it may, I advert to the point now only because I wish your Lordship to understand that I believe that the objections to the permanent residence of foreign Ministers at Pekin, which the Chinese authorities urge on this head, are sincerely entertained by them, and not entirely groundless."—P. 406.

As to the feeling of the Chinese on the point, there was no manner of doubt. Here was an extract from a most touching despatch from the Chinese Commissioners in reference to it:—

"The established reputation of your Excellency for justice and straightforwardness, for kind intentions and friendly feeling, make us place the fullest confidence in your assurance that when you exacted the condition referred to you were actuated by no desire whatever to do injury to China. The permanent residence of Foreign Ministers at the capital would, notwithstanding, be an injury to China in many more ways than we can find words to express. In sum, in the present critical and troublous state of our country, this incident would generate, we fear, a loss of respect for their Government in the eyes of her people, and that this would indeed be no slight evil it will not be necessary, we assume, to explain to your Excellency with greater detail. It is for this reason that we specially address you a second letter on this subject, and we trust that your Excellency will represent for us to Her Majesty your Sovereign the great inconvenience you feel (the exercise of the right would be) to our country, and beseech her not to decide in favour of the permanent residence at Pekin. When we bethink us of the lustre shed by the well-doing and justice of Her Majesty, we feel assured that she would not wish, by being peremptory in a matter so hurtful to our country, to involve it in embarrassment: and our country will not fail to be impressed with gratitude."—P. 411.

In spite of this the demand was insisted on. What happened? The treaty was signed on the 26th June, 1858. After the treaty was signed Lord Elgin went to Japan. He returned to Shanghai at the end of January, 1859, and at the commencement of February he sent a letter to the Commissioners, requesting them most strongly not to leave Shanghai until he returned from Canton, whither he intended going, to suppress some disturbances. Unfortunately, Lord Elgin did not return to Shanghai, but came home to England, and was replaced by Mr. Bruce, in May, 1858. Lord Malmesbury's instructions to Mr. Bruce were that on his arrival in China he should repair without the loss of one moment's time to Shanghai, on his way to the mouth of the Peiho, to complete the ratification of the treaty signed in the previous year. Lord Malmesbury then went on to say, and he begged the particular attention of the House to this,—

"You will probably find it advisable, before your departure from Shanghai, to send an intimation to Pekin of your approach, and to request that suitable arrangements may be made for your honourable reception at the mouth of the Peiho and at Tien-tsin, and for your journey from that place to Pekin. The Admiral in command of Her Majesty's Naval Forces in China has been directed to send up with you to the mouth of the Peiho a sufficient Naval Force, and unless any unforeseen circumstances should appear to make another arrangement more advisable, it would seem desirable that you should reach Tien-tsin in a British ship-of-war."

The object, no doubt, was that the vessel of war should serve as an escort, and as a matter of dignity to the mission. There was not a single word in this despatch, or any other written by Lord Malmesbury, which in any way could be twisted into a justification of Mr. Bruce's proceeding up the Peiho with a fleet. From the first moment he got out, Mr. Bruce appeared to have been panic-struck. He saw danger everywhere, he saw Russians everywhere, and he was ready to receive information from any one about the supposed evil intentions of the Chinese Government. One authority quoted by him in his despatches was a Cantonese money-lender, who told him that the Russians had offered to send 10,000 muskets to the Chinese, which the Emperor of China judiciously declined, lest, as he said, they should be carried by 10,000 Russians. In his first despatch he complained that the Chinese Commissioners were waiting at Shanghai—the very place where Lord Elgin desired them to wait; and he went on thus.—

"In my previous despatches I have informed your Lordship that we can ascertain nothing as to

> the intentions of this Government, with respect to the visit of Foreign Envoys to Pekin; but the Imperial Commissioners, on hearing of my arrival in China, have proceeded from Soo-chow to Shanghai—a fact of some significance, and which gives colour to the opinion that they hope to raise questions or begin negotiations at that point; otherwise they would have returned ere this to Pekin, for the purpose of making preparations for our reception."

The House would bear in mind that this was a mission of peace, sent to ratify a treaty which was known to be most unpalatable to the Chinese nation. Mr. Bruce went on to say:—

> "I hope in this way to compel the Chinese Government to declare itself upon those points which we know are the most unpalatable to it; and if there exists on its part a disposition to evade its obligations, to thrust us back, as before, on the seaboard, and refuse the reception which I cannot waive without lowering our national dignity, I trust we shall be in possession of their views when we arrive at the mouth of the Peiho, and not be left to discover them gradually at Pekin. If, as is most probable, the Court of Pekin is wavering, anxious to evade, but unwilling to risk a rupture, I trust that identity of views among the Foreign representatives, firm language, and an imposing demonstration of force, will secure the observance by it of the recent treaties, and incline it to listen to moderate and pacific advisers."

Then followed three despatches from the Chinese Commissioners to Mr. Bruce, in which they said:—

> "The Commissioners, having the fullest confidence in his predecessor (Lord Elgin) when he engaged them to remain at Shanghai to consider all matters not disposed of, were unable to return to Pekin; and if Mr. Bruce now proceed direct to Tien-tsin, the Commissioners having to travel by land, cannot reckon upon arriving there so soon. Indeed, taking into consideration the hindrance to be expected from the weather on their land journey, this will certainly occupy two months and more, as Mr. Bruce, they imagine, must be well aware."

Mr. Bruce again wrote to the Commissioners, proposing to place steamers at their disposal for the purpose of reaching the mouth of the Peiho; but they replied that they had no authority to go by sea, and again urged Mr. Bruce as strongly as possible to grant an extension of the time. Mr. Bruce, however, would not listen to any delay; and, though he himself had remained for an entire month at Hong Kong, in order to meet the French Minister, M. de Bourboulon, notwithstanding the directions of Lord Elgin to lose no time in proceeding to Shanghai, he refused to extend any leniency to the Commissioners who had remained at Shanghai, in consequence of instructions from their own

Government, confirmed by the authority of Lord Elgin. And now came the most interesting feature of what he might call this extraordinary narrative. On the 16th of June, Admiral Hope arrived at the mouth of the Peiho, which was reached on the 20th by Mr. Bruce and the other Commissioners. In the interval Admiral Hope had discovered that the forts were fortified, that barriers had been placed across the river, and that, in fact, it was not intended to allow the mission to proceed by the Peiho to Tien-tsin. And these preparations were not made without justice, because Lord Elgin in a despatch said:—"We have no right to navigate the Peiho until after the ratification of the treaty." But Mr. Bruce, on arriving and discovering the state of affairs, took what appeared to him to have been the most unwarrantable step of ordering Admiral Hope to clear the passage. That order was given on the 21st of June. But Admiral Hope judiciously delayed his proceedings; and he firmly believed that had it not been for the attacks which had been made on another gallant Admiral—a high-minded and gallant officer, now a Member of the House (Sir Michael Seymour)—on the ground of over-caution in a former engagement at the Peiho, Admiral Hope would have had the good sense not to obey those instructions. He now came to a point which he could not touch on without bitter regret—a regret that was mingled with astonishment, in which he thought the House must sympathize. The attack was to have been made on the 21st; but would it be believed that at nine o'clock on the morning of the 25th, the 26th being the day on which the treaty was to have been ratified, Mr. Bruce received a despatch from one of the highest officers of the Crown in China, stating that he had arrived at Peh-tang-ho, another mouth of the Peiho, ten miles to the northward, to see Mr. Bruce and to conduct him with all possible dignity to the Court of Pekin? The statement was so important and almost incredible that he would suffer Mr. Bruce to tell the story in his own words:—

> "About nine a.m. on the 25th a junk came alongside Her Majesty's ship *Magicienne*, anchored about nine miles from the forts, and a petty mandarin came on board with a letter addressed to me by the Governor General of Pechelee, a translation of which I herewith inclose. It announced that the Governor General had been ordered to proceed to Peh-tang-ho, an inlet or small mouth of the river, about ten miles to the northward of this anchorage, and thence to offer his services to

> Her Majesty's Minister; that Kweiliang and Hwashana had been summoned back to Pekin, as the persons authorized to exchange ratifications and to convey the Minister to the capital. I was requested, therefore, to await their arrival, and to allow time for the withdrawal of the troops quartered at Peh-tang-ho, after which the Governor General would come in a vessel to convey me to the landing place, whence I should proceed to Pekin by land. This letter was dated the 23rd, and only reached me on the 25th—a delay which is inexplicable if it had been intended to reach me in time. As, in the body of the letter, the name of Her Majesty was not put on the same level with that of the Emperor of China, thereby violating the principle of equality established by the treaty, it was returned by Mr. Wade for correction, with an intimation that I was about to proceed to Tien-tsin. As the attempt to pass up the river was to be made at ten a.m., it would have been difficult for me, at that late hour, to have communicated with the Admiral, who was at a distance of nine miles, and already engaged in his operations."

Could it believed that Mr. Bruce, being in receipt of a communication at nine o'clock in the morning, stating that it was intended to receive him properly, and when a misunderstanding might possibly exist as to the place at which he was to land, gave as an excuse for not sending nine miles to stay the effusion of blood that "Admiral Hope had already commenced operations"? And what would be thought by the House when he added that operations did not actually commence till two o'clock, and that Mr. Bruce, in the meantime, although he knew that the Chinese Government was then in the right, having done all that was expected at its hands, made no effort whatever to prevent the slaughter of our troops? A force of 1,100 went into action, of whom 434 were killed and wounded, and the sorrow for their loss could scarcely be alleviated by the gallantry displayed by both officers and men when the signal to "engage the enemy" was hung out by Admiral Hope, and below it that noble command, "as closely as possible." The very first night of the Session they had heard how the gallant Admiral, struck down and shattered, had shifted his flag from ship to ship, and, although himself desperately wounded, had yet been able to observe and sympathize with the gallantry of the officers under his command. They had heard of Vansittart and Shadwell, of Lemon, of Commerell, of Heath, Fisher, and Parke, rivals in glory and companions in fight. All this strife went on from two o'clock till night fell like a curtain on the scene; and Mr. Bruce, at nine miles' distance, and knowing that the Chinese Government had fulfilled its obligations, made no effort whatever to stop the carnage. He sympathized deeply with any Minister at such a distance from home, whose position of necessity entailed great responsibility; but he could not help expressing his painful conviction that Mr. Bruce had made an undue use of the authority with which he was intrusted. What was the excuse afterwards made by Mr. Bruce? He said there was treachery on the part of the Chinese, that the batteries were masked, and that the gunboats were lured into the river, and were then fired upon without due notice. But what was the fact? Why, Lord Elgin himself, in one of his despatches written before he left the country, stated distinctly that the Chinese were fortifying the Peiho, and that they were justified in doing so. There had been a very remarkable letter written by an "Eye-Witness," and what did the author, Captain Longley, state? He very frankly remarked that it was on our part that the declaration of war was made; and he added, "I need not tell you that there was no treachery in the case at all. We saw the masks on the embrasures, and we knew by these that there were guns there. The Chinese fired one shot to warn us off, and waited to see if we would draw away our forces. Had they opened all their fire upon us at that time, I do not think a single gunboat would have escaped. So I hope we shall hear no more about treachery." The writer went on to tell a story about a crusty old gentleman who liked to follow his own crotchets and live within his own house, and expressed himself unable to see why the Chinese should not act on that principle if they thought proper. "I don't say," he added, "that we are to give up our trade if we can help it, but I don't think we are right in forcing our civilization upon China." Nothing could be stronger than the expressions of Lord Elgin:—

> "We know from the *Pekin Gazette* that the Emperor has issued orders for the reconstruction of the forts which we knocked down at the mouth of the Peiho, and for the erection of other works to protect Pekin. It would hardly, I think, be reasonable on our part to require that the Emperor of China should leave his capital undefended for the express purpose of enabling us, whenever we see fit so to do, to attack him there."

Another mode in which Mr. Bruce had been defended was by stating that Mr. Ward, the American Minister, who very wisely did not co-operate at all in these proceedings, was received with insult and contumely when he subsequently went up the river. He had seen this stated even in *The Times*, and he was greatly surprised that a journal of such high character and ability should have published a statement altogether incorrect; but that surprise was removed when he subsequently found that the journal had been misled by Mr. Bruce's own despatch. Would it be believed that all this was totally imaginary? The fact was, Mr. Ward was received with great consideration. In the American account of the mission it was stated that,—

> "The despatch of Hanguh, the Governor General, was couched in the most courteous terms, expressing his great desire to carry His Majesty's orders into effect, and to facilitate the journey of the American Envoy and his suite to Pekin. . . . The distance to Pehtang is about twelve miles, but it could not be seen from the ship. They were met by three junks, handsomely fitted up, in one of which they proceeded two miles to the landing-place, which was ornamented with coloured silk festoons. A guard of honour lined the streets up to the House, and the foreigners rode to it in carriages; and though the equipage of these vehicles and the discipline and uniform of the soldiers were not what they would have been in Paris or Vienna, they exhibited as much courtesy as could be desired."

In addition to this description he found that President Buchanan said, in his last Message, "It is but justice to the Chinese authorities to observe that throughout these transactions they have acted with good faith, and in a friendly spirit to the United States." The reception "was after their own peculiar fashion; but they ought to regard with a lenient eye the ancient customs of the empire." Mr. Buchanan added, "The conduct of our Minister on this occasion has my entire approval." Thus the opinion expressed by Mr. Bruce, that Mr. Ward's mission was received with indignity, entirely fell to the ground. And taking the whole case into consideration, even with every indulgence, he thought Mr. Bruce had acted precipitately, and not in the spirit of a Minister charged with the ratification of a treaty of peace. He declared war on his own authority, and did not bear in mind the advice of the Duke of Wellington on a somewhat similar occasion. In 1835 the Duke of Wellington in a despatch to Lord Napier, said, "It is not by force and violence His Majesty intends to establish a commercial intercourse with China, but by the other conciliatory measures so strongly inculcated in all the instructions you have received." It was in this spirit Mr. Bruce should have acted. It might be interesting to the House to know what was the opinion on this subject of men perfectly competent to give one, of many official gentlemen in China, and even of Lord Elgin himself. Mr. Consul Alcock and Mr. Consul Robertson had both stated that the Chinese officials had shown every disposition to act in a friendly spirit. In his despatch of April 9, 1858, Lord Elgin said:—

> "I must, however, begin by observing that the evils which I am about to signalize do not arise from any indisposition on the part of the natives to live peaceably with foreigners. On the contrary, they have their origin rather in the exaggeration of this desire than in its defect. The state of Ningpo in this respect furnishes their favourite and, perhaps, most plausible argument to that class of persons who advocate what is styled a vigorous policy in China; in other words, a policy which consists in resorting to the most violent measures of coercion and repression on the slenderest provocations."

He believed his first despatch, of September 20, expressed only a very qualified approval of Mr. Bruce's proceedings; and in his last despatch the noble Lord distinctly stated how he thought the necessity for taking these violent measures might have been prevented. The noble Lord said, that although the denial of the passage to the capital for our ambassador might be considered evidence of an unfriendly disposition on the part of the Chinese, yet it was a matter in which Mr. Bruce might have remonstrated without having recourse to force to clear the passage. In the noble Lord's despatch of October, which did him the highest honour, he expressed a strong hope that peaceful relations might be restored to China without the effusion of more blood. That was in accordance with the passage relating to China in Her Majesty's most gracious Speech from the Throne. He hoped when the noble Lord expressed himself so admirably he really meant what he said, and that he did not mean it in the spirit of the old Inquisitors, who, when they ordered a criminal for execution, directed that he should be treated tenderly. But, somehow or other, all this cordiality of feeling did not express itself in action. Mr. Oliphant, in his new work, stated his belief that the Chinese perfectly understood the position of the English Home Government. The Chinese did not blame the Home Government, but the officials carrying out its instructions in China. In a conversation with the Emperor, recorded in the blue-book, the Minister is represented as saying—

> "Bonham has been directed by the Sovereign of the State to trade with China in a friendly

spirit, and not to be troublesome. Bonham has been presented by the Sovereign of the State with the O-ta-pa (the Order of the Bath), a thing somewhat of the same sort as the ancient red-gold-fish purse. Bonham is very pleased with this. He parades it with pride. It will prevent him making any difficulties."

Mr. Bruce insisted much on Russian guns and upon Russian influence employed against England in China. If they would take the trouble to read the despatches of Count Poutiatine, they would find they were written with the best possible feeling. The Russian Minister gave Lord Elgin very good advice, and offered to lend "his moral support to all demands of common interest which may be made by the Plenipotentiaries of other Powers to the Court of Pekin." But he stated that what China wanted in her present position was repose, and that harsh measures would only lead to increased difficulties and to bloodshed. He (Mr. Cochrane) thought that was statesmanlike advice; and he believed that a palace had been prepared for the reception of our Ambassador at Pekin. It was absurd to raise the bugbear of Russian influence; and if the Russians had such influence, they must have gained it by conducting their diplomacy in China in a very different manner from that of England. He would now make a few remarks upon the despatches of the noble Lord the present Secretary of State for Foreign Affairs. The earlier despatches of the noble Lord were written in a spirit of conciliation; he hoped they were not written in the spirit of the Inquisition, that gave up prisoners to execution, recommending them to be used as tenderly as possible. The noble Lord, in a speech made in 1857, said:—

> "In dealing with nations less civilized than ourselves, it is by lofty thought and forbearing humanity that the genius of commerce contrasts with the ambition of conquerors. You may indeed, force a road for your merchants over the ruin of cities and the corpses of your customers, but I warn you that your trade will flee. The place for commerce recoils from bloodshed."

Those were noble sentiments, but not more noble or truer than those to which the noble Lord had given expression when he said—

> "We have heard much of late—a great deal too much, I think—of the *prestige* of England. We used to hear of the character, of the reputation, of the honour of England. I trust, Sir, that the character, the reputation, and the honour of this country are dear to us all; but if the *prestige* of England is to be separate from these qualities—if it is to be separate from the character, from the reputation, and from the honour of this country—then I, for one, have no wish to maintain it. To those who argue, as I have heard some argue, 'It is true we have a bad case—it is true we were in the wrong—it is true we have committed injustice, but we must persevere in that wrong, we must continue to act unjustly, or the Chinese will think that we are afraid'—I say, as has been said before, 'Be just and fear not.' Whatever we lose in *prestige*, of which I do not presume to be a judge, I am convinced that the honour and character of this country will be raised higher by such a policy. Never will England stand higher in the world's estimation than when it can be said that, though troublesome and meddlesome officials prostitute her arms and induce a brave Admiral to commence hostilities which ought never to have been begun, yet the House of Commons, representing her people, have indignantly declared that they will be no party to such injustice, and that neither for commercial advantages nor for political advantages, nor for any other immediate advantages to their country, will they consent to stain that honour which, after all, has been, and must be, the sure foundation of her greatness."—[3 *Hansard*, cxliv., 1474].

These were sentiments in which he felt assured every hon. Member in that House must concur; and he should appeal to the noble Lord, now that he was in power, to carry out the views to which, when in Opposition, he had given expression. But while he made that appeal to the noble Lord, he was fully prepared to admit that, after the reverse which we had recently experienced in China, it was necessary that some great demonstration should be made with the view of retrieving our position in that country. He should, however, like to see that demonstration great, not only in point of magnitude, but by force of its moderation. We boasted ourselves at public meetings to be the pioneers of civilization, as the Spaniards of former days were wont to boast that they had spread Christianity throughout the West, and we were called upon to justify by our acts the professions which we made. It was, then, not with the view of tying up the hands of the Executive by pledging it to any specific Resolution, but in the hope that the expression of opinion on the part of the House of Commons might tend to the prosecution of our claims against China with justice and moderation, that he had ventured that evening to trespass upon their attention. The Government might do all that they deemed expedient to retrieve our position in that country; but he should ask the noble Lord not to insist upon a demand—that of having a resident representative of England at Pekin—which was opposed to all the feelings and habits of the Chinese people. He should also ask the noble Lord to inform the House fully and clearly what were the limits which he had prescribed to the action of the authorities who were in command of the expedition against China, and by whom those instructions were to be carried into effect.

Sir MICHAEL SEYMOUR said, that as his name had been mentioned in connection with the subject under discussion, he hoped to obtain the permission of the House to make some observations with respect to it; although he regretted to say that in doing so he had not the advantage which he should have possessed had certain documents been laid on the table of the House which would have enabled him to render his statement more complete. The question which had been raised by the hon. Gentleman who had just spoken was a very large one; its details were spread over a very considerable portion of time, and were marked by the occurrence of many extraordinary events. When, in 1857, the subject first came under the notice of the House, he was not unmindful that many hon. Members had been kind enough to take a favourable view of the course with respect to it which he had deemed it to be his duty to adopt; and he now begged to assure those hon. Gentlemen that he had derived no ordinary encouragement in the performance of that duty from the support which they had been so good as to accord; while to those who had taken a different course, and who had used hard words in speaking of his conduct, he could only say that he forgave them, and that he was willing to believe they had done no more than that which they deemed to be right. But to proceed to the discussion of the subject immediately at issue. He might state that soon after he took the command in China he went to the north, and having ascertained that the Russian war was at end, had assisted in facilitating the return to their own country of about 100 Russian prisoners. He returned to Hong Kong at the end of the year. On his coming back he found that the dispute about the lorcha *Arrow* had arisen, and, being then a stranger to China, he referred to the merchants, and other persons of experience resident there, for information upon the point. Acting upon that information, after a delay of ten or eleven days, he ordered his second in command, with two or three vessels, to make such a demonstration, and to demand from the Chinese authorities an explanation with regard to their conduct; but without any favourable result. Having, however, ascertained that Canton was by treaty stipulations placed in a similar position with two or three other mercantile cities in China, and that we possessed a right of entry there, and of communicating with the Government officials, he sought to secure that object, in the hope that one half-hour or ten minutes' conversation would put an end to all further proceedings. The entry to the city was, however, denied, and there were consequently no possible means of personal communication with the Chinese officials. But to revert for a moment to the proceedings which had taken place in that House in reference to the subject, he must say he had been rather surprised to read that some hon. Members had disputed the right of the lorcha to carry the British flag, seeing that the ordinance under which the right was claimed had been sent to this country and had received the Royal assent, and had, when it had gone out to Hong Kong, met with the concurrence of all the parties interested in these transactions. It was not intended to meet the requirements of the Chinese alone, but of others. The lorcha was one of a vast number of other British vessels, carrying an immense amount of British property. It was also said that the vessel had no protection—that her papers had expired. But that was not the fact. She had the right to carry the British flag, and the ordinance gave the power to the British consul to overhaul her papers and to renew the protection from year to year. If she had protection she was regular, and if she was not regular she became forfeited to the British Crown. As it happened, however, her papers were examined and found to be correct. That being so, and the lorcha being entitled to protection, he had deemed it his duty to take some steps for the purpose of exacting from the Chinese officials some acknowledgment of the error they had committed in the case of the vessel in question, and thence had followed the further operations to which he had been obliged to resort. He could say with the most perfect truth, however, that the duty which had thus been cast upon him was one which was of a most distasteful character to his feelings, knowing as he did that he was commencing warlike proceedings against an unwarlike people. But he proceeded up the river to Canton, and as he neared the city and was surrounded by hundreds of thousands of the population, the first question which presented itself to his mind was, how he could best deal with such a population according to the dictates of humanity, and with as little as possible of slaughter. He directed the attack in such a manner as he thought best calculated to attain these purposes. He told the Commissioners of Canton that he had power to breach the wall, and with 300 men he did so and passed into the city. It had been said in the discussion in that House that the city of Canton was then in his power, as, indeed, it frequently was; and if he had thought fit he might, as there were not wanting some who said he should, have gone the length of firing the city and burning it down; but he said it was no part of the duty of a Christian officer to take that course, and he would not do it. He continued, however, to hold the Canton river, which was a matter of some difficulty. Owing to the number of war-junks, and the extreme ingenuity of the Chinese with their fire bombs, the position could not be maintained without considerable risk to the ships. He did not regret the course he had pursued, his desire being to make it as little oppressive as possible to the inhabitants on the banks of the river, who, with the small officials, became friends, and in many instances supplied the force with refreshments, and gave them notice of firecrafts. Operations had gone on satisfactorily for the objects in the view, but unfortunately, owing to the smallness of his force, he was obliged to restrain for many weary weeks and months the ardour of his gallant officers and men, who were eager for action. He did restrain their ardour, however, and waiting until the proper hour for action should arrive. When the noble Earl, the British Ambassador to China, arrived, the question came to be whether they should continue where they were at Canton or despatch the force to the north. The unfortunate mutiny in India then broke out, and it became his duty to do all he could to despatch reinforcements to support and sustain Her Majesty's authority in that country. The *Shannon*, the *Pearl*, the *Sanspareil*, were detached to Calcutta, and the *Fury* to Sir Henry Ward, the able and energetic Governor of Ceylon, who rendered every assistance in his power by despatching all the troops he could possibly spare. During the absence of Her Majesty's Ambassador in India the operations in China were suspended. During that absence, however, he had found it his duty to establish a blockade of Canton for this reason—he found that the Chinese High Commissioner and the other authorities had collected Chinese produce, and that they were endeavouring to open the trade with other foreign nations to the exclusion of the British. It was impossible to allow that; and the holding of the river was also considered essential to the arrangements which were to be made for the future; for in the report he had sent home he stated that he should hold the Canton river until Government had decided what steps should be taken. He had already referred to the absence of certain papers, which would prevent him from speaking on one point on which it was most desirable that he should have had the opportunity of addressing the House; and he would proceed to state that in the early part of 1858 he was called on to accompany the noble Lord (the Earl of Elgin), the British Ambassador, in conjunction with His Excellency the Ambassador, the Admiral, and forces of France, to the north of China, after the final capture of Canton. The blockade was raised on the 10th of February, and arrangements were made for proceeding to the north. He confessed he had always hoped that when this period arrived no hostilities would really be necessary in the north. It was supposed that what had occurred at Canton would induce the Emperor of China to see the advisability of yielding. Moreover, happily for our prospects, the representatives of Russia, America, and France had united with us on the common ground of a revision of treaties, and he hoped that nothing hostile would ensue. With these views he had even asked from the authorities at home a discretionary power to reduce the naval forces in China. Well, it was thought necessary to make a demonstration in the north of China and to proceed to the entrance of the Peiho. The arrangement was, that all should rendezvous at Shanghai. They arrived off the Peiho on the 24th of April; on the 25th the French arrived. On the 26th they proceeded to reconnoitre the entrance of the Peiho river; on the 27th they moved over the bar two of the despatch-boats; on the 30th he was informed by Her Majesty's Ambassador that a letter had been received rendering it advisable to postpone hostile action, and that he should be informed when a different state of affairs presented itself. A conference was held without result on the 1st of May. On the 12th his Excellency the Russian Ambassador was good enough to allow him to question one of the Russian gentlemen who had come from Pekin as to what was going on there and the nature of the road thither.

Advantage was also taken of delivering a letter from Her Majesty's Ambassador to the officials in the port to reconnoitre and find out the nature of the landing, the states of the tide, and the consistency of the ground over which their force might have to travel. The final decision was taken on the 19th. On the 20th of May they proceeded to the entrance of the Peiho, when the operations against the forts were attended with the most successful result. The loss in killed and wounded was 103 men, more than half of it being unhappily occasioned by the explosion of a Chinese magazine. After the capture of the forts not the slightest molestation of any kind was offered by the Chinese until Tien-tsin was reached on the 30th. Here he would gladly sit down; but the House would not, he hoped, think him out of order if he made some reference to the manner in which he had performed his duties in reference to the noble Earl, Her Majesty's Ambassador to China. He hoped he might be allowed to say, in regard to his own part in these transactions, that from the moment the noble Earl entered upon his duties, he had never deviated from an anxious desire to forward his Excellency's wishes, or to uphold the interests of this country and obey the orders of the Queen and Her Majesty's Government. He would not have made this reference, and hoped the House would not say he was out of order (for he had refrained from noticing, on various occasions, remarks in certain public journals), if his conduct as a naval officer had not been in some measure assailed. He believed he took the right course as a naval officer and commander in chief in a distant part of the world—that course being strictly to adhere to his duty—strictly to adhere to the instructions of the Admiralty, which he served. If he had exercised forbearance in not asking for official documents relating to certain operations in which he took part, it was only because he did not think an officer should be too sensitive, even if the public thought fit to deal with his character. Were he to justify himself, his course, as it seemed to him, was this—to ask the Admiralty whether, in consequence of his character having been assailed, they would permit him to use certain documents in order to make his conduct plain before the world. If they objected to that course, he must bow to their decision. In his case he had received the fullest approbation of the Government and the Admiralty, and therefore had not thought it necessary. But when he told the House that an hon. Gentleman—an able and very agreeable writer, who held a position of confidence, who held an official position by the side of the noble Lord, the Ambassador in China—when he gave to the world his work, which bore the impress of something like authority, in which he reflected upon his character—when that writer said that he (Sir M. Seymour) was slow, and wanting in energy, and of having thwarted the policy of the noble Lord, he thought he might fairly ask why did not this gentleman give the whole story to the world? He could have done it, but he did not; but he wished to poison the public mind in regard to the conduct of one who had endeavoured to do his duty. The House must understand that the instructions were very clear. The House would see by the blue-book that the negotiations were entrusted entirely to the Ambassador. He was told that it would be for him to determine, and for him alone, how long the negotiations should be continued, when, if unsuccessful, to be broken off; and when he judged that further negotiations were useless, and the employment of force necessary to compel the Chinese to comply with his demands, his duty then would be to announce that fact to the Admiral, with whom it would then rest to decide how he would employ the force at his disposal. He begged to tell the House that he never was called upon to act until the time he was called upon to attack the forts. Had he been called upon to act he would have respectfully told Her Majesty's Ambassador that he thought it would be better to delay, as in his opinion it was important—in acting against the Chinese it was always important—to act with effect. He had experienced the advantageous moral effect of such a course in dealing with this people. He knew the difficulty of getting the Chinese to show a front of resistance. After the successful capture of the Peiho forts the Chinese never troubled them again. In the case of affairs in the north he had given notice for the production of papers, and he believed the Government had no objection to their production. The author of the work to which he had referred seemed to forget that he (Sir M. Seymour) had not acted alone—he acted with Admiral de Genouilly, a man of honour, open, candid, and of the highest professional attainments, so much so that it was impossible for him to express the satisfaction he always felt in carrying out joint operations with that gallant Officer. Therefore, when they singled him out he did not understand it. Those gentlemen were very fast men for fighting. Fight whom? Blame him for not fighting? Whom? Chinamen? He did not mean to say that Chinamen could not be got to resist. They did so get together at the Peiho forts, and became almost impudent, and the result was therefore useful, as they were prepared to meet them. If they had gone in a hurry up the river, no doubt the forts would have been taken; but what then? they should have commenced fighting at the opening of the river, and been slaughtering Chinamen all the way to Tien-tsin. Allusion had been made in the work in question to the enemy having retired unscathed. Why, they fled like sheep. His own vessel, a steamer, could not make the turning, and he was compelled to put her stem on to the opposite mud, to back her short, and then go on. All hands on board were not sufficient to turn her round, and who came to help them? Why, hundreds of the Chinese came down to lend a hand in getting her off, and to assist her down the river. They also came swimming off on both sides of his vessel, with fruits, vegetables, flowers, birds, and all sorts of things for the English. Yet some of those bellicose gentlemen, for the sake of a flourish of their pen and a little fine writing, did not scruple to talk the nonsense he had referred to. He regretted very much having to enter upon these subjects. He wished to act with the greatest forbearance in regard to anything that was written about him; but there were occasions when an officer was bound to answer imputations upon his conduct, and he hoped the House would grant him their indulgence. As to the commercial aspect of the question, he held that our interest in China must be purely commercial; and if we attempted to gain any other end, we should be acting unjustly and unfairly towards China. This country was very powerful for war—China was very weak. It was impossible that we could carry our arms into China without very serious consequences to that Empire. He believed that China had never recovered from the effects of the first war; and he further believed that if we carried the hostilities now impending beyond what the necessities of the case required, there would be great reason to deplore it. He had no hesitation in expressing his opinion as to the future. If it proved necessary to adopt hostile measures, with the large allied forces now going out to China, success there would be inevitable. It could not be supposed that any Chinese or Tartar force could resist the arms of two such powerful nations as the Allies, when mustered so strongly as in the expedition now on its way out. It was much to be desired that the Emperor of China would listen to the advice which was offered him, and avert hostilities while it was yet in his power. He feared, however, that such would not be the case, and he had read with regret the news of the gathering of large Tartar forces in the vicinity of Pekin. The Chinese people did not like taking advice, and the persuasion even of their best friends was of no avail. In the event of their not yielding to our demands, we must of necessity proceed to retake the forts before which our gallant forces had been defeated, and then advance upon Tien-tsin. He felt satisfied that, once in force at Tien tsin, the Court of Pekin would open their eyes to the propriety and necessity of yielding; but in any case he should deprecate the consequences of success, if not exercised with justice and moderation towards the Chinese. As he said before, China was really not a country to go to war with. They had nothing to oppose to our strength, and we could not carry war into China with any real satisfaction to ourselves, although we might bring ruin and desolation upon the empire. If they pushed on to Pekin, they would run the risk of making it like what Canton was at this moment; and very possibly the Court would leave the city, and then they would find themselves in Pekin without the means of getting any officials to negotiate with. There was a probability, too, that a defeat might induce the Chinese not only to lay down their arms, but to remain in what he might call a condition of passive resistance, and what could be done then? What could our forces do before an enemy that offered no opposition? He supposed they would just have to come away. After having endeavoured in vain by peaceful means to procure the ratification of the treaty, which he had no hesitation in saying he thought ought to be carried, he did not see how we could avoid proceeding to hostilities; but, having attained the success which must accompany the allied forces, the utmost forbearance and consideration should be extended to a nation so utterly indefensible as China. The fabric of Chinese power was of so flimsy a character, so merely ornamental, and so unstable, that he had no doubt the consequence of any rude shock from the Allies would be to break up the empire. The risk we ran of bringing about such a result ought, he thought, to make us cautious how far we carried our operations.

LORD JOHN RUSSELL: I suppose there is no one in this House who can question the professional opinion of the gallant Admiral who has just sat down, or who will be disposed to doubt his zeal and devotion in the service of the Crown and the country. The gallant Admiral has received the approbation of the Board of Admiralty, his immediate superiors, and therefore I think it is quite unnecessary—indeed impossible—for me to go into the questions he has adverted to with regard to his conduct and the differences with the noble Lord who was Her Majesty's Ambassador in China. I doubt whether this is an occasion when we can conveniently and usefully discuss the whole question with regard to China; but at the same time, the hon. Gentleman (Mr. B. Cochrane) who brought forward this subject made so many charges against Mr. Bruce, and went so much into detail that I cannot altogether avoid questioning some parts of the narrative in which he introduced them. The House will recollect that Mr. Bruce was sent to China entirely for the purpose of obtaining the ratifications of the treaty of Tien-tsin, and of acting at Pekin as Her Majesty's Envoy Extraordinary. Before he went he laid a paper before the Earl of Malmesbury, asking for instructions, and pointing out that, as there were parts of the treaty which he had reason to fear were very unpalatable to the Chinese, some difficulties might arise, not then perceived, in carrying the treaty into effect. I must say that Mr. Bruce did not suggest that the entrance to the Peiho would be resisted; but he asked the question whether he should insist on going up to Pekin. The Earl of Malmesbury then directed him to go to Pekin, and gave him the following instructions as to the mode of proceeding there:—

> "You will probably find it advisable, before your departure from Shanghai, to send an intimation to Pekin of your approach, and to request that suitable arrangements may be made for your honourable reception at the mouth of the Peiho, and at Tien-tsin, and for your journey from that place to Pekin. The admiral in command of Her Majesty's naval forces in China has been directed to send up with you to the mouth of the Peiho a sufficient naval force, and unless any unforeseen circumstances should appear to make another arrangement more advisable, it would seem desirable that you reach Tien-tsin in a British ship of war."

The case which actually occurred was not foreseen. Mr. Bruce was directed to proceed to the mouth of the Peiho with a suitable naval force. Admiral Hope says, Mr. Bruce said with an "imposing" naval force. But I take it for granted that such a naval force was intended as would inspire so much respect or awe to the Chinese that there would then be no difficulty in proceeding up the Peiho and arriving at Pekin. Many petitions have been addressed to me on the assumption that Mr. Bruce, immediately on his arrival, attempted to reach Pekin by force; that he intended to force his way. Mr. Bruce, I submit, acted exactly according to his instructions. He wrote immediately on his arrival at Shanghai, on the 10th of May, to ask that suitable preparations should be made for his reception. He said he should proceed to Tien-tsin, and when he arrived there he hoped suitable preparations would be made according to his character as Plenipotentiary for his conveyance to Pekin. He states it in these words:—

> "The undersigned takes this opportunity of informing his Excellency Kweiliang that, in compliance with the above instructions of his sovereign, he is about to proceed without delay, by ship, to Tien-tsin. He trusts that the necessary orders will be given for the conveyance of himself and his suite from thence to Pekin, and for the provision of suitable accommodation for him during his residence in the capital itself, in a manner befitting the dignity of the nation he represents."

It is obvious that there is no contemplation of the use of force in that request, but that it is a simple request that the Ministers of the Emperor of China will make due preparation for his journey and reception. The hon. Gentleman says that there were persons waiting at Shanghai to negotiate with him, and that they were told by Lord Elgin to stay there for that purpose. But it is rather remarkable that the hon. Gentleman, who professes a wish to show every indulgence to Mr. Bruce, did not, in this respect, do him bare justice, because the fact is that in the beginning of March Lord Elgin wrote to the Ministers of the Emperor of China that he should not return to Shanghai, that he was about to proceed to England, and that another person would go from England with the view of exchanging ratifications at Pekin, and residing there as Her Majesty's representative. These Chinese Ministers, after the receipt of that letter, remained from the 30th of March until the middle of June, but no one can say that they were justified in expecting either Lord Elgin or Mr. Bruce to negotiate at Shanghai, when they had received an intimation that another and more natural course had been decided upon. Mr. Bruce accordingly, in further compliance with his instructions, called on Admiral Hope to furnish him with an adequate force. According to directions received from Lord Elgin, that force was furnished, and he proceeded to the mouth of the Peiho. Up to this time he had had no intimation whatever from the Chinese Ministers that his entrance to the Peiho and proceeding to Tien-tsin would be opposed, or even objected to. These Chinese Ministers proposed to re-negotiate, or, in fact, re-open certain points, and to alter some parts of the treaty. Mr. Bruce very properly declared that that was no part of his duty; that it was his duty to exchange ratifications, and not re-open questions already settled by the treaty, and that he intended to proceed to the Peiho. If any one will look at the correspondence with these Ministers, he will find that, although they attempted to re-open questions, yet after a time they apparently coincided with Mr. Bruce. At all events, they declared themselves ready to do what he desired. They made some objections to the length of the journey and the time it would take, but they never, nor do I believe it was in their minds or knowledge to do so—they never suggested to Mr. Bruce that the Emperor of China objected to that mode, or that any resistance would be made to his proceeding to Pekin. Indeed, I cannot conceive what objections there could be, supposing the Emperor of China intended to admit him to Pekin and ratify the treaty. If that were the Emperor's intention, there could be no objection to Mr. Bruce proceeding by the usual and shortest route, nor to giving him those advantages in his short journey of forty miles from Tien-tsin to the capital which would enable him to reach it in a manner he had been led to expect, as becoming the representative of a friendly Power. But another party seems to have had a predominant influence with the Emperor of China. They do not manage matters in that country as they do here. In England when one party is in power the other is out. The one pursues a policy, the other criticizes it. But in China there are two parties in power at the same time, one being for peace, and the other for war, and therefore the treatment shown to the mission was of a character totally different from that which was expected. Mr. Bruce desired that the Admiral should proceed to the mouth of the Peiho, and when there endeavour to ascertain what arrangements had been made for his reception. He always proposed that he should be allowed to go up with one or perhaps two ships, just sufficient for himself and retinue. It was not proposed to take up the whole squadron. The Admiral could not find out what orders had been given to the forts. It did not appear whether there was to be resistance or not. A number of country people appeared, whom Mr. Bruce calls a rabble, and they said there was no person of authority among them, that they were mere country people, that they had put stakes in the river to defend themselves against pirates (which is not a very unlikely event), and that they knew nothing of what the Government would do. So matters remained until the last moment. It was not that Mr. Bruce insisted on refusing the proposition of the Emperor of China that he should go some other route, but up to nine o'clock on the day the attack was made he was induced to think that the Government of China was not disposed to resist his proceeding up the Peiho. And let me say that my belief is, that if Admiral Hope had been as successful as the gallant Admiral (Admiral Seymour) was the year before in passing the forts and destroying them, we should have heard that Mr. Bruce had arrived at Pekin; and as the gallant Admiral has said, if his boat had got into the mud, there would have been hundreds of Chinese to assist him; and that the Emperor of China would have said the resistance was made against his orders, and that he was quite ready to disavow any such resistance, and to receive Mr. Bruce as became the representative of a friendly Power. But events, I must own, turned out otherwise. I do not attempt to say precisely what course was that which might have saved Mr. Bruce from difficulty. It appears to me that the evils which he had to consider were very great on every side. He was placed without instructions in a position he did not expect. He had with him a large force. He had with him, mind you, a large force—a large British force, with a British Admiral in command. He desired the Admiral to clear the river. When the morning came on which that was to be done, he received intimation that if he would go to another place, ten miles off, he would be received by a high officer, and means provided by which he might reach Pekin. Let any one who really feels that indulgence which the hon. Gentleman professed consider the difficult position to which Mr. Bruce was placed. He was ordered by the Government of his country to go to Pekin to obtain the ratification of the treaty, and not to ratify the treaty anywhere else. He was told at the mouth of the river that militia and rabble had put stakes, in order to defend themselves against pirates. There were some persons at Shanghai who told him that the Emperor of China meant to resist the advance of the British Minister. Other persons told him that preparations were made for his reception, and everything would pass in tranquillity. He had to decide this difficult question, whether he should attempt to pass by force, or without orders desire the British Admiral to retire from forts which were taken with ease by a British force the year before, and thus give the appearance to the whole of China—I may say to the whole of England and the whole of Europe—of shrinking before forts which were easily overcome a short time before. Let us suppose he had taken the latter course. Let us consider what opinion would then have been passed upon him in this country. Let us suppose that at nine o'clock in the morning he had said, "I will not attempt to pass these forts, but submit to any proposal which the Chinese Government may make." For my own part, I am inclined to think that after the successful resistance made to the British and French advance the Chinese were more disposed to be civil and apparently conciliatory to the Americans than they would have been under other circumstances. It was their obvious policy. Let us suppose that Mr. Bruce had met with the same treatment as the American Minister, and that he had been conveyed to the capital in what is said to be not the most honourable mode of conveyance. I will suppose him to have arrived at the capital, and to have been told, as Mr. Ward was, that if he expected an audience he must perform the kotoo—strike his head to the ground and offer himself as the representative of a tributary nation. I will suppose him to have displayed the same spirit as Mr. Ward—and I am sure he would have displayed it—that he had replied that he would perform no ceremony which was not performed at the Courts of the Western Powers, or which would be considered as degrading, or as placing his Sovereign in an inferior position to the Emperor of China. The Chinese would have said to him, as they said to Mr. Ward, "What was the use of your coming here, then? You can't ratify your treaty here; we will conduct you to the coast, and there it will be ratified." Suppose Mr. Bruce had done all this, what would have been said of his conduct here? Would not people have said to him, "You had instructions to go to Pekin to get your treaty ratified; you have not obeyed them; you have suffered humiliation, and you have not carried out your object, your only excuse being that you had reason to apprehend some resistance, though you were aware, and, indeed, had seen it with your own eyes, that a similar resistance had been previously overcome with the greatest ease? Don't you know the character always given of the Chinese, that they are an unwarlike nation? Don't you know that the resistance from which you ran away might have been overcome in half an hour, if you had gone boldly forward?" Can anybody doubt that this would have been the judgment passed on Mr. Bruce here? On the other hand, there was the danger that, the Chinese having got ready their forts, blocked up the river, and altogether made more extensive preparations than Mr. Bruce was aware of, Her Majesty's troops might suffer a reverse in spite of their gallantry and bravery. These were the alternatives presented to Mr. Bruce, and never was a civil officer placed in a situation of more difficulty. Without attempting to decide—and I will not attempt to decide myself whether his course was the best—I say there were infinite difficulties on both sides, and the Government were justified—and not only justified, but they would have been neglecting their duty in doing otherwise—in telling Mr. Bruce that their confidence in him was not diminished by the course he had taken. I have said thus much because it was necessary, after the numerous complaints which have been made against Mr. Bruce, and after what has been said to-night by the hon. Member, to place before the House the difficulties in which he was placed. When this news reached Her Majesty's Government, we came to the immediate and unanimous conclusion that, whatever might be the terms proposed to the Chinese Government, or the course hereafter pursued towards them, it was necessary to support them by such a force in the Chinese waters as should make it manifest that our moderation was the result of willingness, not of weakness. With regard to the particular terms we have offered, the gallant Admiral said, most truly, that we could not have asked for less than the treaty of Tien-tsin, which had been signed and had received the special approval of the Emperor of China. Nothing but the ratification remained to be given, and it would have been impossible for us, because Her Majesty's forces had suffered a loss, because 400 or 500 men had been killed or wounded, to give up a treaty solemnly agreed to, or to retreat from conditions to which the Emperor of China had given his consent. It was also necessary to ask for an apology for what has occurred, to which I think we are entitled; for, whatever may be the case of the Emperor of China with regard to his right of forbidding a passage up his rivers, or defending their entrance, he was clearly not justified in barring the passage without giving notice, or in entrapping the British Minister into an ambuscade. For such a proceeding the dignity of the Crown and the nation requires an ample satisfaction and apology. With regard to the general question I quite agree with the gallant Admiral and the sentiments that have been expressed by the hon. Gentleman that we should treat the Chinese with every justice. It is not because England and France are far stronger in war than China that therefore we ought to give them an inch less than the justice to which they are entitled. I agree with the gallant Admiral, too, in those motives of policy to which he referred. I know very well that in pressing too severely upon the Emperor of China we may entirely dislocate the whole fabric of the Empire and the state of society already too much weakened and impaired, and that that which is our only business there, commerce, might be seriously injured by standing out for complete, instead of resting satisfied with insufficient, terms of peace. But, at the same time, everybody I have seen possessing any acquaintance with China is of opinion that unless we place ourselves in a position to show that we are able to enforce all our demands, the lives not only of British subjects, but of all Europeans in China, would be endangered. We must be strong enough to vindicate our honour and treat with them on equal terms. At first it was necessary to make preparations by which to show our strength, and this we did in communication with the Emperor of the French. There was a chance that the Emperor of China might offer terms himself; that Mr. Bruce's readiness to receive those terms might be known, and that the whole matter might have been settled in a way to satisfy our honour, and at the same time obtain for us the terms of the treaty. That hope has to some extent been disappointed. It may be that it would be wiser to send out a person of more authority than Mr. Bruce, who has not been engaged in this conflict, who might obtain from the Emperor the concession of terms of peace which he would not otherwise assent to. That is a matter to which the attention of the Government has been seriously directed, and I shall take an early opportunity, as soon as the next mail comes in—and we expect it very soon—to state to the House the course which the Government intend to pursue. In the mean time, not fearing the decision of this House, not unwilling to give it every information, I venture to say that I do not think that they are in a position at this moment, without all the circumstances of the case before them, to come to a decision. I think it would be well for the House to wait before it pronounces any absolutely decisive opinion either on the conduct of Mr. Bruce or the course which the Government propose to pursue. I agree with the gallant Admiral that our business in China is commerce. A Minister residing there would not have the same duties to perform as a Minister residing at any European Court. His chief business would be to treat of matters of commerce, to protect his own countrymen residing in the country, and to obtain reparation for them if any of them chanced to sustain injury; and it is a serious question to consider whether this could best be done by a Minister residing at Pekin, or at one of the outports, and going to Pekin occasionally. These are matters which require grave consideration. I am not saying now that we ought to ask for more than we have already obtained, the option which is given by the Treaty of Tien-tsin. Every honour has been rendered, and justly rendered, to the brave men who fought so gallantly yet unsuccessfully. But the character of the naval service has not suffered by that misfortune. I need only add that I shall feel happy indeed if the measures which have been adopted should lead by successful negotiation to the establishment of permanent relations of peace with that country.

SIR JOHN PAKINGTON: I very much agree with what fell from the noble Lord at the commencement of his speech, that for several reasons the present is not a desirable moment for entering into a general discussion of the question of our relations with China. That opinion acquires even greater force from what was stated at the conclusion of the noble Lord's speech, and by the arrangements which the Government have made for bringing the Naval Estimates forward to-night. The questions arising out of the late unfortunate collision with China, involving not only transactions which have occurred, but matter affecting our future relations with that great Empire, must necessarily be of importance, and in many respects also of extreme difficulty. The hon. Member for Honiton (Mr. B. Cochrane) availing himself of the right which he undoubtedly possessed, has placed before the House the opinions which he entertains on some parts of the subject. He has stated them with great clearness and ability; and I am bound to say, as far as we are now in possession of information, that there were many parts of his observations in which I am much disposed to concur. The noble Lord, in answering my hon. Friend, passed in review several of the transactions which have taken place, but he has not gone into the whole of them; and if I now abstain from entering more fully into the subject, I wish it to be understood that I am not assenting to all that fell from the noble Lord. The conduct of Mr. Bruce in particular is a point on which I should be sorry to express any premature opinion. I am simply anxious not to appear as altogether concurring in the intimation that has fallen from the noble Lord. My belief is, that the conduct of Mr. Bruce must be divided into two periods—namely, that which elapsed prior to his leaving Shanghai, and the subsequent period after his arrival at the mouth of the Peiho. And I would remind the noble Lord that in his observations he has altogether omitted, or, at least, he has touched very lightly on the despatch which bears more than any read by him upon the question at issue—I mean that sent by Mr. Bruce to Shanghai on the 12th or 13th of November. On this matter I wish to be understood as altogether reserving my opinion. But I have felt a very great desire to hear what are the intentions of the Government on so important and delicate a matter. I hope I may infer from the little the noble Lord has said today, that the course which they will pursue will be one of moderation. Further than that I will not inquire, especially after the declaration, which I heard with great satisfaction, and as to which I hope no misunderstanding exists—that as soon as the next despatch is received, which the Government expect will be on a very early day, we may anticipate a full explanation from the noble Lord of the policy which they are prepared to adopt with regard to China. [Lord J. RUSSELL signified his assent.] With that understanding, I think the offer made by the noble Lord affords an additional reason for abstaining at this moment from any further discussion; particularly as we are all anxious to hear the statement of my noble Friend opposite (Lord C. Paget). But although I thus wish to exercise some reserve in entering into the general question of our policy in China, there is one part of the subject on which I wish to maintain no reserve at all, and that is as to the appeal which I understood was in some sense made to me by the hon. and gallant Admiral the Member for Devonport (Admiral Seymour) with regard to the opinion expressed by the late Board of Admiralty regarding his conduct while in command on the Chinese station. I confess I entertain some regret that the hon. and gallant officer felt obliged—as I presume he did in justice to himself—to allude to the unfortunate difference which occurred between him and the noble Lord our Ambassador in China. I am inclined to believe that the fact of that difference was very little known in this country, and I am still more strongly disposed to believe that no one was inclined to attach blame to the gallant Admiral. I am sorry that the matter has been brought before the House of Commons, but as he has felt it due to himself to advert to the subject, I think I am bound in justice to confirm what has fallen from him, and to say that the Board of Admiralty unanimously approved of his conduct. After the case was brought under their notice, they sent out to the gallant Admiral for an explanation of the facts, and a full and clear explanation was returned by the gallant officer. After it had been carefully considered it was my pleasing duty to assure him, on the part of the Board of Admiralty, that we approved of the course which he had adopted; and I think I am bound further to express the opinion of the Board that there had been nothing in the conduct of the gallant Admiral which was not perfectly consistent with the high and honourable character which he has at all times borne.

SIR DE LACY EVANS said, as he had placed a notice of Motion on this subject upon the Paper, he might be permitted to say a few words, which the hon. Member who had introduced the discussion had spared him the necessity of prolonging to any great extent. The policy to be pursued towards China by Her Majesty's Government he hoped would be maturely considered; but with regard to this question the noble Lord the Secretary of State for Foreign Affairs appeared in a new character. The House would remember the eloquence and grace with which he had delivered his opinions on the same subject on a former occasion; but he could not as truthfully congratulate the noble Lord on the extenuatory speech of that evening, and he did not think he had satisfactorily replied to the arguments of the hon. Member for Honiton. The noble Lord had stated that every indulgence was to be extended to Mr. Bruce; but the important question still remained, whether in making war on another country, he was justified by his instructions, or whether his acts had been subsequently approved of by the Government. In a speech made by the Earl of Derby on the 24th of January, he said—

MR. SPEAKER: The gallant General must not read a speech which was made in the House of Lords.

SIR DE LACY EVANS said, he would simply refer to the speech as being made in "another place." The noble Earl was reported to have said,—

MR. SPEAKER: The gallant General is equally out of order in repeating what took place during the present Session of Parliament in the House of Lords.

SIR DE LACY EVANS said, he would not allude to the House of Lords. He would merely state that a noble Lord who had been Prime Minister at no very distant period, had declared that Mr. Bruce was not sanctioned by any instructions from his Government in the course which he had pursued. There were some other passages of importance in the speech of the noble Earl, but, under penalty of the displeasure of the Speaker, he would not refer to them; the despatch of the noble Lord the Secretary of State for Foreign Affairs, however, might be legitimately remarked on. That noble Lord who now extended an absolute approbation to the conduct of Mr. Bruce, stated in the last document which he had submitted to the House,

> "Now, although the denial of a passage to the capital by the usual and most convenient route would have been evidence of an unfriendly disposition, yet it was a matter upon which you might have remonstrated and negotiated without having recourse to force to clear the passage."

Now, they were told by the noble Lord, that it would have been unbecoming to the English character and reputation if he had remonstrated or proceeded according to any other course than that which he had adopted. [Lord J. RUSSELL:—No.] Surely, there was some inconsistency in such a declaration. He understood the noble Lord to deny that such was his meaning. If, however, the effect of the discussion which had taken place were to induce Her Majesty's Government to nominate some high personage to conduct the negotiations in China, who did not labour under the disadvantage of having been mixed up in the previous controversy, he believed that a beneficial result would have been attained. The noble Lord had also stated that when the next despatches had arrived they (the Government) would be prepared to come to a decision and to state their policy. Under these circumstances it would ill become him to press the Motion of which he had given notice. But the noble Lord, in alluding to this matter, had not attached sufficient importance to the war they were then engaged in. It was a war which would employ an army of 30,000 men. The noble Lord had stated satisfactorily, as far as it went, but rather vaguely, that the demands Her Majesty's Government would make on China were very moderate. The demands might be of that character, but if they were to be backed by 30,000 men, the results of such demands might be by no means moderate. It was a subject for the most serious consideration by the House. He would postpone his Motion till the period alluded to by the noble Lord, but there ought to be no delay on the part of the Government in making their intentions known.

VISCOUNT PALMERSTON: I think, Sir, it seems to be the general opinion of the House that it will be more expedient and desirable to postpone the discussion of this question till my noble Friend shall be enabled by the arrival of further accounts from China to explain to the House fully what course Her Majesty's Government intend to pursue. We have another important subject immediately coming on, and I should hope the House will forbear the discussion of this question at present, in order to go at once into the Navy Estimates. I will only observe that the hon. and gallant General appears to have misunderstood something that fell from my noble Friend, and consequently sees some inconsistency between it and what he has written on a former occasion. But there really is none; the gallant General supposes my noble Friend to have told Mr. Bruce, in the despatch referred to, that if he had been informed beforehand that he could not be allowed to go up the Peiho, he might have remonstrated, and some arrangement might have been made as to the manner in which he should have proceeded to Pekin. Now what my noble Friend said was, that no such intimation having been given by the Chinese authorities, and the expedition having been already detained for some time at the mouth of the Peiho without receiving any intelligence as to its route, it was not advisable, under such circumstances, to retire without attempting to ascend the river. It must also be recollected that Mr. Bruce's decision was probably influenced by his instructions from the Earl of Malmesbury, who told him he was to be accompanied by a sufficient force. Mr. Bruce might, not very unnaturally, think that this force was to be "sufficient" for some purpose or other. As the immediate purpose was to go up in a ship of war to ratify the treaty of Tien-tsin, he might also be allowed to consider that the sufficiency of the accompanying force was to be measured by its power of overcoming any obstacle in the way. But I will not set the example of continuing the discussion I am asking the House to postpone. I wish now to state that the hon. and learned Member for Bridgwater (Mr. Kinglake) has a Motion standing on the notice paper for to-morrow evening. In the present state of things it will be very inconvenient to press on a discussion upon that Motion; and I would ask the hon. and learned Member to have the kindness to postpone it till a time when the House will be better able to consider it.

Sir CHARLES NAPIER said, he thought a great deal had been said in justification of Mr. Bruce, but very little of Admiral Hope. He was sure the House would like to hear more of the courage he had shown in the action in the Peiho than they would see in the despatches. He wished then, before the conversation on the China question closed, to read a letter from an officer who was near the Admiral during the action, who bore witness to the extraordinary courage his commanding officer displayed. It said:—

> "I am going to try and give you an account of our most disastrous affair, as my time will allow, and I know you will make allowances for me. I suppose the Admiral's despatch will be published, but I doubt if you will get all there; at any rate, you cannot hear from that source how nobly he behaved. We went into action at 2·30, the Admiral standing on the top of the cook-house, myself and the French captain on the harness casks in front of him. By three o'clock he was badly wounded by a round shot taking away the fleshy part of the thigh, the lieutenant commanding and eight men killed, and twenty-two badly wounded. The *Plover* then dropped down for more men, and the Admiral left her to hoist his flag in the *Opossum:* all this time his wound had been unattended to, except what my little surgical knowledge pointed out. When we left the *Plover* there were only nine of us with a whole skin left out of her crew; she was literally like a butcher's slaughter-house. We had not been long in the *Opossum* before the Admiral was again wounded. We had managed to get him on the top of the cook-house again, and, being weak from his wound, he was supporting himself by the mainstay, when a round shot took that away and threw him down on the deck, injuring him on the head and fracturing his ribs,—still he would not give in, and was placed on the gunwale, till, at last, being quite done up, he fainted. I then got him into a boat (French), and was taking him away, but he came to, and asked me which was the ship furthest in. I said, '*Cormorant.*' 'Then take me there.' So we went to the *Cormorant*, where, finding him perfectly unable to stand, I had the signal made for Captain Shadwell, the senior captain, who came on board and took charge."

In all the records of our naval history there was no instance of an officer showing greater pluck and gallantry, particularly as every one who had been wounded must know the depressing effects such severe wounds had on the system. He would not go into the question whether Admiral Hope was right or wrong in the attack he made; but he thought Her Majesty's Government would only show a good feeling if it sent him out the Victoria Cross. It was not a decoration intended only for successful actions; it was the reward of great valour, and no officer had ever displayed more than Admiral Hope. He trusted the Government would see the necessity and propriety of giving him the Cross.

SAVOY AND NICE.—POSTPONEMENT OF MOTION.

Viscount PALMERSTON said, he wished to appeal to his hon. Friend behind him (Mr. Kinglake) who had a Motion on the Paper for to-morrow on a question of great interest, and as it would be most inconvenient in the present state of things to discuss the subject in Parliament, to ask him if he would be kind enough to postpone his Motion to some future period.

MR. A. W. KINGLAKE said, with respect to the appeal of the noble Viscount (Viscount Palmerston), he had, on the previous day, received a note from the noble Lord the Secretary for Foreign Affairs, containing an intimation similar to that just expressed. The application was based on the fact that bringing on the Motion the next day would be injurious to the public service and affect the negotiations still going on on the subject. On receiving the note, he felt it his duty to ask the noble Lord to make the application publicly in the House; and he had also communicated the facts and the course he intended to take to the right hon. Member for Buckinghamshire (Mr. Disraeli). He could not but express his regret for the decision the Government had arrived at in determining to intercept the voice of the House of Commons on this question. He believed that a calm and temperate expression of the opinion of the House of Commons would not have weakened the efforts of Her Majesty's Government, but materially have strengthened their hands. He might also be permitted, in an humble way, to express his own opinion that Her Majesty's Ministers, in the course of that discussion, would possibly have obtained a knowledge of matters of dry fact, which, as far as he could judge, they did not then possess. He ventured to say this because, if he rightly understood some of the statements made by Earl Granville in "another place," Her Majesty's Government appeared to have acted under a singular mistake, a mistake for the existence of which he could easily account, but still a mistake which might be fraught with the most momentous consequences. Since this appeal, however, had been made to him by the noble Secretary for Foreign Affairs, as a loyal subject of the Queen, it was needless to say that he must assent to the delay. On the other hand, he should have the right to expect that his Motion should be allowed to come on at such a time that it would not come on in vain. According to information which reached him not many days ago, the 20th of this month was the day fixed for the—, he wished to avoid the use of any intemperate expression, but he would say, that, according to information which he had received, the 20th of this month was the day fixed for the completion of the Act in question. The day on which the noble Lord proposed he should bring on his Motion was the 28th. This was naturally unsatisfactory to him, as it was just eight days after the date when it was reported the Act was to be complete. He should, however, be prepared to accept the assurance of the noble Lord at the head of the Government that the 28th instant would not be too late a day to secure the object which he had in view in entering upon the discussion of an important question. He need hardly add that he should expect, should any circumstances in the meantime occur rendering it desirable, that a day earlier than the 28th would be selected for that discussion—for he had no doubt the House were of opinion it ought to take place before the event against which it was meant to provide had come to pass—the noble Lord would feel it to be his duty to make such communication either to him or the House as would lead to the result which both had in view.

SIR JAMES ELPHINSTONE said, it would be very satisfactory if the Government would name a day for renewing the discussion on China. February was wearing away fast; a large expedition had to be got together; and it ought to be in motion in April or May. He trusted the Government would consider well before attempting to take possession of Pekin, and would also bear in mind the dangers which would beset the expedition if it were detained in the waters of Pekin so late as November, when the monsoon changed from the north, and rendered the winter almost Siberian in its character. The Gulf of Pecheli was so acted upon by the winds that in winter it was impossible for vessels to approach the land within eight or nine miles. The expedition, under these circumstances, would be liable to have its supplies cut off, and, having to deal with a hostile and ingenious enemy, a second Cabul disaster might be the result.

SIR ROBERT PEEL said, that reverting to the subject of the cession of Savoy to France, he wished to state that his hon. Friend (Mr. Kinglake) was of course bound to yield, as he had done, to the wish of the noble Lord at the head of the Government with respect to the postponement of his Motion. It was, however, of the utmost importance that the question to which that Motion related should be discussed without delay. It was one with respect to which he, as well as his hon. Friend, had received private information of the utmost importance; and he could not help thinking, with all due deference to his noble Friend (Viscount Palmerston) that it would be for the public advantage that the House of Commons should be afforded an opportunity of giving expression to their opinions upon the subject. He must add that the noble Lord the Minister for Foreign Affairs (Lord John Russell) seemed to him to be very shy and coy in furnishing the House with information on matters connected with Foreign Affairs, and not to be disposed to act with that liberality on the point which was desirable. The Government, of course, he was aware, occupied a position as well in the case of foreign as of domestic policy which required that no ordinary amount of consideration should be extended to them; but it must, nevertheless, be borne in mind that discussions in that House, and the calm determination at which it might arrive on any particular question, were calculated to produce an effect abroad, and that being so, he should appeal to his noble Friend at the head of the Government to fix a day when the Motion of the hon. Member for Bridgwater might be proceeded with. The question of the cession of Savoy to France was one, he might add, which affected very much the future of Switzerland, and he held in his possession letters assuring him that the treaty by which that cession was accomplished had already been signed. He had, moreover, been asked to plead the cause of Switzerland in that House, and to state on her behalf that if Savoy were made over to France the neutrality of Switzerland would be at an end—a neutrality guaranteed by the treaties of 1815, which the noble Lord the Member for Tiverton, called the charters by which the European Powers now held the territories which they possessed. If, then, the cession in question were to take place, a most scandalous and iniquitous proceeding, and one which would affect the future position of the European nations perhaps to European convulsion, would have been resorted to. He would, therefore, again entreat his noble Friend to name a day when the discussion upon the subject might be entered upon.

Admiral WALCOTT: Sir, as other opportunity will offer to enter upon this discussion, and as the House is very naturally desirous to proceed with the Naval Estimates, I will restrict myself to the expression of my concurrence in the suggestion of the hon. and gallant Admiral (Sir C. Napier) that the Victoria Cross should be conferred on Admiral Hope. It has, I admit, been almost always the practice of the Government of this country not to grant rewards for deeds of heroism which were not followed by success; but then I should remind the House that Admiral Hope had acted in the case of the encounter at the mouth of the Peiho not upon his own responsibility, but upon the authority and at the request of the British Minister, Mr. Bruce, so that he did not come within the scope of the rule by which honour was refused to unsuccessful bravery, because of the stimulus which a contrary course was supposed to afford to the undertaking of rash and disastrous enterprises. I trust, however, that in honouring Admiral Hope, the Government will not be unmindful of the almost superhuman gallantry which had been displayed by the officers and men who had served under his command. I trust, Sir, that I may be permitted again to avow that I believe the circumstances of the action of the Peiho justified the Admiral in commencing the endeavour to force the passage to enable Mr. Bruce to proceed to Pekin, and redound, on calm consideration of the fact, most signally to his honour.

Lord CLARENCE PAGET said, he must express his regret that the gallant Officer who had just spoken, as well as some other distinguished members of the naval profession, should seem to think that the Government had not done justice to that most heroic officer, Admiral Hope, for his conduct at the mouth of the Peiho. He could, however, state with the utmost sincerity that the Admiralty highly appreciated that conduct, as well as the bravery of the gallant band who were under Admiral Hope's command, and the loss of many of whom the country had reason to deplore. The Admiralty, he might add, had not confined their appreciation to mere words. Admiral Hope had had several promotions placed at his disposal, in consequence of the encounter of the Peiho, and three officers had already been promoted on his recommendation. Besides those, through death vacancies, there had been four or five promotions; and the Admiral had been further informed that he was at liberty to recommend for advancement a gunner, a boatswain, three engineers, and other meritorious petty officers, to the number of six. The Admiralty also took that occasion of expressing their high sense of the gallantry of himself and the officers under him. Whether that declaration was to be made again it was for the Government to consider. The House, however, must bear in mind that there must always be some discrimination between that which was a victory and that which was not so, for the reasons alleged by the gallant Officer who had last addressed them. Undoubtedly the Government would be most glad to extend to Admiral Hope any proof of their approbation of his gallantry: but if rewards were to be bestowed on officers who, however gallant their conduct, and however well conducted their operations, did not attain success, it would lead hereafter to very great inconvenience. Imprudent officers might be led to undertake expeditions at great loss of life, with the hope of receiving those rewards. Therefore it was certainly the bounden duty of the Government to exercise the utmost discrimination in this respect; but with regard to Admiral Hope and the gallant officers under him, they had had the full approval of the Admiralty.

COMMERCIAL TREATY WITH FRANCE.—COAL.—QUESTION.

MR. HORSMAN said, he rose to put a Question to the Government with respect to the Commercial Treaty with France. The House would bear in mind that when it had been first rumoured that that Treaty was about to be entered into, there existed in this country a feeling rather opposed to it, but that when it had been announced by the noble Lord at the head of the Government that no provision of the Treaty would be carried into effect until it had been submitted to, and received the sanction of Parliament, public confidence had, to some extent, been restored. The 20th Article of the proposed Treaty ran thus:—

> "The present Treaty not to be valid, unless Her Britannic Majesty be authorized by the consent of Her Parliament to execute the engagements contracted by Her in the several Articles of the Treaty."

The question he wanted to ask was—in what manner Government intended to proceed to obtain the assent of Parliament to the Articles of the Treaty? His question had especial reference to the 11th Article, The other Articles would come before them in Committee of Supply, the duties being remitted by Resolution to that effect in the ordinary way. But the 11th Article was to this effect—

> "The two high contracting Powers engage not to prohibit the exportation of coal, and to levy no duty upon such exportation."

This Article was distinguished from all the rest, as it would not be brought under the consideration of the House in Committee of Supply, where they voted to take off duties. By this Article they only pledged themselves not to put a duty on, and therefore in Committee of Supply this Article of the Treaty would not be submitted to them, and their assent to it could not be obtained. He attached the more importance to this, because the Article was the most remarkable in the whole Treaty. The House would remember that the article of coal was the one first to be admitted into France, very much prior to the date at which the general admission of English articles was to be allowed. It was also to be admitted at a very much lower duty; not only so, but at a duty of an entirely different character; because, while all other articles were admitted under a protective duty, and a high protective duty, the article of coal was to be admitted at a low revenue duty, the only revenue duty in the whole Treaty. It was also remarkable that while we bound ourselves in all time coming not to make Coal an article of revenue to ourselves, we allowed France to make it an article of revenue to her. It was also remarkable in a constitutional point of view. By this Article Her Majesty bound her Ministers in the first place, in all time coming, not to propose an export duty on coal. She also bound herself, if any individual Member passed a Resolution through Parliament recommending the imposition of such a duty, to interpose her veto. No Chancellor of the Exchequer, whatever the exigencies of the country, whatever hostilities we might be involved in, and however other sources of taxation might be strained to the utmost, could, according to the terms of the Treaty, propose to derive a revenue from coal. But it was to be observed that this stipulation did not apply to France only; it must apply to all the other nations of the world. Whatever might be our relations with any other State of the world, a Minister could not, during peace, put an export duty on coal going to France, or any country with which we were not at war. He did not wish to say a word in favour of an export duty. Everybody knew that export duties were vicious in principle, and, indeed, indefensible; but the principle which applied to other duties as objectionable, did not apply to coal. Wine or cotton might be used and re-produced, but coal was an exhaustible commodity. Scientific men had been at one time much alarmed at the progress of the consumption of coal in this country. It was well known that the late Dr. Buckland, who was the intimate friend of the late Sir R. Peel, very much urged him to put an export duty on coal. And though he did not connect the two circumstances as cause and effect, it was known that Sir R. Peel did, in 1842, violate his principle of Political Economy, and did put an export duty on coal, and on coal alone. He (Mr. Horsman) also attached the greater importance to this from the language of Lord J. Russell, in his letter of instructions to our Plenipotentiaries at the time the Treaty was about to be signed. His Lordship, after alluding to the vast market for coal, added—"Indeed there still remains more or less of the disposition, which formerly was strong, to view the export of coal with jealousy, or even to subject it to restriction." It had been formerly the opinion of the best scientific men that, even at the then rate of consumption, the coal-fields of England then worked could not last 300 years. Three hundred years, they said, was a very long time compared to the life of a man, but a very short time in the life of a nation. The greatness of England depended upon her coal. And if 300 years hence their coal should be exhausted, what, they asked, would become of the country, for which they were bound to legislate for the future as well as the present. But it was not now the question whether they should put an export duty on coal; they were absolutely going to the other extreme, and giving a bonus for its exportation. He had intended some time ago to move for the appointment of a Royal Commission to inquire into the statistics affecting the new and larger coal-fields in Wales, and how long, at the present rate of consumption, they were likely to last. Since he had seen this Article in the Treaty that notion had been revived; and he certainly thought it would be a very wise act on the part of Ministers to issue a Royal Commission to inquire what was the extent of coal to be had in the United Kingdom, and how long it was likely to last. This Article of the Treaty, the only one to be withdrawn from the notice and sanction of Parliament, was in his opinion so important, that he had rather all the rest had been withdrawn than it. He wished to know whether or not it was the intention of the Government, by any other mode, to take the opinion of the House as to its approval of that Article?

MR. AUGUSTUS SMITH said, the Treaty was very one-sided. With reference to the statement of the right hon. Member for Stroud (Mr. Horsman) it was important to observe that while the article obliged us not to put any duty on the export of coal, there was no reciprocal obligation on France not to put export duties on articles sent to this country. Nay, more, on wine, brandy, and almost all other articles of French produce, an export duty was put. If this clause of the Treaty were allowed to remain as it was, it should be made to apply to export duties put on by France on articles of her produce.

MR. GREGSON remarked, that some very competent authorities considered that the coal of the United Kingdom would afford a supply, at the present rate of consumption, for 2,000 years.

COLONEL HERBERT said, he could not help observing that very important consequences were involved in this Article of the Treaty, which certainly required further explanation from the Government. As he read the Article, in the event of any angry discussion with France tending to war, and making war imminent, nothing short of an absolute declaration of war on our part would enable us to prohibit the exportation of coal. There was another point,—in the event of war with any other Power, even during the continuance of that war, nothing could enable us to prohibit the exportation of coal to France, thus making France a general coal depôt, with a power of selling it to the other nation with which we might be at war. In the event of war between France and any other Power we equally engaged not to prohibit the exportation of coal. It might so occur that France, being engaged in war with some other nation, we might be prepared, not to take part in it, but to take the line, perfectly right in a neutral Power, to prevent the exportation of coal to France for the purpose of carrying on the war. Coal was not yet decided to be contraband of war; but it was in the power of our Courts so to declare it. Whether so declared or not, however, it was obviously as much an article of warlike stores as gunpowder, or any other material which had always been so regarded. Such being the case he hoped to receive from the Government some explanation on this Article of the tariff.

MR. AYRTON said, he wished to express a hope that the second reading of the Corporation (City of London) Bill would be so fixed that its coming on would not be left in uncertainty from the number of notices which preceded it.

MR. J. L. RICARDO said, the object of our commercial legislation should be to exchange that which we could produce with the greatest facility for that which we most required. It was to be expected that many captious objections should be taken to the fiscal arrangements recently announced; but the very last objection to have been anticipated certainly was the one now urged against the exchange of that commodity which of all others we could produce cheapest and with the greatest advantage to ourselves. He could not agree with the right hon. Gentleman (Mr. Horsman) in his estimate of the policy of an export duty. Most writers on political economy held that there was very little difference between an export and an import duty; and unless we put an export duty on coal, how were we to prevent that article from being exported? This was a question not for us, but for other countries to decide. There was nothing new in the exportation of coal from England. Now, however, the French Government were willing to admit our coal duty free, or at least at a reduced duty. Where was the great misfortune in that? As far as warlike objects were concerned, there was no reason why the French Government should not have admitted our coal and iron at any previous time, except that it had hitherto thought fit to levy an import duty upon them for State purposes. The present was not, however, a proper occasion for discussing the great question of the Commercial Treaty.

SIR HENRY WILLOUGHBY said, he was willing to admit that it was not the proper time to discuss the general subject, but the object of the right hon. Member for Stroud was a simple one. He wished to obtain from the Government some explanation as to the manner in which a particular article in the Treaty was to be dealt with by the House. That question was one of great importance.

VISCOUNT PALMERSTON said, that having already spoken he did not intend to trespass on the indulgence of the House by asking permission to enter into details with reference to that portion of the Treaty. He would simply assure them that full information would be given on that as well as on other points on Monday next. It was inconvenient to anticipate now what would be duly explained on the proper occasion. He had risen solely to answer the question that had been put to him relative to the Bill for the reform of the Corporation of London. That measure was fixed for Thursday. Other matters, however, stood for Thursday; and if that Bill could not then come on at a proper hour for its fair discussion, it would be fixed for some other day, when it could be considered at a proper hour of the evening.

NAVY ESTIMATES.—OBSERVATIONS.

MR. W. WILLIAMS said, that before the right hon. Gentleman left the Chair he wished to called attention to the enormous increase in the Navy Estimates for the present year. These Estimates, the grand total of which exceeded £12,800,000, were larger in amount by more than a £1,000,000 than any that had ever been presented to that House in time of peace. Such an augmentation in our armaments was naturally supposed by the country to indicate that the Government were under an apprehension that war would occur at no distant period. It was desirable that the House should know from the Government whether there was any foundation for that impression. If there was not, the Government were not justified in submitting such extravagant Estimates to Parliament. The number of men required for the navy this year of peace was 85,500, being 6,000 more than they required when they were actually at war with Russia. The cost of the navy was £13,900,000, being £8,050,000 more than was required in 1851. The army and navy this year cost £14,626,000 more than was required in 1851. The expenditure under these heads was increasing at a fearful ratio, and must continue to do so unless the House took the matter seriously into its own hands. The greater the expenditure the greater the patronage at the command of the Ministry of the day. He took notice, with regard to shipbuilding, that the shipwrights' wages per ton were 50 per cent higher at Woolwich than at Chatham, and he thought the difference most extraordinary. He also wished to inquire whether it was the intention of the Government to go on creating a vast accumulation of Admirals. There were no fewer than 336 Admirals in the present Estimates, and that was an Admiral for almost every ship and gun-boat in the navy. With regard to Generals of Marines, there were no less than 38 in the present Estimates, though he believed that during the last war no such officer was known. He believed the appointment to be a sinecure. A vast amount of money was spent as bounties and gratuities, and he therefore hoped that the noble Secretary to the Admiralty would be able to give a better account than he had given last year of the success of the new scheme in procuring able seamen; and he likewise trusted that the noble Lord at the head of the Government would state whether it was on account of the apprehension of war with any great Power that he required so much money for naval and military purposes.

COLONEL SYKES said, he concurred with the hon. Member for Lambeth in his observations upon the alarming increase of the Naval and Military Estimates. If they went on increasing as they had done of late years, vast as was the increase of the capital of the country, it would be unqual to meet the enormous growth of expenditure. He could see nothing either in the external relations of the country or in its internal to account for the increase in the naval and military expenditure, which was progressing absolutely systematically and determinedly. The increase of £1,000,000 in the Naval Estimates of the year would have enabled the Chancellor of the Exchequer to remove the war duties on tea and sugar. It would be better for the country to be actually at war, because then they might hope to see some end of the expense, but there seemed to be no prospect of a cessation of the expenditure, which was occasioned by the state of suspicion in which they now were. When the noble Lord the Secretary for the Admiralty was on the Opposition Benches, he gave the House reason to suppose that he was in favour of economy. Since the noble Lord had come into office he had somewhat disappointed those expectations. In the name of common sense why could not a proposition be made for a mutual disarmament in France and this country.

MR. LINDSAY said, that though he deeply regretted the great increase in the Estimates, and did not think there was that necessity for it which others imagined, he acquitted the noble Secretary to the Admiralty from all responsibility on account of the increase. The noble Lord, simply as an executive officer, carried out the wishes of the House, and the only question was, whether they were getting the best value for the money spent.

MR. BENTINCK said, he had only two remarks to make in reference to what had fallen from the gallant Member for Aberdeen (Colonel Sykes) on the subject of mutual disarmament. He merely wished to say, what he believed was the opinion of every rational man, that the term was in itself an absurdity. There could be no mutual disarmament between this country and France. What was disarmament in England was not disarmament in France. He trusted that they would not again hear such a proposition brought forward. All he wished to say in reference to his noble Friend the Secretary of the Admiralty was, that he quite concurred in the opinion expressed by the hon. Member for Sunderland (Mr. Lindsay) that the increase in the Navy Estimates this year was not owing to any fault of the noble Lord, who was unable to carry out in office the economical views he had expresed when in Opposition. His noble and gallant Friend when in Opposition did his best to arrest the attention of the House and the Board of Admiralty to certain abuses which were alleged to exist. The noble Lord at that time fully established his case. He (Mr. Bentinck) could state from his own knowledge, that since the noble Lord had taken office, no man could have worked harder or have done more to carry out in practice the pledges he had given when in Opposition. It was mere justice to the noble Lord to say so much. So far from the results of the expenditure of the Admiralty for the present year being over and above what they ought to be, our armaments, great as they were, must, so far as the present defences of the country were concerned, be considered as hardly adequate for the maintenance of our position in case of hostilities such as might occur at any time on a very short notice, and as might involve an enormous stake if this country was not defended by a large maritime force.

CAPTAIN JERVIS said, he attributed the large demands which were now made upon the country for purposes of defence to the House of Commons having been so long "led by the nose" by the late Mr. Hume. In addition to the £70,000,000 of which the Chancellor of the Exchequer had spoken on Friday night, no less a sum than £10,000,000 would be required for national defences. If the House of Commons had done its duty from 1825 downwards we should not now be called upon to pay for what ought to have been done long ago.

Motion *agreed to.*

SUPPLY—COMMITTEE.—NAVY ESTIMATES.

House in Committee of Supply. Mr. MASSEY in the Chair.

(In the Committee.)

LORD CLARENCE PAGET: Sir, it needed not the observations of the hon. Member for Lambeth (Mr. W. Williams) nor those of the hon. and gallant Member for Aberdeen (Colonel Sykes) to convince me of the great responsibility which rests upon my shoulders in presenting this year to the House Estimates for the navy larger than those which were voted last year by upwards of a million, and within one million and a half of the highest Estimates during the late war with Russia; therefore in asking, on the part of the Government, the Committee to vote so vast a sum of money, it behoves me to show the necessity for keeping up our large armaments, and continuing, certainly during the present year, our great system of construction of ships. I believe it will be conceded by all that, apart from the consideration of the navies of other nations, it is absolutely necessary that England, with her numerous Colonies and her enormous commerce, should maintain upon the seas a considerable number of vessels. Even supposing, therefore, that every other European Power were suddenly to disarm, and to lay up its vessels in its ports, we should still be obliged, for the police of the seas, to maintain a large force afloat. So that, no matter what may take place in the way of disarmaments, such as those which have been alluded to by other Powers, nothing of the kind would justify us in adopting a like course. Such, then, is one consideration to which importance ought to be attached when we discuss the Navy Estimates year by year. It is not my intention upon the present occasion to enter upon the history of the past. I shall confine my observations to the present, and as far possible to professional subjects, avoiding all matters of high national policy. Over and above the question of the maintenance of squadrons for the protection of our Colonies and the police of the seas, we must, of course, consider what is the condition of other countries with respect to their navies; for, be it remembered, the steam navy is a new creation. It is the product of the last decade. All nations have recently started fair. A few years ago we had a vast number of line-of-battle ships and frigates, and by turning out a certain number of new vessels every year, and patching up old ones, we managed to maintain our superiority at sea. But a change took place, and suddenly we found ourselves upon an equality with the rest of the world. It behoves us then, immediately to set to work to regain that superiority, of which the introduction of steam has temporarily deprived us. Let me, in the first place, as an important point for our consideration, give the Committee some idea of what other nations really possess. There is, happily, no longer any mystery in these matters. I rejoiced when the right hon. Baronet opposite (Sir John Pakington) gave us last year the fullest information about our own and foreign navies, and shall follow his example. I may also state that foreign nations have no sort of hesitation in showing us their dockyards. An idea at one time prevailed that the French did not like us to state publicly in Parliament the extent and composition of their navy. Only two years ago, in anticipation of a discussion in this House, and knowing there was some little difference of opinion as to the amount of the French force, I wrote to the French Minister of Marine, asking whether he would have any objection to give me a list of the French Navy. He sent me, in reply, the name and force of every ship in the navy. What I am about to state, therefore, need excite no apprehension, as being likely to give the least offence to other nations. I begin with France. The French Navy is really becoming very powerful. At the present time the French have 32 ships of the line afloat and 5 building; 34 frigates afloat and 13 building; 5 iron-cased ships—of which class of vessels I shall have occasion to speak presently—building; 17 corvettes afloat and 2 building; 39 gun-boats afloat and 29 building; 5 floating-batteries afloat and 4 building; 31 transports; 86 avisos afloat and 3 building. All these are steam vessels; and they make an aggregate of 244 afloat and 61 building. We have reason to believe from the best information we have received that most of those which are building might be launched within a few months, but I confine the force at the immediate disposal of the French to 244 ships. It is true that if any gentleman were to inquire at the French Admiralty he would be told that they had only 9 ships of the line at sea, the rest being in reserve; but we should never lose sight of the fact that every one of those 244 vessels could be manned and sent to sea in a very few weeks. "Ships in reserve" is a very good term for the French, and I do not quarrel with it, but according to our view those ships are perfectly ready. The result is, therefore, that the French have 244 steam vessels which, if hostilities were to break out, which God forbid!—and we have indeed, every reason to believe that no such eventuality will occur—could be manned and sent to sea within a very few weeks, some of them within a few days. But there is another Power which is making great struggles to create a steam navy—I mean Russia, and really in our consideration of this subject, I do not think this fact has been brought before the House with sufficient prominence. We are informed, upon very good authority, that the Russians have 9 ships of the line afloat—steam ships like those of France—and 9 building; 18 frigates afloat, and 3 building; 10 corvettes afloat, and 11 building; 30 small vessels, of which we do not exactly know the force, afloat; 112 gun-boats afloat, and 25 building; 8 transports. The total is 187 steam vessels afloat, and 48 building. That is a very formidable navy, and should be taken into consideration when we are discussing what amount of force we ought to maintain at sea. England, as is well known, has of late years been endeavouring to form reserves at a vast expense. First of all, the right hon. Baronet the Member for Carlisle (Sir J. Graham) established the continuous service; then we had Coast Volunteers; and now we have what are called the Royal Naval Volunteers. Up to the present time the last-mentioned scheme has not been very successful. I mention this subject now, instead of waiting until I refer to our own force, in order to show the distinction between ourselves, who really have, so to speak, no reserves, and the French and Russians, who have vast bodies of men at their immediate disposal. I am obliged to say that before stating the force which we have in commission, and which, according to my calculation, is that which may fairly be compared with what the French have afloat. The distinction between the fleets of the two countries is this—that while all the French ships which are afloat can be manned at very short notice, it is only those which we have in commission which are in a similar position. Some little novelties are introduced year by year into the Estimates, and at page 13, this year, hon. Members will find the exact number of ships in commission on the 1st December last. On the 1st of December last we had in commission the following steam ships—I exclude sailing vessels altogether—line-of-battle ships, 27; frigates, 43; sloops, small vessels, and gun-boats, 94; total, 164, being an increase of 46 vessels as compared with the number of steam-ships in commission on the 1st of December, 1858. In addition, we had the 10 coastguard-ships, the coastguard tenders and cruisers, all steam vessels, making a total of 244 steam ships in commission. Since that date we have commissioned 1 line-of-battle ship and 2 frigates. This, then, is the force you must compare with the French and Russian Navy, and I do not think that can be called anything like an undue or improper amount of naval power for this country. Of this force we have for the defence of our own shores, including with the permission of my gallant Friend the Member for Southwark (Sir C. Napier) the Mediterranean squadron, the following:—27 line-of-battle ships, 14 frigates and corvettes, and 29 sloops and gun-boats; total, 70, which is a very respectable force. Of the 27 line-of-battle ships 14 are now at home, and 13 in the Mediterranean. In addition to this force we have the 10 coastguard-ships, which are very useful for the defence of our harbours, and 17 or 18, or sometimes 20, tenders, gun-boats, and cruisers attached to them. In China, we have at this moment 14 frigates and corvettes, and 41 sloops and gun-boats; total, 55 vessels. We have, upon other stations, some at Vancouver's Island, some on the North American station, and some at other places, 3 line-of-battle ships, 19 frigates and corvettes, and 32 sloops and gun-boats; total, 54. This is the force which we have to oppose—God forbid that I should use that word as though any opposition was likely to occur—this is the force which we maintain at sea in comparison with the forces of France and Russia. I now will give the list of our entire Steam Navy. We have of line-of-battle ships 48 afloat, and 11 building, (and we expect within the next month to launch two of the latter which will make 50 afloat by the end of the financial year), besides 12 sailing line-of-battle ships fit for conversion. Of frigates we have 34 afloat and 9 building or converting; and likewise 6 sailing frigates fit for converting; steam block-ships, 9 afloat; iron-cased vessels, 4 building; corvettes 16 afloat, and 5 building; sloops, 45 screw and 35 paddle, total 80 afloat and 15 building; small vessels, 27 afloat; gun-boats, 169 afloat and 23 building; floating batteries, 8 afloat; transports, troopships, tenders, yachts, &c., screw 18, paddle 43, total 61; screw mortar-ships, 4 afloat; total afloat 456, building 67. Supposing the Committee is pleased to consent to these Estimates, we hope to add to the navy, before the end of the next financial year, 8 line-of-battle ships, 12 frigates, 4 iron-cased ships, 4 corvettes, 15 sloops, and 23 gun-vessels and gun-boats. That includes the conversion of 4 line-of-battle ships and 4 frigates. With regard to the Estimates generally, before I turn to the particular Votes, I wish only to state to the Committee that they will find that the great increase arises upon three Votes, those referring to the number of men, the building of ships, and the transport of troops. This expenditure under the latter head is very large, but I hope it is of a temporary and special nature, consequent upon the hostilities with China. I do not enter into the question as to the policy of those hostilities, but I think that, under the circumstances, it is right for the Admiralty to present an Estimate which will be adequate to the performance of the services that may be required. I will now ask the Committee to turn to Vote No. 1 upon which there is an increase of no less than £410,000 over the Vote of last year, in order to give us the power of augmenting our numbers by 11,700 men and boys, of which number we propose to add to the fleet 8,000 seamen, 1,000 marines, and 2,000 boys (this last addition being in accordance with the recommendation of the Royal Commission as to the establishment of training ships), 100 additional Coastguards-men afloat, and 600 ashore. The Coastguards-men on shore are to replace the old Custom House civilians, who are being superannuated. The Board of Admiralty have given to the question of the number of men required the most serious consideration, and that which has been asked for is only enough to man the ships in Commission, and to carry out another recommendation of the Royal Commission, that we should maintain a reserve of seamen in our own ports. We hope we shall be enabled to keep up a force at sea according to the numbers I have mentioned, perhaps with some little increase here and there, as well as a reserve of seamen in our home ports; and in addition we hope to be able to maintain a body of marines not less than 6,000 as a home force.

SIR JOHN PAKINGTON: What would you state as the average number of the home force?

LORD CLARENCE PAGET: We hope to have a reserve of 10,000 men over and above what are employed on active service. Of course it is impossible to say exactly what will be the force available, but it is the desire of the Admiralty to carry out the recommendation of the Royal Commission, that there should be a considerable reserve of seamen in the home ports, and available for an emergency. In connection with Vote No. 1, we propose to increase the pay of the masters, engineers paymasters, and chaplains of the Royal Navy. Last year, my right hon. Friend opposite (Sir J. Pakington) proposed what has given very general satisfaction in the navy, an increase in the pay of the surgeons of the navy. It was a great misfortune, however, that he overlooked the claims of officers of equal social position. There are three other classes of officers who labour under the same disadvantages as the surgeons—that is to say, to whom the higher ranks of the service are practically, if not absolutely closed. Masters may rise, but not engineers or paymasters. A very strong reason why we should improve the position of the assistant and second masters is to be found in the scarcity of these officers which the *Navy List* exhibits. They are men of great respectability and high education, and they naturally prefer the merchant service to the navy. If the pay in the latter service be inferior, the same remark holds good of the engineers, who do not care to give up the higher pay which they get in the merchant service to come into the navy. As to paymasters, there is no difficulty in procuring them, but they are in the same social position, and it is impossible to leave them out of view in framing the scheme. The proposal of the Government is that there should be a small increase of pay to each of those classes. The change will consist chiefly in putting them in a higher position, with their present pay,—which is calculated on length of service—that is to say, they will be allowed to count the time they have been second masters, and so on with the paymasters and engineers. It is also proposed they should have the advantage of counting the time during which they have acted before we have confirmed their present rank, and also part of the time they have been assistants, which will be a great boon to these officers. If

Her Majesty should sanction the arrangement, I will lay it on the table. The cost of this increase will be only some £25,000. I do not know that the scheme will give unbounded satisfaction. Some of the parties concerned may think it a rather niggardly advance, but it is all the Government think it right to propose. The item for good-conduct pay to petty officers is very much the same as last year. There is one large item not in the present estimate which was very considerable in that of last year; I mean the half bounty. The charge for seamen's clothing, tobacco, and soap, £380,502, is very large this year, even though £274,594 it is assumed will be repaid by seamen in the course of the year; and I had some doubt whether it ought to fall entirely on the present Estimate, or be in part provided for in that of last year. The enormous addition to the fleet, and the gratuitous issue of clothing exceeded the calculations of the comptroller; and our store being exhausted, this large item required to be taken. It makes a large increase in the Estimate, but will not be a permanent charge. The Vote for victualling depends, of course, on the number of men, and needs no further explanation. In the third Vote, that for the Admiralty, there is an increase to the amount of £14,323. I have received from the Accountant-General of the Navy a very curious statement as to the amount of the cost of the management and superintendence of the Admiralty since 1821 to the present time, year by year, which shows very clearly that we are much harder worked now than our predecessors used to be. In 1821 the Navy Estimates amounted to £6,382,785; yet the superintendents of the Admiralty and Navy Boards, which were then separate, consisted of not less than thirty-four people—seven Lords, eighteen Commissioners, and nine Secretaries. The Estimates for the present year amount to £12,802,000, or more than double those of 1821; and the superintendents of the Admiralty consist of only thirteen persons, namely, six Lords, two Secretaries, and five principal officers. On referring to the accounts of 1821, I find that the establishment of clerks was then about as numerous as now. The cost of the establishment of the Lords, the Secretaries, the principal Officers and the Clerks of the Admiralty was £123,986 in 1821, against £97,308 at the present time; so that while we have a navy of double the amount, the comparative cost is as I have stated; but there are several items of expenditure over and above what I have stated in Vote 3; for instance the Judicial Department, and other miscellaneous items; one item of increase in this Vote is in consequence of the Board Order which was made at the time when the right hon. Baronet was at the head of the Admiralty. It provides that the Director of the Works Department shall no longer be charged with Vote 11, but that the expenditure shall be shown under the heads of each establishment; and I believe it is a very good arrangement. Another, is the employment of a considerable number of temporary clerks. I should also mention, that as there is such a vast amount of business in the Surveyor's, or as he is now called, the Comptroller's, Department, it is absolutely necessary to give him some assistance, and I believe it will be a positive matter of economy. The fact is, that this officer who superintends the dockyard expenditure, and who really ought to be constantly going into the dockyards, overlooking the construction of ships, and alterations taking place, is kept a prisoner in his office by the vast amount of business which he has to do. The matter has been much considered, and my noble Friend the Duke of Somerset has gone into the Report of the Committee on Dockyard Economy; and his Minute, which will be shortly in the hands of Members, alludes to this subject, and presents many suggestions and remarks, which will be found to be very valuable. Having given some attention to the question of the payment of the men in the dockyards, I must admit that it is fraught with difficulties. Whether to pay the men by day labour, whether by task or job; whether their earnings are to be unlimited, and whether they are to work extra time, are all matters of vital importance. The question involves the expenditure of millions of the public money, and therefore it has been considered very carefully by the Admiralty. But I am bound to say that, when the hon. Member who has given notice of such a Motion proposes an inquiry, he will not find any great opposition on the part of the Admiralty. In the meantime it will be our business to reform wherever we can. We shall not wait for the Report of that Committee to carry out improvements which we think are to the advantage of the service, but we shall really look forward to that inquiry with a considerable amount of interest. It is not that we consider the Dockyard Committee has not done its duty. They have made many most valuable suggestions, and some of them we have already carried out. With regard, for instance, to the entry of apprentices, we have taken steps to improve that system, and various other details upon which I will not dilate. We still think, however, that there is a feeling on the part of the country that we do not get the value for our money. With that feeling existing it is wisdom, both on the part of Government and of Parliament, to forward by every means an inquiry which may be thought necessary. If, on the one hand, it shall be found that the present system works well, no man will rejoice more than I shall, or more than, I am sure, will the right hon. Baronet. But if any method can be found of constructing men-of-war—always bearing in mind that they must be built with reference to the proper seasoning of timber and the other various requirements peculiar to themselves at a less expense—I boldly and honestly say, it will be the duty of Her Majesty's Government to give every possible assistance in making that discovery. There is no material increase in Vote 4, for the Coastguard. We take, it will be observed, the same amount for the annual retainers, conduct-money, &c., for the Naval Reserve, as we did last year. This new force, to which the country looks with so much anxiety, has certainly up to the present time not fulfilled the expectations which were raised. I always felt, from the first, that it was an experiment. I know what seamen are. They are fine, noble, hearty creatures, but men of remarkably suspicious character, and if there are any people they are suspicious of, it is the Admiralty. We are really much indebted to the Board of Trade for the exertions which they have made in drawing up the regulations and giving us their assistance to carry out the measure. I wish I could state to the House that the men were entering freely; but they are not. They are labouring under some delusion. Captain Brown reports from the different merchant ports that the men say, "We think the inducement very fair. We think it very handsome; but they only want to kidnap us. The moment we put our names down they will send us off to China." It is very curious to see men labouring under that delusion. I have been asked over and over again by directors of the great shipping companies, and by men of importance in the commercial ports, for some assurance on the part of the Government that the men will not be called out until war is declared. I told them I could not give that assurance, but I also told them that it was perfectly certain there was no intention to call them out, except in the event of a critical emergency. Such a case as ought to make Englishmen flock to their colours; that the threat of immediate hostilities, or of something which would oblige us to make the greatest exertions for the protection of our shores, were the only circumstances under which the Government would call for their services. If I can reassure them by what I say to-night, I really believe little more is wanting to induce them to flock to the force. It is so far satisfactory that they are beginning to get over this extraordinary idea. I wish to declare to them that Her Majesty's Government have no sort of intention to kidnap them into the navy. And perhaps I had better add a more practical assurance—that if we wished we could not enter them in the navy, because the number is complete, and except for casualties we have no means of entering any considerable number of men over and above what we have at present. I think that is a very satisfactory state of things, and that the House will be glad to hear there is no difficulty in getting men. This vast force of ships, only the creation of the last few months, is wholly manned. [Sir JOHN PAKINGTON: How much has the bounty been reduced?] The bounty has been reduced to £4 for able, and £2 for ordinary seamen. I will not enter into the question of the propriety of the bounty. The bounty has been given, and all the men are enjoying it. They are now in that respect on the same footing as the army, and we can raise the bounty to-morrow without committing any injustice to the men already in the service. Her Majesty's Government have not come to any decision upon the subject generally. It is a small sum—only £20,000 out of the millions we vote for the navy. It is a gift on entering the service which enables the men to purchase clothes and other articles, and it is a question whether it is not advisable to continue it. At present it is only in force until the 31st of March next. Upon Vote 5, for the scientific branch, there is a small increase, in which I think the House will be disposed to agree. The charge is for the purchase of chronometers. The House will scarcely credit that up to this time officers in command of ships have been obliged to buy their own chronometers, and it really is a scandal to the service that we should have cast this burden upon officers, many of them gentlemen of but slender means, who have enough to do to pay their way. Line-of-battle ships, frigates, and troop-ships will have three, sloops two, and gun-boats one. Vote 6 is for Her Majesty's establishment at home; and on this Vote I am going to ask the House to agree to an inconsiderable increase to permit the employment of two assistant superintendents at the great yards of Portsmouth and Plymouth. What I have said about the Comptroller of the Navy is doubly true with regard to the Superintendents of these two great yards. One of the great reasons, I have always thought, why we hear of idling in the dockyards, and of there not being as much activity there as there ought to be, arises from the constant confinement of the Superintendents to their offices, instead of being about the dockyards detecting idleness and punishing misconduct. Their principal business is to write letters—and I put it to the House whether that is a proper occupation for such officials. If you want economy you must not stint your Superintendents. You must enable them to go about the dockyards and see that the men are not idling. The appointment of these two Assistant Superintendents may save thousands of pounds by keeping the men at work. The Admiralty have also thought it their duty to look into the whole question of the correspondence of the Superintendents and the clerical departments of the dockyards. I am afraid to tell the House the number of returns we asked for. Our table at the Admiralty is literally swamped with the dockyard papers, but we are endeavouring to go into this matter of returns with a view of suppressing such as are no longer necessary, and I trust that we may produce a great lessening of labour. It will be observed by the House that in all these yards additional temporary clerks are employed. We are quite aware of the growing evil of these temporary clerks. It has become a public inconvenience in these great establishments; but the House must remember that if you have additional workmen and additional ships in commission the work of the clerks is also increased in the same ratio. We propose to take into consideration whether some improvements may not be made in the establishment of the clerks with a view to lessening labour. No. 7 is the Vote for foreign yards, in which there is a small increase for increased business, principally at Malta and the Mediterranean yards. On Vote No. 8, for artificers, my right hon. Friend opposite will, perhaps, find fault with me because we have reduced it somewhat. When the present Board of Admiralty came into office, we asked the House to agree to an addition of £100,000 on this Vote, over and above what the right hon. Gentleman had proposed. We did so because on reference to the Surveyor of the Navy he told us that if that £100,000 were not added to the Estimate, it would be impossible for him to complete the programme which the right hon. Gentleman had laid before the House. We asked the House, therefore, to agree to that £100,000; but we have now made such progress that the Government think it possible to revert to the same number of men as were employed when the right hon. Gentleman was at the head of the Board of Admiralty. This, therefore, is, in fact, not a decrease, but only knocking off the £100,000 which we took over and above the right hon. Gentleman's Estimate of last year. Vote 9 is the same as last year, with the exception of a small sum for the artificers of the fleet, who are allowed extra pay when they are employed in the dockyards ashore. Vote 10, for the repair and building of ships, I have always thought ought to bear the motto—

> "Diruit, ædificat, mutat quadrata rotundis."

There is, I confess, to my mind too much pulling to pieces, building up again, altering in every shape, in converting sailing ships into steamers. Looking narrowly into these alterations, I may differ somewhat from some of my colleagues as to the extent to which the conversion of ships ought to be carried. Because I am in office I am not going to retreat from the opinion which I expressed out of office. I greatly dislike these alterations. My opinion is that these old ships are not worth the time and money expended on them. In my humble opinion, it is like putting "new wine into old bottles." The two woods do not agree; they decay, and speedily become not worth the money you have laid out on them. If you cut a hole into one of these old ships and put an engine into it, it may be made very valuable for the defence of the country as a superior kind of block-ship, but I cannot agree in the propriety of lengthening them at the bows, cutting them in two, and so on. This Vote is composed of several items, but I cannot say that it gives any great detailed information. The items are large and the information small. The Board of Admiralty have anxiously considered this Vote, and they are most desirous of giving every possible information with regard to it. I should have liked to lay this Vote on the table very much in the same form as Vote 11, for Public Works, but the Admiralty laboured under very great difficulties with regard to it. I am very unwilling to impute blame to any one, but if I were to venture to impute blame to any one, it would be to the House of Commons, who have never really asked for any detailed information with regard to this great Vote No. 10. I am naturally told when I ask for information, "How can we give an estimate for a future year, when we really do not know what proportion of money we have expended during the past year on building, or on repairing, or on what particular ships it has been expended." The Board of Admiralty called on the Accountant General to give a return which, in consequence of its novelty, I will not vouch for, but which I believe will be pretty correct, and which I very much wish was now on the table of the House—of the cost of ships during the past year. That return, which is of a very interesting character, gives the name and the cost of every ship in the Royal Navy, during the past Financial year, under six different heads—namely, ships building, converting from sail to screw, maintenance of ships in commission, of the steam reserve, of old sailing ships in ordinary, and maintenance of the dockyard craft. The other items expended under this Vote are also shown. I do not say that the return is perfect, because it is a novelty; it has hitherto existed in the dockyards, but it has never yet been practically turned to account, and the items consequently have not been properly checked; in fact, it may be said that its present value is *nil* as compared with what it will be in future years. As the name of the dockyard is attached to each ship, building or converting, with the particulars of the amount of material consumed, the cost of labour and the outlay on her engines, the Admiralty will be at once enabled to refer to the cost of each vessel, and to compare it with the cost of similar vessels in the other yards. In all matters of account there is nothing like publicity, and I am persuaded that one great and immediate effect of this comparative view of the cost of ships, will be a direct tendency to economy in the several establishments. Take the case of a vessel in commission—very few persons who have not turned their attention to that subject can form any idea of the cost to which the country is put by each additional line-of-battle ship. The public say, "Give us ten line-of-battle ships additional;" this return will give them an idea of the magnitude of the request. Within the last few days a gallant officer in command of one of Her Majesty's vessels, and an intimate friend of mine, called at the Admiralty, and in the course of conversation I showed him what his ship had cost during the past year, and he was absolutely thunderstruck. [Sir C. NAPIER: Such a return existed once before.] What has been done shows what is capable of being done, and I trust that if my right hon. Friend (Sir J. Pakington) succeeds to office, he will continue to require the same information. When two or three years have elapsed, we shall be able to place this Vote upon a much more intelligible and satisfactory footing by striking an average of the cost which this return will exhibit, and frame our estimate with proper details. I have shown the House what we possess in ships built; it will now be interested, probably, in knowing what we have constructed in tonnage, and what we propose to build during the present year. This is the best test, after all, of the exertions of the dockyards. It may possibly be remembered that, in proposing the Estimates last year, we announced our intention, of course subject to contingencies, of building 46,000 tons of shipping in the dockyards. [Sir J. PAKINGTON: Exclusive of conversions?] We said we would convert four line-of-battle ships and five frigates, in addition. What we have actually built amounts to 19,730 tons in ships of the line, 13,654 in frigates, 5,436 in corvettes, and 5,224 in sloops and gun vessels. We have not fulfilled our promise as to frigates, in which class I stated that we would build 16,000 tons, the reason being that there was an insufficiency of timber for the purpose; but we have made up for this deficiency in another way, for we have gone beyond our undertaking in the conversion of sailing, into steam frigates and screw ships. What we propose doing in the present, or, as my right hon. Friend reminds me, the ensuing financial year, is to build 13,216 tons of ships of the line, 13,500 tons of frigates, 4,871 tons of corvettes, 8,045 tons of sloops and gun vessels, and 302 tons of gun-boats, making a total of 39,934 tons. In addition we propose to convert four more line-of-battle ships and four frigates. It is necessary that I should afford some idea of the expenditure of timber that is required. Our ordinary establishments in the dockyards, which is regarded as two years' stock, consists of 60,000 loads of timber for shipbuilding purposes; but during the present financial year, instead of consuming the ordinary rate of 30,000 loads, we have used 64,000 loads of timber, the result of which has been that we have been literally unable to import timber with the same rapidity with which we were working it up. Of copper, also, it has been found exceedingly difficult to procure an adequate supply, for this last year we have consumed nearly 1,000 tons. Some discrepancy will be observed between Votes 8 and 10, which should bear a strict proportion to each other; but, having thus lessened our stock of timber, we this year require a larger sum by £81,000 on that account, and we do not increase the number of men in an equal ratio. It may not be uninteresting to the House to know what the French are doing in this respect. It is true that they have greater facilities for procuring timber than we have, but they have in stock 160,000 loads, or sufficient to build fifteen line-of-battle ships, fifteen frigates, and fifteen corvettes, which is a stock far above anything we have ever had in this country. The next item, for coals, also exhibits an increase, not only because we have a more numerous fleet, but because we were obliged to send a large stock to China. I pass to the next item, for the purchase of steam machinery, as to which the House would, doubtless, desire some information. We are building engines for line-of-battle ships to the extent of 5,700-horse power; for frigates, 7,100-horse power; other vessels and corvettes, 1,200-horse power; sloops, 3,000-horse power; gun-vessels, 1,200-horse power; gun-boats, 600-horse power—that is to say, a power in all equal to that of 18,800 horses. These cost £55 15*s.* each horse power. This is a very high price for machinery, no doubt. But if the Committee look carefully to the items that compose a steam engine for a man-of-war, they will agree with the Committee on Steam Machinery, who report that, regard being had to the difference between them, the Navy steam engines do not cost more than those of merchant vessels. They must have much spare gear, their engines must work in a small space, and they are in other respects very much more expensive than those of the merchant service. I will now turn to the iron-cased ships which are building, and which have excited so much curiosity and interest. The right hon. Gentleman opposite (Sir J. Pakington), hearing that they were building in France several of these vessels, thought it right to take a supplementary or special Vote—I think a supplementary Vote—for building two iron-cased frigates, one of which was ordered before the late Government quitted office. The right hon. Gentleman asked me, soon after the present Government came into office, whether the Admiralty were going on with the second frigate. I replied that the Board of Admiralty were carrying out certain experiments, and that if they were satisfactory the Admiralty would go on with the second frigate. Shortly afterwards the Admiralty ordered a second frigate to be built of the same dimensions as the first. These vessels are of enormous scantling and very large tonnage. The *Warrior* and the *Black Prince* are of 6,039 tons each, and 1,200-horse power. They will be entirely cased with iron, and I am one of those who believe that they will be vessels of a most formidable nature. And there will also be two of a smaller tonnage, 3,668 tons, which the Board of Admiralty have likewise contracted for. They will be iron-cased, and will have the same power of resisting shots, and the same capability of defence. The late Board ordered six sloops of 200-horse power and 12 gun vessels of 18-horse power. The present Board have ordered 10 gun-boats of 60-horse power, making the total cost during the present and future financial year that we are building by contract of £1,355,807. This sum, I ought to add, includes the machinery. It is an enormous sum, over and above what we are building in our dockyards. These are the principal items of Vote 10. We are very anxious to give every information on this Vote. We are duly sensible of the necessity of economy in building our ships, and we trust that the inquiry which is to be moved for by my hon. Friend on the labour in our dockyards will give us great assistance herein. At present the country is in the position of a very wealthy gentleman who has lived very generously, and has not called for his bills; who has been, in short, what is called a "fast man." If he determined to live economically for the future the first thing he would do would be to collect his accounts. That is the first process for economizing these great dockyard Votes. We want to know the amount of cost and the value of stock, and then we shall look about us and see if we cannot reform. I now turn with pleasure to Vote 11 (new works, improvements, and repairs in the yards), for this is the only Vote for the effective service that shows a real reduction. I believe that we have taken every sum that is requisite for keeping our dockyards in really good repair, while at the same time we have avoided any new works except in a few cases, the Vote being mostly expended in completing the work of our predecessors. I used formerly to be of opinion that many of our new works were on too grand a scale, and I confess that my visits to the dockyards have confirmed my views. I accompanied my noble Friend (the Duke of Somerset) to Woolwich the other day, and we looked at a magnificent building, overtopping the Thames, and looking like some great palace. This was the new Marine Infirmary. We walked over it and paced its stately colonnades, and I am afraid we were both sordid enough to say that its architectural magnificence cost too much money. At Keyham the same remark had occurred to me. No doubt, there are great public buildings in our dockyards, all of them very necessary, but too much attention has, I think, in many cases been given to architectural design, and too much scope to the taste of our engineers. Now, the present Board of Admiralty disapprove greatly of any unnecessary expenditure of this kind, and when the architects and engineers of our yards have brought us remarkably tasteful designs for our approbation we have rejected them, and asked them to give us something more simple. I take some pride in having kept this Vote down, and I do not believe that any substantial work really required has been omitted. For instance, we are going on with a dock at Portsmouth, which was commenced some years ago, and we have taken a small Vote for that. The next Vote for Medicines and Medical Stores, shows a small increase, but not beyond what is necessary for the increase of the fleet. Vote 13, for the Miscellaneous Services shows an increase of £18,529, the reasons for which are shown in the Votes; and I now turn to Vote 14—the Half-pay Vote—to which I would ask the attention of my hon. Friend the Member for Sunderland (Mr. Lindsay.) He is under the idea that the non-effective charge for the navy is growing year by year, and is becoming so great a burden as to require looking into. But so far from that, the Half-pay Vote for the future year shows a decrease of £27,049, in spite of an increase which I am about to ask for in favour of certain classes of officers. This is, in fact, a yearly decreasing Vote, and in a few years, as the older officers give way to nature—[Admiral WALCOTT: Hear, hear!]—the Committee will remember my hon. and gallant Friend's eloquence on that subject—the burden will greatly diminish. I must now allude to the item of £12,000 as an additional charge for improving and altering the system of retirement of officers of the Royal Navy, with a view to the increased efficiency and reduction in the numbers of officers on the active list. The Admiralty has had under its serious consideration the rate of promotion among the junior ranks of the navy. It is not only an act of justice to the officers, but necessary to the efficiency of the fleet, that some measure should be taken which will enable the Board of Admiralty to promote officers in due time and prevent them, as it were, from rotting all their lives in one list. If a certain rate of promotion is not kept up, officers become indifferent and slack in their duty, and can no longer be depended on to exert themselves with zeal for the service. I believe there will be no difficulty in persuading the House to agree to this small sum. When we come to the consideration of the Vote itself I shall be prepared to state to the House the particulars of the plan, which will affect the ranks of lieutenants and commanders, and in some degree the captains. This is the only charge I need mention under this head, with one exception. We have at last succeeded in establishing pensions for the widows of warrant officers. I am convinced that no grant will be more appreciated by the navy; at present it is limited to £500, and that sum I may say, we have screwed out of the Chancellor of the Exchequer. All preceding Chancellors of the Exchequer have resisted the grant; but my right hon. Friend has conceded it, on the ground that it is just and right.

The last Vote to which I shall call the attention of the House is that for transport. It does not properly belong to the expenses of the navy; but the Admiralty has to provide all the means of ocean transport for the army. We have thought it right, in reference principally to the China expedition, to take for the present year the large sum of £120,000 for the freight of ships on monthly pay, or for the purchase of them, besides the Vote for the conveyance of stores and troops. I may now close this lengthened statement. In doing so, I should belie my own feelings if I did not add that it is with extreme pain that I find myself compelled to be the instrument of proposing to take from the profitable industry of the country this vast sum of money for the Navy. But I am convinced that it is the wish of the people of this nation that their navy should be well and efficiently maintained; that the country should be under no alarm; that, whatever may happen, the people may be able to say, "We are safe under the protection of our navy." In a discussion on the defences of the country last year, some very valuable advice was given to the House by my hon. Friend the Member for Rochdale (Mr. Cobden). He thought that much of our naval force might with advantage be abolished; but there was one passage of his speech so marked by patriotism, and containing such sound and reasonable views, that I cannot help reading it to the House. I believe it cannot do better than follow the advice conveyed. The hon. Member for Rochdale said, "He did not wish to reduce our navy to the same force as that of France; but he should like to see the two Governments agree on some relative proportion of force; thus, the French navy might be two-thirds that of England; where the French had two ships, England might have three." If you examine the state of the French navy, you will find we have not surpassed what the hon. Member for Rochdale considered the necessary superiority of our navy over that of France. And, taking into consideration the strength of the Russian navy, I say we are bound to continue our exertions till we place our navy on a really sound and efficient footing. But I must also say, on the part of Her Majesty's Government, that though they have agreed to these very large Estimates, they do not consider themselves bound to expend them, should circumstances render a less amount sufficient. We thought it better to ask the House at once to grant a sufficient amount of money, and number of men, than to apply to it again with additional Votes and supplementary Estimates. But if the dispute with China should end peacefully, if the political horizon of the Continent, and throughout the world generally, should appear favourable, the Government will not feel bound to spend the full amount of the Vote, because the House has generously granted it. I thank the House for the indulgence it has extended to the statement I have made; and I shall be glad to answer any question in reference to it.

Motion made, and Question proposed,

"That 85,500 Men and Boys be employed for the Sea and Coastguard Services for the year ending on the 31st day of March, 1861, including 18,000 Royal Marines."

SIR JOHN PAKINGTON: When I took up the Navy Estimates for this year I certainly felt some curiosity to see how far the opinions the noble Lord expressed last year, as to the new form in which certain Votes, especially Vote 10, ought to appear on the Estimates, had been carried out. But I found Vote 10 on the paper wearing very much its old shape. Still, it is only just to the noble Lord to say that his statement has not only been very clear, but made with that openness and candour which I trust henceforward will always distinguish these addresses, and which indeed are nothing more than the House of Commons has a right to expect from the Government of the day. I rise principally for the purpose of asking explanations concerning some portions of the speech of my noble Friend. The Government has, I admit, asked the House for unusually large Estimates; but I do not think they are larger than circumstances require; and they prove a determination on the part of Her Majesty's Government to act in the same spirit as the late Ministry. It is the first duty of the Government of the day, as I believe it is the anxious desire of the country, to maintain the navy in a perfectly efficient condition. There is, no doubt, a great increase in the Estimates, as compared with former years: but I am willing to believe, on the authority of the noble Lord, that they are not larger than the necessity of the case requires. The great expenditure is of course caused by the large amount of men called for, and by the efforts made to increase the number of our ships. I am extremely glad to see by the return which was this morning put into our hands by the Admiralty, that the programme which I submitted to the House a year ago, on the part of the late Government, has been essentially carried out by out successors in office. It will be in the recollection of the Committee that in the programme of last year I announced the intention of the then

Government to add fifteen to the number of our line-of-battle ships, partly by building and partly by conversion, thereby increasing the number of effective screw line-of-battle ships from thirty-three to forty-eight. I see by the Return before me that that programme has been exactly carried out during the year. My noble Friend has stated that a considerable number more are to be added during the ensuing year; that we are to have at least eleven additional line-of-battle ships, which will raise the number from forty-eight to fifty nine. This leads me to an inquiry of some importance, and that is whether the present Board of Admiralty has arrived at any decision as to the number of line-of-battle ships they propose ultimately to have. This is a point to which I know the noble Lord the Secretary of the Admiralty has devoted much attention. He has repeatedly expressed the opinion in this House that we should give up the building of line-of-battle ships, that line-of-battle ships are comparatively useless, and that we should devote our attention to the building of other classes of ships. I could not concur with the noble Lord in the views he thus expressed. I never would be a party to any change of that kind till we had fully established the proper superiority of England in line-of-battle ships to all the other nations of Europe. But I may state that, so far as the late Board of Admiralty had considered this subject, we had—I will not say definitely arrived at the conclusion—but had entertained the opinion that if this country possessed sixty efficient screw line-of-battle ships, it would be so far satisfactory as to enable us to pause and deal with this great question. My noble Friend and all who are conversant with the subject will admit that there is strong reason to suppose we are approaching a time when it will become a question how far these line-of-battle ships are the most effective ships of the navy. Why, we have heard this day from my noble Friend, as a part of the plans of the late Government, carried out by the present Government, of the building of such ships as the *Mersey* and the *Orlando* on a system which introduces a new element into this question—ships of the same tonnage as the largest in the navy, and carrying not a great number of guns, but guns of the greatest power and calibre, and forming very formidable armaments. Then we have the changes going on in the manufacture of ordnance, and the construction of Armstrong guns, all which fairly raise the question as to the limits within which we should confine the building of line-of-battle ships. I hope, however, that I shall not be misunderstood. Do not let us pause till we have fully established the superiority of this country in that description of ships. At the same time bearing in mind the great expense of building these ships, let us consider what will be the probable effect of the changes to which I have adverted. I should like to know, therefore, how far the Government are now laying down new ships of that class, and whether they have adopted any limit at which they may pause, and wait to see what the effects of the changes going on really are. Last year I promised, it will be recollected, nine screw frigates—five new, and four conversions in addition to the seventeen we then possessed, so that the total number of new frigates should amount to twenty-six. But I find that the present Board of Admiralty have hardly fulfilled that engagement, as the number of frigates in the present Return amounts to only twenty-five, which gives one less than we had promised. [Lord C. PAGET: There has been another frigate launched since the Return had been made up.] I did not mean to allude to the subject in a tone of censure. The difference would in any case have been very trifling. I am glad to find that the programme of the late Government has been so nearly fulfilled, and I trust that by the close of the next financial year the navy of this country will be in a satisfactory position. Having made these remarks on the building of ships, allow me to say a few words on that heavy item which was the principal cause of the excess of outlay last year—the addition of men. I stated last year that we proposed an addition of 3,000 men; and subsequently we brought down supplementary Estimates for 10,000 men and marines. This was a large addition; but the noble Lord has announced a still further addition, and I am bound to assume that the proposal is made by the Government in consequence of the strong opinion they entertain of its necessity. I am, therefore, not disposed to make any complaint on the score of that addition. I am glad to find that the Admiralty have not lost sight of the recommendation of the Commissioners to keep up a reserve of a certain number of men in our ports; though I own I could wish that reserve amounted to more than 1200 men. My noble Friend brought something like a charge against me with regard to the masters of the navy. He alluded to what I had done with regard to certain officers, but said I had overlooked the masters and other classes. That is not the case, for the late Government had it in contemplation to deal with the masters and those other classes to which he referred; and were only prevented carrying out their intentions, by circumstances which they could not control. I am therefore glad to find that the Government have taken up their case. My noble Friend also adverted to the Commission on Dockyard Labourers, and I trust he will take an early opportunity of stating what are the intentions of Government with respect to the Report of that Commission. I did not clearly understand what fell from my noble Friend as to the office of the Controller of the Navy. Is there to be any change in the arrangements of that office? [Lord C. PAGET: Instructions are to be given of a more direct character for its regulation.] I am happy to hear that the attention of the noble Lord has been directed to this subject, as when in office I contemplated considerable changes in this department; but, whatever the alterations now proposed may be, I should like to have more definite information regarding them. I hope, concurrently with this change of title, there will be some ready adjustment of the duties of the office. I was also glad to hear what the noble Lord said with regard to apprentices in our dockyards. I trust that what he proposes will have the effect of improving this class of workmen, and checking that tendency to political jobbery, that has been under all Governments a source of great complaint and annoyance, and which I did all in my power to suppress. The evil complained of is a very serious one; and I hope the regulations in regard to apprentices will go a great way to check it. I will not enter into the question of "conversions;" but I cannot concur with the noble Lord in the views he has expressed. Take the case of frigates; many of them are very fine ships, and capable of rendering service in every respect but one —that they have no engines; if we can lengthen them, and put engines in, I think we shall render a great service to the country. I hope the noble Lord stands alone in his objections, and I am glad he has not had sufficient influence with the Board of Admiralty to induce them to adopt his views. My noble Friend expressed great pleasure in the reduction made in Vote 11, but I believe it is quite indispensable that this country should, within a very short period, embark in a large expenditure for the improvement of our dockyards. I am convinced that you will be unable to keep up the navy, with due regard to economy and to the interests of the country, unless your dockyards are made more efficient than they are at present. For instance, take Chatham—[Lord C. PAGET.—We are taking 10,000*l.* with that view for Chatham.]—My noble Friend surely does not mean to say that £10,000 will be anything like sufficient for the purpose at Chatham. He only takes that sum to continue and carry out a previous arrangement, on which a considerable amount has already been expended, and to complete which a very much larger sum is required. If you intend to make Chatham a dockyard such as it ought to be, you must make up your minds to a much larger outlay. It only remains for me to allude to the two last subjects to which my noble Friend adverted—namely, the pensions for the widows of warrant officers, and the retirement of senior officers in the navy. With regard to warrant officers' widows, I always thought it most desirable to grant such pensions, but I was not so successful in carrying out my views in that respect as my noble Friend has been; and I congratulate him on achieving a success which I was unable to attain. With respect to the retirement of officers, that is a subject to which I am glad to hear the present Board of Admiralty have directed attention. There was no subject on which I felt more strongly when I left the Board, than the absolute necessity of adopting some improved mode of retirement, so as to remove that check to promotion, which has always been a matter of just complaint. I am glad that the present Board have directed their attention to the subject, and I shall wait with some anxiety to hear an explanation of their plan. I will only add, that in following my noble Friend, it affords me much satisfaction to be able to speak in the tone in which I have done.

SIR CHARLES NAPIER was glad to hear the noble Lord (Lord C. Paget) follow the example of his predecessor, and speak the plain and honest truth by giving an exact statement not only of our own navy, but also of those of France and Russia. He had shown that France had 244 vessels of every description ready for sea; Russia, 235; and England, 244. He had also told the Committee that France could man the whole of her ships with her reserves whenever she thought proper; and he (Sir Charles Napier) had seen it stated in a

Paris newspaper that France had not less than 90,000 men on whom she could at any time lay hands. Russia had always her fleet manned; England alone could not man her fleet—a state of things that was not very creditable to a great nation like England. He had worked for twenty years in and out of that House, in order to see the navy placed on a proper footing. He had been called an alarmist, and laughed at for many years on that account; but the country had at length adopted his views, and forced the present Government, as it did the last, to put the navy in a proper condition. With respect to the practice of conversion, he agreed with the late First Lord that ships could be converted with advantage. The *Neptune*, the *Nelson*, and others, which had been converted, had turned out remarkably well. He could not, however, agree in the propriety of cutting a hole in the stern of a ship without lengthening her. That course had been found by experience not to answer in the *Edinburgh* and *Ajax*. The Navy Estimates were certainly very large, but he believed the country would get the value of their money. The navy, as far as ships were concerned, was never in a better position than it was at present. But still the country must lay its account with building a new navy in the event of iron ships succeeding. Our great Ally was determined to have a large naval force, and was driving us on to build. He wondered the Government had not come to some understanding with him as to where all this was to stop. Between France and us it had become a matter of the longest purse, and he (Sir Charles Napier) was afraid that France was getting as great as ourselves. We had got ships, but what use were they so long as we had not men? It was melancholy to think that in this great maritime nation we could not raise an adequate reserve of seamen for the navy. There was quite a mania for rifle corps, but not 500 men could be got as a reserve. There must be some reason why the navy was so unpopular, and Parliament must try to get at the root of its being so. We ought always to have 10 line-of-battle ships afloat in the Channel; each of these, if first-rates, would have, as a full complement, 900 blue-jackets and 200 marines. Now, as they wanted soldiers, he would ask why they should not employ 100 of the marines of each vessel in that capacity, which would give them 1,000 men on shore, doing military duty; but who would be ready at any time for transference on shipboard should their services be required. He would take away 100 marines in peace, and fill the ship up with 1,000 blue-jackets. That would give 500 men on each watch; and in case of an emergency he would turn one watch over to another ship, and fill up with marines, whose places, as garrisoning the sea-ports, would be taken by that constitutional force, the militia. But more than that. What was to hinder them from separating the coast districts from the inland counties, and requiring them to furnish sailors as the inland districts did the militia? A reserve for the navy must be found somewhere or other, and as there was an enormous number of fishermen and of men whose occupation was looking out for wrecks along our shores, he should advocate the expediency of having recourse to a system of Ballot in our maritime towns, which should include the inhabitants of those districts. On the first appearance of war, the crews of these 10 ships of the line would man 20 of the same class, the difference being filled up with marines, landsmen, and the usual number of idlers, as they were called, such as cooks, stewards, and so on. But that was not all. There were the district-ships—not those abominable block-ships—he hated the very name of them; but good ships, such as the *Majestic* and *Colossus*, that he was glad to hear were now fitting out to take the place of the block-ships. There were 10 of these ships that, in case of emergency, could be filled up with the Coastguard and the Coast Volunteers. This would give the country 30 sail of the line, and he did not believe that any country would attack us if they knew that we could send 30 sail of the line to sea in the course of forty-eight hours. But, then, it seemed they did not know whether the Coast Volunteers would serve or not. He was told that the Coastguard men of Hastings went down by railway the other day to Sheerness, and that the men mustered very well. But why did not they send the Coast Volunteers at the same time? If they had done that, he supposed their wives and children would all have been up in arms against the Admiralty. The question, however, after all, was one of money. If £1 would not do it, they must try £2, or even £3, for a reserve would be cheaper than the present system of keeping up such a large fleet. He had now done with that subject, and he would come to the question of reserve.

He knew from the first that the system would never answer. The noble Lord complained that the men were suspicious, and he did not wonder; for the Admiralty were constantly breaking faith with the men. It was but the other day that the pensioners were promised, when they went on board ship, that those of them who had been petty officers should have the same rating now; and yet he had found that some of these old petty officers were now doing duty as able-bodied seamen. [Lord CLARENCE PAGET: The gallant Officer is quite mistaken. All the old petty officers have that rating when they go on board.] Yes; but where there are no vacancies for petty officers, they are made to serve as common seamen. But he objected to the present plan of reserve altogether. They were giving £6 a year to men who had never done a stroke of work for the Queen. Besides, the terms were not sufficiently stringent. A reserve that was allowed to be absent for six months was no reserve at all. The course which he should pursue would be to leave to every seaman when his ship was paid off the option of being placed in the reserve or not, as he might think proper, allowing him to count two years towards his pension for every three years' service. At present the Admiralty had no means of knowing what men entitled to pensions had refused to take them. The Admiralty ought to know the number, and if it could once be made known that 4,000 men had entered the reserve, the intelligence would spread throughout the merchant service, and the reserve would soon be filled up. If the force could not be filled up with £6, then a calculation must be made whether it would not be cheaper to pay higher than to maintain a large force at sea. Another point which he must mention related to the Channel fleet, which the Admiralty did not seem to know how to manage when they got it. Some time since there was mutiny, or something like it. On board the *Liffey* there was a disturbance, shot rolled about, mess-traps broken, and other disorders. In that case the Admiralty did not take proper steps, but simply gave way, and the men gained their point. Something of the same sort happened on board the *Hero* on a question of leave. The complaint was, he thought, a just one. When ships were fitting out in harbour there was plenty of leave; but whenever a ship was out of harbour, she was sent to Portland where the drills went on—a period most irksome to the men—and when the utmost indulgence should be granted. In that way the disturbance arose on board the *Hero*, and the Admiralty, instead of sending the squadron to sea, and sending her to the West Indies, allowed the men to remain the victors. In the Mediterranean, on board the flag-ship *Marlborough*, there was also a disturbance, and that was passed over. Then came the *Princess Royal*, the worst case of all. She came home from the Mediterranean, and, according to a very proper arrangement, another ship was ready, to which the crew was to be transferred; but there were three classes of men on board—the bounty men and the continuous-service men, upon whom the Admiralty had a claim, and those who had entered generally, upon whom they had no claim. When the captain left the ship the men cried out, "Pay off," and then the Admiralty ought to have sent a member of the Board down to inquire into the matter, but, instead of doing so, they gave way. The continuous-service men and the bounty men should have been sent on board the *Queen*, and the others should have been required to return the stores, which would have occupied them for three weeks, and then they should have been told that their services were no longer required. Then, when there was a ship launch, and the Queen came down, the men ought to have had leave from Saturday to Monday, but instead of that one-half had leave and the rest had not. That, of course, created dissatisfaction, and a cry of "All or none." The Admiral very properly said "None," but unluckily the liberty men had been landed and were taken back from the dockyard gates. It was an error to order those men back, although he would not say whose error it was. He must say, to the credit of the seamen, that it was not true that they had deserted in great numbers after taking the bounty, for he had seen a return showing that since bounty was given desertions had been fewer than before. Every one knew how easy it was for sailors to desert, but he did not think the Admiralty took proper means to punish desertion. He would punish every man, even with transportation, who took the bounty not intending to remain in the service. There was another evil in the service in respect to leave. When he was in Lisbon, he found that no leave was ever given there, but he granted leave to the men to go on shore. They got drunk as usual, and made rows, and complaints were made to him, and he got the police of Lisbon to take up every drunken English sailor and put him into prison, the consequence of which was, that all complaints soon ceased. If the same thing were done at home for a short time, it would soon put an end to such misconduct. It might be said this could not be done in England, but they could station a guardship close to where the men landed, warn them, and if they broke their leave or behaved ill, place them on board as prisoners. There need be no difficulty in giving men leave, and getting rid of those irregularities which were subversive of all discipline. The men would thus also be made much more comfortable and happy than they were at present. There was another point to which he wished to advert. If a ship were paid off with the crew, it was attended with great expense; but if they were transferred to another ship directly, and the ship turned over to the superintendent of the dockyard to return her stores, the whole might be effected with more regularity and economy. He trusted the Admiralty would take steps to remedy all the evils he had pointed out; especially let them see that the men had leave at all times in moderation, and that they were punished if they behaved improperly—imprisoned if they got drunk ashore and behaved in a disorderly manner. A great deal had lately been done for seamen in giving them mess traps, allotments, and paying them once a month, and those now guilty of breaches of discipline ought to be severely punished. In the Baltic a disturbance broke out on board one of the ships of the fleet. He desired an inquiry to be made to see if there were any grievances, and, if so, that they should be redressed. Grievances were found to exist; they were redressed, and the evil did not extend, as it might have done, to other ships in the fleet. He had laboured long to have the navy put on a proper footing, and he would never rest satisfied till it was properly manned, and till the men got redress of every evil they had any reason to complain of. They could not now be treated as they formerly were. The men were more enlightened, and they expected more indulgence. [Mr. WILLIAMS: Hear!] The hon. Member for Lambeth might cry "Hear," as if he wanted popularity; but he would not put an end to flogging for all that. He would flog, but he would flog in a proper manner. If a man behaved ill, he would try him by court-martial and punish him. He was not afraid to say so. The men themselves would not live in a ship if there was no discipline. A ship would be a hell upon earth without discipline, and if the hon. Member for Lambeth succeeded in abolishing corporal punishments in the navy to-morrow he would not get the thanks of the men.

SIR JAMES ELPHINSTONE said, he wished to thank the noble Lord for his clear and business-like statement, which he had heard with peculiar pleasure. With regard to the pensions to warrant officers' widows, however, he should wish to know whether the arrangement was to be retrospective as recommended by the Naval Commission. If not, he should never suspend his agitation till that grievance was redressed. The present allowance as outfit for a petty officer when raised to a warrant officer was £30, but was quite inadequate, and there was often found great difficulty in getting proper men to come forward for the warrant, because pensions were taken away from their widows. With regard to boys, the Commission recommended that school-ships should be established at all the principal commercial ports. Provision was to be made for 2,400 boys, besides those who came forward voluntarily to be afterwards absorbed into the Mercantile and Royal Marine. He found no vote taken for school-ships, and he wanted to know what was the intention of the Government in that respect. He had heard from various ports, such as Hull, Greenock, Aberdeen, and Dundee, that these school-ships were looked for with great interest, and there was considerable disappointment that the recommendation of the Commission had not been carried into effect. When the boys went on board ship, a number of them were employed as officers' servants. He objected to that, as being a most prejudicial employment for boys; under such a system they became neither good seamen nor good servants. He next wished to draw the noble Lord's attention to the subject of the sergeants in the Marine Artillery. The Marine Artillery was established in 1804, and at first made part of the Royal Artillery. The separation was made about the year 1839. Up to that time the pay of the non-commissioned officers in the Marine Artillery went on increasing *pari passu* with that of the Royal Artillery; but since the separation this had not been so, and he thought the case of these men deserved the attention of the Government. The pay of sergeants in the Marine Artillery was now less by 2¾*d.* a day than that of sergeants in the Royal Artillery. The pay should be equalized. With regard to the pay of other officers which had been passed in this Vote, it was the fact that the pay of captains of men-of-war was entirely inadequate to the duties they had to perform. The pay of captains was only £600 a year, and they were quite unable to maintain their position in society without trenching upon their private means. Besides this, the Admiralty had taken to cheat the captains. They appointed captains of a lower grade to the command of 90-gun ships, and cut down the pay to £450 a year. The number of midshipmen was also entirely insufficient; and it was important that young men should be encouraged to study and become candidates for warrants, and that after passing competitive examinations they should receive increased pay, and should be entered as the first men for promotion to warrants as they became vacant, and in the mean time be employed in many of the duties formerly fulfilled by midshipmen. The next point was that of naval instructors. Young gentlemen entering the navy were now called upon, he thought with great advantage, to pass examinations; but the Admiralty were now making bricks without straw, for there was a large number of ships, no less than fifteen, four of them flag-ships, to which no naval instructors at all were attached. Then, as to the reserve. Having been of those who first recommended this measure, he was sorry to find it did not work well. Various causes had contributed to this result. The bounty had operated greatly against the reserve, as had also the disturbance in the *Princess Royal.* Again, the Admiralty had not taken the proper steps for making the advantages of service in the reserve sufficiently known. The fact was, there was no one in the navy to discharge the duties of the recruiting sergeant. Men were furnished with a long printed list of regulations, which they had great difficulty in understanding, and which often led them to form wrong conclusions. The Admiralty might take a leaf out of the Horse Guards book with advantage in this respect, and employ active petty officers at the different ports, in the same way as recruiting sergeants were now employed on behalf of the army. In a town like Portsmouth it might be expected that a regular office for the enlistment of seamen would be open; yet hon. Gentlemen would be surprised to hear that the only place where anything of the kind was conducted was the house of Mrs. Louisa Wafer, a woman who exercised an extraordinary influence over seamen, corresponded with them in the most distant parts of the kingdom, and did more to man the fleet than could be well understood without being a witness to the fact. Another evil was the total absence of police on board ships in harbour, so that when the men went on shore there was no one who knew where to find them again. Besides all this there was a great want of proper dockyard accommodation; and he thought, if the *Princess Royal,* instead of stripping in the stream, had gone into a basin, and had her crew discharged there, such a disturbance as had taken place could not have occurred.

MR. WHITBREAD said, he hoped the House would bear in mind that, however accurately the naval programmes might be arranged beforehand, they were always liable to be deranged by disturbing causes; and the more ships there were in commission, the more troop-ships moving, the greater was the probability that repairs and other incidental circumstances would thus operate. The non-completion of the two frigates was owing to the fact that timber of the required dimensions was not in store at the time. More timber, however, was expected, and might arrive in time to ensure their completion before the close of the financial year. The right hon. Baronet opposite had inquired whether an opinion had been arrived at with regard to what should be the standard force of line-of-battle ships to be kept up. It was, however, impossible to fix upon any standard for our force, and say that that was the proper amount of naval strength for this country to keep up. That force must always depend upon what was done by other countries; and it was only by watching the growth of foreign navies—whether in line-of-battle ships, frigates, or iron ships—that we could arrive at any just estimate of our own requirements. With regard to the duties of the Comptroller of the Navy, changes were now in progress in his office, and when those changes were completed there would be no hesitation in furnishing the information which the right hon. Baronet desired. With regard to Vote 11, the dockyards would be kept in a proper state of repair with the sum taken in the present Estimates, and he believed that no great work had been postponed that was really necessary to be entered on this year. They had postponed, however, large works in the different dockyards which would have to be undertaken at some time or other, such as accommodation for longer ships; but looking at the large Estimates before the House which the Admiralty were obliged to frame, they thought there should be some saving in that Vote. The right hon. Baronet would be glad to learn that the Government had faced the somewhat difficult question connected with Chatham. It was in contemplation to extend that yard, and the Board, having considered the deficiency of accommodation in the great eastern arsenals, had come to the conclusion—looking to the natural disadvantages of Sheerness, and to the objections, in a military point of view, to the Isle of Grain — that St. Mary's Island was the only direction in which the dockyard accommodation should be enlarged, and they were in communication on the subject with a large number of persons interested in the property. As to the occurrences on board the *Princess Royal*, prior to the outbreak the account received by the Admiralty differed somewhat from that narrated to the House to-night. According to that account the petty officers represented, in the most respectful manner to the Admiral on his inspection, that they did not wish to be turned over to the *Queen;* and that request having been forwarded to the Admiralty was complied with. A great deal of that unhappy feeling arose from the fact, that the officers were in the habit of obtaining leave when the ship was paid off, while the men were restricted. The officers had now been placed on the same footing as the men in this respect, and not a murmur had been heard in the case of any of the ships that had since then been paid off. He concurred fully in the opinions of the hon. Baronet (Sir J. D. Elphinstone) as to the value of a reserve force, and he hoped that by the establishment of the training ships for boys by carefully studying the feelings and the interests of the men much would in time be done to make the service popular and respected.

SIR JOHN PAKINGTON, in explanation, said, he did not intend to suggest that there should be or could be anything like a permanent standard of line-of-battle ships. But he thought there was a point at which, our navy having attained to a position of sufficient superiority, it would be well to pause in regard to laying down new line-of-battle ships until the Admiralty had ascertained the effect of the great changes effected lately in naval science.

MR. W. WILLIAMS said, he would move, "That the Chairman do now report progress."

VISCOUNT PALMERSTON said, he hoped that his hon. Friend would not press his Motion, the universal wish of the Committee apparently being that some Votes should be taken.

MR. W. WILLIAMS observed, that he would withdraw his Motion on the understanding that no more speeches were to be made.

Motion, by leave, *withdrawn.*

Question again proposed.

ADMIRAL WALCOTT: My thanks are due to the noble Lord (Lord C. Paget) for the perspicuity and honesty of purpose which so eminently characterize the statement which he has submitted to the House; and my satisfaction is not unpardonably redoubled by recognizing in him a brother officer and an ornament to his profession. The measures which have been adopted to maintain the navy in a state of complete strength and efficiency recommend themselves to my judgment as the dictates of prudence. The attitude of armed and conscious power deters the opponent from his intention of invading an existing peace; and the display of vigour at the onset of actual hostilities accelerates an honourable termination to a war, whilst, on the other hand, a policy of hesitation and timidity enervates the spirit of a nation, and encourages aggression and pretensions on the part of its opponent, which, if they be tamely submitted to, threaten its security and endanger its reputation. Last year I strongly urged upon the noble Lord how desirable and important it appeared to me, that the Surveyor of the Navy should be elevated to a more commanding position in the service, by being constituted an honorary member of the Board of Admiralty. Without throwing any additional expense upon the country, the change would enable that officer to deliver his opinions with greater freedom and weight, which, under the present system, is denied to him. At the same time there are occasions when the service would derive much benefit by the existence of a Board, composed of the most eminent persons in the various branches of naval architecture and all matters connected with naval warfare, which should meet from time to time to review the suggestions made by competent authorities in reference to subjects of such vast importance. In dealing with the officers and men, it is only common justice to assure of certain reward the officer who displays zeal and perfects himself in the knowledge of his profession, and to observe strictly and fulfil the promises that have been held out to the seamen. I hope I am to understand that 2,000 boys will be introduced into the service every year; let me then add that two ships will not be sufficient for their proper instruction; the allotment should not exceed the number of 500 boys to a single vessel. If my earnest expostulations on this subject—the employment and training of boys from fourteen to eighteen years of age—had been heard some years since, the service would not be now suffering from a paucity of sailors. The relative strength of the fleets of Russia and France, the enormous extent of the British commerce, the remoteness of many of our most valuable dependencies, the insecurity of political relations, and the uncertainty of a continuous peace are so many undeniable arguments imperatively demanding that our navy should be preserved in the highest state of efficiency, as upon its supremacy hangs the welfare or downfall of England. The disastrous circumstances, to which allusion has been made by the gallant Admiral (Sir Charles Napier), that occurred on board H.M.S. *Princess Royal* require a passing observation. Any disposition to mutiny, any contumacious disturbance, as detrimental to discipline, and, under particular circumstances, still more perilous, must be promptly quelled, and vigorously suppressed. The first spark of fire must be trodden out—it must not be allowed to spread. Admiral Bowles was not informed that the men were actually standing at the gate; the knowledge would have carried importance and influenced his decision, for there is no man whose heart is more open to kindly feeling, no man of greater experience or sounder judgment, no man who has contributed more largely, than that gallant officer, his time or his money, to every institution and project that could benefit the naval service of this country.

Mr. BENTINCK expressed his concurrence in the well-merited tribute which had been paid to the able statement of the noble Secretary to the Admiralty, and he was very glad to find the Estimates such as to afford the hope that the navy was about to be placed on the footing it ought to be. His noble Friend said that there was an impression that the country did not get the full value for the money expended. He believed that impression to be correct; and he was of opinion that the circumstance was owing to the system on which the Board of Admiralty was constructed. Until that Board ceased to be a political one and until professional men were chosen to fill the various departments and see that the ships were properly constructed, he believed they would have always to complain of the naval expenditure. He (Mr. Bentinck) could not join with the noble Lord in holding out any expectation of a speedy reduction in the amount that would be required for the Naval Estimates; on the contrary, looking to the state of affairs in Europe he thought it more likely that it would be found necessary to spend a yet larger sum. They ought to look the question fairly in the face; and they should at all events remember that an injudicious economy in past years had in the end led to a far greater waste of public money than could possibly have been brought about by any amount of dockyard extravagance. He also wished to know what steps had been taken to supply the deficiency of naval instructors on board line-of-battle ships in commission.

Mr. LINDSAY said, he should move that the House report progress, for the whole question of the national armaments required a much more deliberate discussion than could be given it at half-past twelve. We had a large naval expenditure and a large armament, and he wished to know against whom we were arming? Was it against the Emperor of the French? Had we not just concluded a treaty of commerce and consequently of peace with him? He wanted the Government to state distinctly against whom we were arming. Why were they taxing the people? Where was the fearful expenditure to end? They ought to report progress that that Question might be fully discussed.

Motion made, and Question proposed, "That the Chairman do now report progress."

General UPTON said, he would suggest that there should be an entry of boys in the interior as well as at the ports.

Colonel DICKSON inquired whether there were no means by which the ships of the Royal Navy might be made serviceable for the conveyance of troops.

Lord CLARENCE PAGET said, the question of how to supply naval instructors in those ships of the line in which they were still wanting was receiving the best attention of the Admiralty ; and a plan had been suggested of combining the office with that of chaplain. The ships of the navy were occasionally used for the transport of troops ; but at present the crews were a little raw, and required to be trained.

Mr. SIDNEY HERBERT hoped the hon. Gentleman (Mr. Lindsay) would not press his Motion for reporting progress. He hoped to propose the first Vote for the Army Estimates on Friday next ; and if they did not take the number of men both for the army and navy this week, they would not be able to do so for some time, because the discussion on the Budget would intervene.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.* Also,

(2.) £3,476,757, Wages.

(3.) £1,458,087, Victuals.

House resumed.

Resolutions to be reported *this day* (*Tuesday*). Committee to set again on *Wednesday*.

House adjourned at half past Twelve o'clock.

HOUSE OF LORDS,

Tuesday, February 14, 1860.

Minutes.] *Sat First in Parliament.*—The Lord Londesborough—after the Death of his Father.
Took the Oath—The Lord Skene.
Public Bills.—1^a Probate and Administration (India).

CENTRAL ITALY. SAVOY.

MOTION FOR PAPERS.

The Marquess of NORMANBY—who had given notice of Motion for the Instructions given by the Secretary of State to Her Majesty's Chargé d'Affaires at Florence, directing him to attend the official reception of Signor Buoncompagni, and subsequently of a Motion for a return of the dates of all communications between the Secretary of State and Her Majesty's Ambassador at Paris, from the accession to office of the present Ministry—said, that in introducing the subject of his Motion, he thought it his duty to show the close connection between the Notice that he first gave, and that which he added last night. His first Motion referred to the line taken by the English Government in reference to the provisional ruler of Florence, and it was his intention to have called their Lordships' attention to that very extraordinary act in exemplification of the system pursued during the last few months by Her Majesty's Government as partizans of one particular settlement of the difficulty in regard to the affairs of Central Italy. Their advocacy of that particular settlement was in direct opposition to the course of conduct pursued by the Emperor of the French. But on that subject he would not dwell. He wished to call their Lordships' attention to another circumstance, which had become known since he last called their Lordships' attention to the Italian question—namely, a statement given, as he believed, on the authority of Count Walewski, that certain proceedings had taken place relative to the annexation of Savoy, subsequent to those mentioned by his noble Friend, the Foreign Secretary, in the explanation which he had given in the other House of Parliament, and declaring that the explanation of his noble Friend, though correct as far as it went, was incomplete. Noble Lords opposite need be under no alarm that anything he would say could prejudice the course they were now pursuing. He appealed to their Lordships whether, notwithstanding what had passed in the other House, any complaint could be made against him for bringing this subject forward now. The subject was one to which he had already adverted, and he took some credit to himself when he said it was a question on which he felt most deeply. On Friday last, under somewhat inauspicious circumstances, he put a question to his noble Friend opposite (Earl Granville) as to an impression universally prevalent in Paris, that the whole of the case, as regarded Savoy, had not been stated to the British Parliament. He then observed that the general impression prevalent on the Continent, and in diplomatic circles on this matter, was confirmed by a letter to which publicity had been given in a French newspaper. His noble Friend might sneer at anonymous communications in newspapers; but when he did so, he was indulging in a dream of the past, and adverting to a state of things which no longer existed. In every great European State, it was now the practice to make important communications to the newspapers, particularly was it so on the part of our nearest neighbour here in question, and only within the last six weeks a great European Congress was officially declared to have been postponed on account of an anonymous pamphlet. But, in respect to the letter to which allusion was now made, his noble Friend must be as well aware as he was, that it was reputed to rest on the authority of Count Walewski himself. When he referred to the subject on Friday, he had not the newspaper beside him in which the letter appeared, and could only state substantially, and in a few words, the general effect of what appeared in that very remarkable document. He would now read to their Lordships at length the very words of the letter:—

> "Lord John Russell stated last week in the House of Commons that the English Cabinet, desiring to know the intentions of the French Government with regard to Savoy, Count Walewski had declared to them, in the month of July last, that the Emperor and his Government did not think of the annexation of that country to France. This communication of Lord John Russell was quite exact. But to make known all the truth, that the attitude of France with regard to Savoy should be properly appreciated, the noble Lord might have said, and perhaps ought to have said, more. . . . . . The declarations of Count Walewski were, then, perfectly true; but it is equally certain that later on, when events had considerably changed the situation of Italy, the Government of the Emperor saw in these eventualities new necessities, new duties for France. Count Walewski then held quite another language, and declared that if the Central States of Italy were annexed to Piedmont, France would be obliged to claim Savoy and the county of Nice. Count Walewski told Lord Cowley, that if the English Government did not desire to see the annexation of Savoy to France, they had only to cease urging the annexation of Central Italy to Piedmont, but the one rendered the other inevitable. Lord John Russell was not ignorant of these resolutions, so frankly declared by the French Government; and it is a subject of surprise that he stopped at the Month of July in the explanations that he communicated to Parliament on a subject that has preoccupied public attention so much. However, the despatches of Lord Cowley cannot fail to be in one of the first volumes of the blue-book, which will be furnished to the English Parliament."

Now he was very much afraid that Count Walewski would be disappointed in the expectation that any such explanations as he spoke of would be found in the blue-book. It had been assumed by the noble Lord that conversations might have taken place between Count Walewski and the English Ambassador on these matters, but that they had never assumed an official character. Now he maintained—and he would appeal for confirmation to those noble Lords who had the same acquaintance with diplomatic proceedings as he had himself—that in all European countries when a communication was made by a Foreign Minister to the Ambassador of another country on any public question, whether verbally or otherwise, it by its very nature became official, and that any departure from that rule was a departure from the established usages followed in diplomatic intercourse. Did their Lordships not see what monstrous abuses might spring from these private and confidential communications being considered unofficial? And was such a course not at variance with all our recognized constitutional doctrines, and dangerous to all our international relations? Such a departure from the established usage was unjust to the Foreign Minister who made communications verbally to the Ambassador in the expectation that what he stated would be put into an official shape. It would, moreover, place the Foreign Secretary beyond the pale of official responsibility; and not only this, he would say that, in order to have perfect identity of opinion on questions of foreign policy, the Members of the Cabinet should be aware of all that had passed, and it was therefore unfair to his colleagues if anything was kept back by the Foreign Secretary. The usual practice was that everything in the shape of a public despatch was circulated for the information of the Cabinet; but private letters were generally communicated only to the Foreign Secretary, the Prime Minister, and the Leader of the House in which the latter did not happen to be. That, at all events, was the practice which had been adopted by the Government of Lord Melbourne, of which he (the Marquess of Normanby) had the honour to be a Member. If that course were not observed, many things which arose during the recess would have occurred without the knowledge of the noble Lord's colleagues. It was a good old rule to have an official record of every diplomatic transaction, and one which he thought ought to be usefully observed. The letter which he had just read to their Lordships was strangely at variance with any appearance of sincerity and completeness in the statement which had been made by the noble Lord the Secretary for Foreign Affairs. He must say that he did not understand the change of policy which seemed to have taken place with respect to the Italian question as indicated by the speech of the noble Lord the Foreign Secretary at Aberdeen, which was the first communication to the public after the despatches received at the end of the month of June. In these they were distinctly told that everything in Central Italy was purely provisional. But in the speech which he had made at Aberdeen, the noble Lord stated that the people of Central Italy had conducted themselves with perfect order, as if they were citizens of a country which had long been free. He should like to know where his noble Friend got that information. They might have conducted themselves as citizens of a country which had long been free, but they could not have conducted themselves as citizens of a country which was any longer free, inasmuch as not one of the Governors of the different parts of Central Italy had been chosen by popular election. They were all nominated by a new method of shuffling the cards, putting the same persons into different positions in the Piedmontese Government, and the people had no choice in the matter. Had they liberty of speech there? It was well known that Signor Farini, the Governor of the Romagna, has issued a proclamation announcing that any person who adhered to the old *regime* would be visited with the pains of high treason. Had they freedom of the press there? On the contrary, the censorship was substantially in force throughout all the new Governments. Had they liberty of person? He could prove to their Lordships that not hundreds, but thousands, of the citizens were now imprisoned on account of their loyalty. One word with respect to the way in which the new Governments were appointed. They would recollect that the King of Sardinia, acting in conformity with that treaty by which he was so great a gainer, recalled his Royal Commissioners from the Governments of Central Italy. Thus Signor Buoncompagni was recalled from Tuscany as the King's Commissioner; but he had not long returned to his own country till he was sent back again by the Prince Carignan, though he was very far, indeed, from being the object of the popular choice. In the same way Signor Farini was recalled; but though they recalled Farini the Commissioner, they reappointed Farini the Dictator. Then let their Lordships turn to Parma, where Count Palieri had been appointed Commissioner. It might have been supposed that when the old Government retired, he would have have called the citizens together, and asked what was next to be done. Not a bit of it; but of his own accord he appointed Signor Manfredi, his Private Secretary, the Commissioner of the neighbouring state of Modena, and when the Commissioners were recalled, Manfredi came to Parma as Governor, but after a few days Farini appeared as Governor of both Provinces, appointed by Manfredi to Modena. And all these things were done by proclamations—the people were never consulted on any one of them. Their Lordships would perhaps allow him to go into some detail as to the acts of these new Governments. Everybody knew the character of the Duchess of Parma—how much she had done for her people, and how beloved she was among them, insomuch that on a former occasion, when her Government was overthrown by a popular tumult, she was restored to her throne by the spontaneous action of the people themselves. In the late transactions she might have held her place, for there were many brave hearts devoted to her, but she would not allow her troops to fire upon the people. One regiment of 900 resolute men, under the command of Major Bouzi, was prepared to act, and the tumultuous mob showed no disposition to face them; when upon their approaching the town after the departure of the Duchess, General Scotti conveyed to Major Bouzi a message from the Duchess, ordering them not to fire, as the Duchess would prefer to suffer anything rather than her troops to fire upon the people for whom she had done so much. On receiving the message, Major Bouzi came to an agreement with the commander of the popular party, and agreed that his regiment should lay down their arms and enter the city, on condition that their safety should be guaranteed. This was agreed to by the leaders of the mob; but no sooner were they within the gates than Major Bousi was fired at, and as the pistol-shot grazed his head he was stabbed, and for two hours he was dragged through the streets of the town with every mark of indignity, and thrown into a dungeon more dead than alive. All the officers received similar treatment, and none of them were allowed to go out of prison, except on condition that they would join the popular army. Was all this concealed from his noble Friend the Foreign Secretary? If it was, where was his information? If it was not, how could he tell the people of Aberdeen that the Italians had conducted themselves as citizens of a country that had long been free? He wished now to refer to the fate of Colonel Anviti for the sake of correcting one or two errors that had gone abroad on that subject. Count Anviti did not go of his own accord to Parma, nor was it true that he was generally unpopular there. In the year 1855 his life had been attempted by a secret society there, and the person guilty of that attempt was tried and executed. He was travelling from Bologna, and at a particular place, where the railroad was broken, he was recognized by the brother of the man who had been executed for attempting his life. He was obliged, in consequence of that unfortunate occurrence, to go into the town, and there the unhappy man was seized and dragged through the streets for five hours, murdered with horrible cruelty, and his body mangled after death, without the slightest attempt having been made to rescue him by any person in authority; and from that time to this, in spite of the high-sounding proclamations which had been put forth, not a single person had been put on his trial for that horrible outrage. All that happened during the *regime* of one of the new Governments of Central Italy, the people of which, according to his noble Friend the Secretary of State for Foreign Affairs, had conducted themselves with perfect order, as if they were the citizens of a country which had long been free. But suppose there had been order, he contended that that proved nothing. In the French Revolution of 1848, they all knew that perfect order was maintained up to June; and at Rome, the same thing happened till Count Rossi was assassinated. In fact, nothing was easier than to control the mob in the first days of a revolution; but that proved nothing as to its future character. He (the Marquess of Normanby) read to their Lordships on the first day of the Session a letter from a Tuscan gentleman of the highest respectability. He had since heard from that gentleman, who said: "You will not be surprised that that letter has been made the ground of violent abuse. Why I cannot tell you, because it contained an exact description of the truth." He would read a letter which he had received a few days ago from an English merchant of the first consideration at Leghorn. That gentleman said:—

"Intervention is prohibited in Tuscany, but, my Lord, intervention exists everywhere, and armed foreign intervention. The Governor-General is Piedmontese, the Minister of War is Piedmontese, the Commander of the Gendarmerie is Piedmontese, the Military Governor of Leghorn is Piedmontese, the Captain of the Port is Piedmontese; besides a great many others of the same nation occupying other responsible positions. This I consider armed foreign intervention. Let this be removed, and let the despotic pressure of the present Government be taken away, and I believe that the country would vote in a large majority for the restoration of the dynasty of Lorraine. I believe nearly the whole army to be in favour of the Grand Duke which is now kept out of Tuscany; and certainly two-thirds of the National Guard are for the Grand Duke. All the Powers have been neutral here, in as far as not taking part in ceremonies or in acknowledging the present Government. Since the peace of Villafranca the British agents have assisted at all ceremonies and balls."

Surely the recognition of that Government was not in accordance with the assurance that was given last Session by the noble Lord at the head of the Foreign Department. His informant went on to say that,—

"The troops are dispersed out of Tuscany—the people are afraid to make a great demonstration—they know that for one word the prisons are ready to receive them. Private meetings have been held at Leghorn by influential persons, and some members of the National Assembly. A public meeting is impossible. The convocation of the Assembly was requested by twenty-three members, and refused. At these private meetings it was decided that Ferdinand IV. should be received with a constitution and an amnesty. The people have been grossly deceived from the beginning, all promises have been broken, the price of food has been raised, and the national debt enormously augmented."

Although some of those facts might have been withheld from the noble Lord, still he must have known some of them when he directed the English representative to attend Signor Buoncompagni's reception. He (the Marquess of Normanby) had referred, on a former evening, to a remarkable work written by Signor Ampèri, a most distinguished man, originally a refugee from the Romagna on account of certain disturbances that had occurred in that district, who addressed the new Government of Central Italy in the following terms:—

"You must have been induced by the false position you have created for yourselves to consent in these times (which you call those of liberty, but which are not so) that perversions of the truth should be made a means of government. You transformed the answer of Victor Emanuel that he would advocate before the great Powers the vote of the Tuscan Assembly, which had adopted him as their King, into a positive acceptance; and, in order to persuade the ignorant multitude, you ordered public rejoicings in honour of that which you know was not a fact. You declared yourselves Ministers of a King who had never appointed you. You administer the Government in his name. You pass sentence in his name. You pledge the public faith to one who has not given you any authority for such a purpose ; and though it is through you that you force the Tuscans to recognize him as King, you are the first to show a mark of disrespect which destroys his prestige, by imposing upon him the choice of a regent, which you have no right to do if he is the King, and whom you had no right to nominate on his behalf if he is not."

Having pointed out the actual condition of the Tuscan Government, it was hardly necessary to allude to the particular person who had been selected for the favour of the noble Lord at the head of the Foreign Department of this country. They had all heard of Signor Buoncompagni—his name was a kind of by-word and reproach in Italy on account of his treachery in a profession which, above and beyond all others, required the strictest honour and good faith. The kind of estimation in which he was held had been well described by a noble Lord in the course of last Session. Signor Buoncompagni was nominated Commissioner-General for the King of Sardinia. He was recalled, and an offer of the Regency was then made to Prince Carignan, and then, strange to say, Prince Carignan, who had nothing to do with Tuscany, while refusing the regency, appointed or nominated Signor Buoncompagni as Governor-General. As had been shown, that appointment caused great indignation in Florence, and even Liberal members of the Assembly protested against it ; but still the English Secretary of State desired Her Majesty's representative to attend an official reception of Signor Buoncompagni, to whom he was not accredited. He (the Marquess of Normanby) believed that it was an established point of diplomatic *etiquette* that that should not be done. He had not forgotten the lesson he received the other night from the noble Earl opposite upon the inexpediency of giving autobiographical details in the House; but where events were analagous a comparison was sometimes useful. He was Ambassador in Paris in 1848, when the revolution broke out: but, after the revolution, he remained there unofficially, having no regular communication with any member of the Provisional Government, and was personally acquainted only with M. Lamartine. When the National Assembly was convoked, M. Lamartine sent to him and to other members of the *corps diplomatique* a sort of invitation to attend the ceremony. He consulted with his colleagues and with the Government at home ; it was universally agreed by them that not being accredited to the Government, and, with their assent, he declined to attend the opening of the Assembly in his official capacity. The Foreign Secretary of that day was Lord Palmerston, and the Prime Minister was Lord J. Russell. The actors had now changed their parts, but they were the same men who approved his conduct in 1848 ; and, therefore, he wished to know what there was peculiar in the position of Signor Buoncompagni to make him a special exception to what had hitherto been a universal practice. He regretted very much the present position of our Foreign Office. When the present Government entered upon office England was maintaining a dignified attitude of perfect neutrality, and professions were made of a determination to continue in the same course. But soon came the chimerical idea of a great kingdom in Central Italy, and the Government pursued it in their own utter ignorance—he meant ignorance of the wants, the wishes, and the prejudices of the people in the different States of Italy. The Emperor of the French, having entered into certain engagements with Austria, was very creditably desirous of fulfilling them ; but it seemed that the noble Lords whom he had mentioned thought by showing favour to those factious Governments to overreach the Emperor. They had given to the Emperor of the French a reason, or, at all events, an excuse, for a course of proceeding which had excited universal reprobation in this country. Such he took to be the position of the Italian question. He was anxious that the papers for which he had moved should be produced, because he could not comprehend, in spite of the explanations which had been offered elsewhere, when the communications on the subject to which he had drawn attention were received by Her Majesty's Government. It was a painful duty to dispel the illusions which still existed in the public mind of England respecting Italy. He had, however, endeavoured to discharge that duty by bringing before Parliament information which he had received from trustworthy sources, and he was glad to believe that at last some glimmer of light was breaking from the cloud of prejudice and ignorance, and that there was now a greater prospect of the establishment of Italian independence on legitimate foundations, freed from all foreign interposition, and so as to promote the cause of loyalty, truth, good faith, and good order. The noble Marquess concluded by moving: First—

> "That an humble Address be presented to Her Majesty for, Copy of any Instructions from the Secretary of State to Her Majesty's Chargé d'Affaires at Florence, who is not accredited to the Provisional Government there, directing him to attend the official Reception on the 1st of January of Signor Buoncompagni, now acting as Governor-General of Tuscany, having been nominated as such by Prince Carignan of Savoy without any subsequent popular Sanction on the Part of the Tuscan People."

And second—

> "That an humble Address be presented to Her Majesty for, Return of the Dates of all Communications between the Secretary of State and Her Majesty's Ambassador at Paris, on the Subject of the Annexation of Savoy and Nice to France, from the Accession to Office of the present Ministry up to this Time."

EARL GRANVILLE was happy to say that he did not think it had ever before been his lot to be accused of want of courtesy in that House. That, however, did not diminish his regret to find the noble Marquess now complaining of his want of courtesy on a former occasion. As far as he could remember, not a single word fell from him which could bear out such a charge; but if he had unintentionally erred in this way, either as to manner or tone, he was very sorry, for he should lament much if anything he spoke or wrote should evince a want of consideration towards one with whom he had had both diplomatic and personal relations. With regard to the Motion of the noble Marquess, it was almost without precedent, if not irregular, to call for the production of Correspondence which the Government had stated it would not be for the public service at present to produce. At the same time he (Earl Granville) had not the slightest objection to the particular return for which the noble Marquess had moved as an *addendum*, for the dates of the communications respecting the annexation of Savoy, from the accession to office of the present Government. But the noble Marquess had laid great stress upon a letter in the *Indépendance Belge*, coming, he said, from Count Walewski, the statements of which, he thought, were inconsistent with the statements made in this and the other House of Parliament. Now, the statement he (Earl Granville) had made was, that there was no official communication between the two Governments during a certain time, but he had not denied that there might have passed communications, in private conversation, between the French Minister of Foreign Affairs and the English Minister at the French Court. The noble Marquess had made an assertion that no communications could pass between a Minister of Foreign Affairs and an Ambassador without being official. That he (Earl Granville) entirely denied. Between men who had long known each other and who stood in these relations there were frequent conversations and arguments which bore no official character. He had been informed by his noble Friend the Foreign Secretary that in looking back to his private correspondence he found a private letter from Earl Cowley detailing a private conversation with Count Walewski upon different phases of the Italian question, and containing, as an *obiter dictum*, an allusion to a contingency which was declared in the despatches to be quite impossible. He (Earl Granville) thought, that after official communications had taken place on this subject in more than one despatch, after an announcement had been made respecting it in Parliament, and after a satisfactory assurance had been received that the question had dropped, his noble Friend was quite justified in taking no notice of a private conversation, which Earl Cowley believed it unnecessary to embody in a despatch. It was useless, then, for his noble Friend to give an official form to a matter which seemed at that time at rest. That was all he (Earl Granville) had to say on this part of the subject. But the noble Marquess went on to move for

> "A copy of any instructions from the Secretary of State to Her Majesty's Chargé d'Affaires at Florence, who is not accredited to the Provisional Government there, directing him to attend the official reception on the 1st of January of Signor Buoncompagni, now acting as Governor-General of Tuscany, having been nominated as such by Prince Carignan of Savoy, without any subsequent sanction on the part of the Tuscan people."

Then, profiting by this Motion, the noble Marquess had gone into the same sort of general charge against the whole Italian people, which he indulged the House with on almost every occasion he could. Now, he wished to ask the noble Marquess on what authority did he claim to advance these vague accusations? The noble Marquess had had sufficient Parliamentary experience to be aware that—although private letters to himself, filled with every sort of assertion in detail, might help to confirm some particular opinions of his own, and might perhaps afford to himself matters of some interest and amusement, yet in a public assembly like that, discussing grave public questions, on which they had a certain bias of opinion, very little importance could be attached to weak translations and quotations from private letters—the House not knowing the names of the writers, or what personal motives they might have for thus sending them to be communicated there by the organ of the noble Marquess. It was really childish to think that the British Parliament would be influenced by such unauthorized communications as those. When, therefore, the noble Marquess asked whether the Government knew all that, he having read all those statements from his private letters, he scarcely knew what to say to him; but this he would say, that a collection of tales of that description had been given to Her Majesty's Government, and that Her Majesty's Government did thereupon inquire into the truth of them, and found there was no foundation for them whatever. It was of course impossible—it would be contrary to human nature—to suppose that, in such very peculiar times as these, a golden age could be existing in Italy—that there should be absolutely no offences committed amongst the populace, and that the Government on no occasion should have committed any fault; but from all that he had heard, and from the authentic information sent to Her Majesty's Government by our officials abroad, on their public responsibility, he must say that he believed on the whole the condition of Central Italy was remarkable, especially if it were contrasted with the state of things in 1848—that it was most remarkable at present for the general order and peace, and for the general satisfaction which reigned there. The noble Marquess would have done better to have postponed the discussions on these points till the papers which were last night laid before the House of Commons should have been presented also to their Lordships' House. He would there have seen that although Mr. Corbett pointed out certain things in which he thought the Government of Florence had been wrong, and other things on which the feelings of the people had flowed in this direction or in that, yet the general inference from those despatches was that there never were elections carried on with more order and regularity than those for the return of the Tuscan Assembly; and the result, be it remembered, was that that Assembly was composed of the men most remarkable in the country, by their birth, their property, their scientific, literary, or industrial qualifications. He (Earl Granville) really thought it was hardly necessary, as the papers had not yet been put into their Lordships' hands, to go further into this question. The noble Marquess had spoken of the "ignorance" prevailing among public men on the Italian question; but when he was complaining of want of courtesy towards himself, he thought he might have refrained himself from applying such a term to the most experienced statesmen of the present day. But to give the House some little idea of the value of the information which the noble Marquess himself possessed, he would ask upon what grounds did the noble Marquess suppose that such a despatch as that for which he had moved really existed? He (Earl Granville) believed that no such despatch existed. The only thing at all bearing upon the matter was a despatch, which would be found among the papers now printed, directing Mr. Corbett to treat Signor Buoncompagni exactly in the same unofficial way in which he had previously treated Baron Ricasoli. Now, from the abuse lavished by the noble Marquess on Signor Buoncompagni—abuse which, in speaking of the actual head of a Government to which we wished well, in every sense of the word, might better have been avoided—he (Earl Granville) did not understand whether or not the noble Marquess thought that Her Majesty's Government and Mr. Corbett ought to have made a difference between Signor Buoncompagni and Baron Ricasoli. But he thought nothing could have been more foolish or wrong than to do so. The principle on which Her Majesty's Government had proceeded was that of sending a person to act as *chargé d'affaires* at Florence, giving him orders to hold only unofficial communications with the *de facto* Government of the day; and nothing would have been so foolish as for him or for the British Government to enter into the claims of any one particular person, and to discuss whether that person really was the head of the Government or not. The simple rule was to take the state of affairs as they found it. Whether or not Mr. Corbett had throughout acted wisely and judiciously, and in strict compliance with diplomatic usages, he (Earl Granville) would not discuss, but certainly Mr. Corbett had done well in showing friendly attention to those who were actually carrying on the Government at Florence. The noble Marquess, however, had quoted from his anonymous correspondence a complaint that the English *chargé d'affaires* was the only one who had exhibited any civility of that sort. But he (Earl Granville) found in these papers a case somewhat similar, namely, that when the Assembly met, there, in the tribune allotted to the *corps diplomatique,* appeared not only the English and Sardinian, but also the French representative. Some of the other matters alluded to by the noble Marquess, which he found in his correspondence, were of such a kind that, at all events, no information of them whatever had reached any single individual except himself in this country. Now, he (Earl Granville) did implore their Lordships not to be led away by such representations. It would indeed be madness to suppose that there would not be some offences given and some faults committed by any Governments placed in such a peculiar position as those of Central Italy were; but he repeated that the general state of the country was most satisfactory, whether with regard to the good order that was preserved, or the wishes exhibited by the people. As for the general charge made by the noble Marquess against Her Majesty's Government, that, whereas the late Government left this country in a very high position at the beginning of the war, Her Majesty's present Government had now entirely lost that position through their partizan feeling in favour of the annexation to Sardinia—if the noble Marquess would look at the papers now produced, he might there see that from the beginning the attitude of Her Majesty's Government had been anything but that of the partizan of any particular scheme. He would see, for instance, that when that very distinguished man, whose death was so much deplored, the Marquis Lajatico, came to London, Her Majesty's Government refused to receive him in a diplomatic capacity, but that in conversations with him Lord John Russell endeavoured to impress upon him the reasons why it seemed to Her Majesty's Government desirable that the Tuscans should recall the hereditary Grand Duke. After that, when the future Government to be adopted was under discussion, Her Majesty's Government still refused to give any opinion, but merely stated that they would respect the wishes of the Italians. And if there were latterly one or two despatches in which the advantages of the annexation were urged, they were urged chiefly because it was known to be the expressed wish of Central Italy to be so annexed; and the despatches then merely added some other arguments which would naturally suggest themselves with regard to the forming of a larger kingdom, for the sake of the Italians protecting their own independence. But even on that occasion it would be seen that his noble Friend the Secretary of State for Foreign Affairs intimated that the approval of Her Majesty's Government was always open to any other arrangement satisfactory to the people. Instead, then, of the course pursued by Her Majesty's Government having brought us on the Continent into that deplorable position which the noble Marquess supposed, he (Earl Granville) believed that the influence of England on this Italian question had increased, and was still greatly increasing; and he admitted that this was owing to no merit of the present Government, except that of having followed a disinterested course, and one in unison with the wishes of the Italian people, and one in which he felt they were supported by the great majority of the people of this country. With regard to Austria, indeed, it could not be expected that the policy Her Majesty's Government thought right should be entirely pleasing to Austria, since Austria and England started from such different points of view as to everything that could regulate Italian policy. But, at the same time, these despatches showed—and, indeed, Her Majesty's Ministers had directly expressed the same to the Austrian Government—that although in Italy these subjects of disagreement still remained, it was the strong wish of Her Majesty's Government to see the power of Austria consolidated, so as to make her continue what she had been—an important element in the European equilibrium. And as for the people of Italy themselves, he was quite sure that, notwithstanding that we were no party to the war last year, which they hailed with so much enthusiasm, they still appreciated the attitude which we had since adopted with regard to them; and it was impossible not to see that they looked up to us as a model of free Government. The people of England, he was equally certain, felt grateful to Her Majesty's Ministers for having shown, in their name, a judicious sympathy with the people of

Italy, so far as to protest against any forcible intervention from without, and to claim that the Italians themselves should be left to settle their own affairs, whilst we abstained from any engagement that could fetter our action hereafter. He was borne out, therefore, by public opinion in thus repudiating the charges which the noble Marquess had brought, with so much strong language, against Her Majesty's Government.

THE MARQUESS OF NORMANBY said, that the grounds on which he supposed a despatch relating to the attendance of the British *chargé d' affaires* really existed was that Mr. Corbett had distinctly stated that he had done so, in consequence of the instructions he had received.

THE EARL OF MALMESBURY: My Lords, the noble Earl has complained that on the Motion of the noble Marquess, your Lordships' House has been more than once, and more than twice, occupied with this question during the present Session of Parliament. If however the noble President of the Council has become wearied and impatient at the frequent observations and criticisms of the noble Marquess, I think that is very much to be laid at the door of the Government themselves. It is very much their fault that these repeated conversations take place, and that these repeated appeals are made from this side of the House; because they have imparted to us no information, at least only by bits and scraps; sometimes there is a speech in the other House, sometimes a few words in this; sometimes an official document in the *Moniteur;* sometimes an announcement in Reuter's telegraph; sometimes we have asked questions and sometimes we have moved for Returns: and out of this confused mass we have had to try to extract something like the truth of what has taken place during the last six months in Italy. Without wishing to glorify the Government to which I had the honour to belong, I may say that was not the case when we were in power. I beg your Lordships to recollect that just on the eve of my leaving office I presented to your Lordships a collected and full statement of the correspondence that had taken place on the affairs of Italy, between the 1st of January and the end of May. But from that moment up to this we have only had, as far as I have seen, one or two despatches published by the noble Lord now at the head of Foreign Affairs soon after he came into office, which were confined to a correspondence with the Prussian Government; and since that time we have received nothing official from Her Majesty's Government on the subject. It is, therefore, really the fault of the Government that these frequent conversations have taken place. My Lords, a great deal of misrepresentation has taken place with respect to persons and with respect to things in this great controversy on this question. And no one person has been more misrepresented than myself. I have been—I suppose for some party purpose—held up in this House as a partizan of Austria and a constant supporter of Austrian tyranny in Italy, and yet on your Lordships' table I laid a paper, the very first of the Government to which I belonged, written as early as the beginning of January, 1859, on the 12th of that month, in which I stated positively and categorically to Austria that in no case would England assist her in her military occupation of Italy. In the face of that I have been accused of being partial to that Government, and wishing her success as against Italian liberty and independence, whilst we threw every posssible difficulty in the path of France. Our object was to establish and maintain a *bonâ fide* neutrality in regard to Italy. I knew, and my Colleagues knew, that such was the wish of the English people; and I felt myself that, up to the moment we left office, we had maintained that wish. If I had done what was asserted I should judge, from the displeasure shown both by France and Austria, that the anger of both had evinced that we had not favoured either the one or the other. I believe, although many events have since occurred, that no circumstances have transpired which would have justified Her Majesty's Government in departing from the principle of non-interference; but I am apprehensive—although I have not seen the papers presented, at last, to the other House, and I feel, of course, great diffidence on the subject—but, from all that we have heard, and that has been said by the noble Lord the Secretary of State for Foreign Affairs in the other House, I am apprehensive that that strict impartiality and neutrality, and that system of non-interference, that was commenced by the late Government has not been persisted in by the present. I fear that that noble Lord has not carried out the principles he enunciated and maintained in his speech at Aberdeen. If it be true that, expressing strongly their opinion that a kingdom should be formed in Northern Italy composed of those united Provinces that have now rejected their former Sovereigns, and if, believing this to be the best policy, the Government have forced it or urged it upon France, and if in consequence France has used it as a reason and a pretext for carrying out an object which she appears for a time to have abandoned—if that is the "logic of the facts," and believing the Emperor of the French's argument to be true, then such a consummation—the loss of Savoy to Piedmont and its annexation to France—rests on the head of Her Majesty's Government. Indeed, it is the first fruits they have gathered of the consequence of abandoning the principle of non-interference which they first espoused and first professed to follow, and the fruits to be reaped from which may be far more bitter if they persistently continue in that course. Every man has a right to his opinions on these subjects, and the opinion of Her Majesty's Government, it appears, is, that a strong Government should be formed in Northern Italy. I have the greatest respect for the experience, the abilities, and the judgment of many noble Lords opposite and of their colleagues in the House of Commons, but that is not, in my opinion, the real way to give strength and peace to the Italian people. I conclude that they wish—what I wish and what I believe every man in this country wishes—that Italy should be a free and independent nation, that she should be strong enough to resist aggression, and to take her proper place among the other nations of Europe. But I do not think that the scheme proposed is the best scheme for arriving at such a consummation; and my Lords, I will tell you why. If the strong kingdom to be found in Northern Italy is to comprise the union of the Duchies of Tuscany and Parma, and the Romagna, to Piedmont, and if that has for its consequences the annexation of Savoy to France, how can the northern kingdom, or Northern Italy, be a strong kingdom in a military or strategic point of view? It would, in reality, be open at both ends—it would be exposed at both extremities. France would hold the key of the Alps in Savoy, and Austria would hold the key of Northern Italy on the Mincio. Italy in herself would have no protection at all from the north and from the east, and we all know that the geographical formation of Italy makes it difficult to

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defend it in a military point of view, unless she is in possession of enormous forces. The very shape of Italy, taking the entire country from the top of the boot to the foot, would necessitate its having a navy almost as large as England has to protect her against foreign aggression. Its natural configuration exposes its armies, however strong, to be turned in the flank or rear by sea, and if in addition to that it has the doors of the Alps open at both ends, it is palpable that it cannot be a strong country or one capable of being strongly protected. I do not believe that it is in that kind of strength it must look for its protection. Looking at the character of the Italians, at the divided sovereignties it has possessed for ages, at the different feelings that prevail, and the different dialects that are spoken, I believe Italy would be strong as a nation of confederated States —neutralized, and therefore free, of course, from the interference of the foreigner— and that if thus confederated together they would form what might be called a strong nation. I say so because I believe that constituted into such a kingdom as Her Majesty's Government propose it would only be strong enough to give offence, but too weak to protect itself. Although these are my private opinions as differing from those of Her Majesty's Government, let it not be supposed for a moment that I wish to urge them upon Italy. I would not do so even were I a Minister of the Crown at this moment—unless, indeed, I had official authority to do so, and the people demanded it on the part of those States in my Ministerial capacity. My Lords, let us, in God's name, leave Italy to make its own arrangements and work out its own independence. Let us not interfere or commit ourselves. If Her Majesty's Government have any power and influence over the Emperor of the French, let them induce him to withdraw his army from Italy. In what has been foreshadowed I only see France substituted for Austria—a consummation that I foresaw and denounced more than a year ago. With respect to the smaller matter brought before us by the noble Marquess, the compliment paid to Signor Buoncampagni—I agree with the noble Marquess in regretting that any mark of respect, which was not a very evidently necessary one, should have been paid to that individual. I am no prude in politics. I am not at all disposed to be severe on the ambitious or on any display of party feeling; and if any man ever carried illusions of a Quixotic or chivalrous nature with reference to the generosity of nations and of governments into the midday of life, and it happened that that gentleman happened to reside at the Foreign Office for six months, I will answer for it that they would be expelled. I have no such illusions whatever, but yet I must say there is a line beyond which the greatest indulgence cannot be extended. In the earliest ages it was ascertained that even the divine maxims of the Christian religion were not sufficient to keep society together, and there was a code of honour established by man himself to assist the code of morality; and if nations deal with nations, and erect a code of honour, it is impossible, without its rules being properly observed, that official relations should be properly maintained, and if not, the whole state of society must become one of disruption. I will remind you—and I have excellent authority for what I say—what Signor Buoncompagni did. He stood in the high, and I may almost say sacred character of Minister from the King of Sardinia to a friendly Sovereign, the Grand Duke of Tuscany, and it appears by the evidence of Mr. Scarlett, our own Minister at Florence, that this person was one if not the most active of the conspirators in bringing about the revolution in Tuscany, and in hurling from his throne the Sovereign of that State. To English minds this seems incredible and almost inconceivable. Suppose for a moment that the Sardinian or any other foreign Minister at the British Court should be discovered conspiring with Irish agitators, or any foreign band of conspirators, not only to break the law, but actually to drive the Sovereign from the throne—would it not be looked upon as perfectly incredible? But this was really the case in Tuscany, and before the ink was dry that signed away the Grand Duke's power over his subjects, that gentleman, Signor Buoncompagni, who had been accredited by the King of Sardinia as Minister to the Grand Duke, sat almost in his place, inasmuch as he was one of the commission who managed the Duchy. Now revolution is revolution. We do not expect it to be created without great and extraordinary causes; but that is no reason why you should connect yourself with those who took part in them even in the most indirect way, or pay them useless or unnecessary compliments. I cannot therefore, any more than the noble Marquess, understand why our *chargé d'affaires* went, though apparently without orders, in his official character and in his official dress, to the levée of M. Buoncompagni. If he went without orders, of course these remarks on the Government go for nothing; but there is not one of your Lordships who will be of opinion that with respect to public morality, and in other views of the question, it was right. I have only one word to say with regard to Savoy, and that is to express my surprise at the fact of a more complete statement not having been made to the House on that scheme. Considering the footing which I am glad to see the noble Lord at the head of Her Majesty's Government has established with the Emperor of the French, it appears to me that they ought to be perfectly clear and well informed on the subject. Does the Emperor of the French mean, or does he not mean the annexation of Savoy to France? The question is a short and easy one to ask, and for His Majesty it ought to be an easy one to answer. I do not understand by what process the difficulties have taken place. Her Majesty's late Government, when they had an inkling of this scheme, lost no time in putting the categorical question. The answer Lord Cowley, he believed, gave when the inquiry was put was, that he had no idea of it at all; and, if I recollect the language of Lord Cowley, he said that not only was there no treaty, but that there was no intention to conclude such a treaty. It was quite evident that Lord Cowley did not believe that any such intention was seriously entertained, and then the matter dropped. But it appears that Her Majesty's Government have since had communications with the French Government, and that some proposals have been made respecting the annexation of Savoy. It appears that we have not the papers yet; but what we want to know is, what is the impression of Her Majesty's Government in regard to this matter; if they have had no answer from His Majesty's Government, we can pretty well judge for ourselves whether such a consummation is likely to take place. The matter is of the greatest European importance, because it gives to France the gates of Italy as well as Savoy. It is a question of such importance that Her Majesty's Government must have formed some opinion upon the subject, and unless the noble Lord says at once that it is not for the public benefit, I think we ought to press on him, and expect an answer on this most important point.

The Marquess of CLANRICARDE said, he would beg leave to remind the noble Earl (the Earl of Malmesbury) of the forbearance which was exhibited to himself and the Government of which he was a member last year, when, at a most critical moment they had no particular reason for trusting the noble Earl's management of these matters, the Opposition forbore not only from moving for any papers, but also from originating any discussions, for which many persons were most anxious. The noble Earl, like the noble Marquess (the Marquess of Normanby) had mixed up two questions which he did not believe had any necessary connection with each other—for he had assumed the annexation of Savoy to France, to be part and parcel of the annexation of the liberated States of Central Italy to Piedmont. No such connection existed; and although unfortunately the possible contingency of the annexation of Savoy to France had been admitted into discussion by the Sardinian and French Government, he did not believe any such scheme would be carried out; but he believed, and strongly hoped and trusted, that the consolidation of a strong Italian Government, by the liberated Duchies would be accomplished. The feeling of the country was very strong against the one proposal, and very much in favour of the other. The noble Marquess had blamed the Ministry for having given too great a moral support to Signor Buoncompagni at Florence. But as his noble Friend, the Lord President, had well said, it was not the person that was in question, but the Government. As the noble Marquess was fond of referring to his own autobiography, he would upon this point remind him of the support which in 1848 he, as British Ambassador at Paris, gave to M. de Lamartine, at a time when other members of the Provisional Government of France were doing things and holding language of which no loyal Englishman could approve. It was right to afford support to M. de Lamartine at that moment, because he was rendering services to the cause of humanity and to Europe, which would better secure his immortality, even than would his writings; and for the same reason, so far from blaming Her Majesty's Government for what they had done towards recognizing and strengthening the Provisional Governments of Italy, he (the Marquess of Clanricarde) was only disposed to censure them for not having gone so far as they might in support of Governments, which, in his opinion, were entitled to the admiration of Europe. He confessed that he had listened with extreme pain to the speeches delivered both in the last and the present year by the noble Marquess. There were few Englishmen who would have spoken as the noble Marquess had done with reference to the struggles of the Italians against the most despotic and oppressive Governments which ever afflicted a civilized people; and his belief was that the noble Marquess's information was as incorrect as his political reasoning was erroneous. This he asserted confidently, not only upon authority of the highest kind, but also from what the noble Marquess himself relied upon, personal observation and personal knowledge. The noble Marquess said, that he had long resided in Florence, and was well acquainted with Tuscany; but their Lordships knew that a resident in a country who was attached to a particular clique or party, who adopted their views and lived with them, was often infinitely less informed about what was really going on in the country than might be a stranger, who, if actuated by a thirst for information, could often, in the course of a short casual visit, find out a great deal of which the other had no knowledge. Such we had found to be the case with regard to India; and it was made especially manifest in the instance in which Directors of the East India Company, who had resided in India for twenty years, denied the existence of the torture which was discovered and proved by Mr. Danby Seymour during a visit to that country of only six months. The ignorance of the noble Marquess—to use his own terms—was, he believed, as great as that of the East India Directors. The statements as to Milan were, he asserted, totally erroneous. For many years that city had not been in so happy and contented a state as it was at present; and if there was a little less gaiety than usual, it ought not to be forgotten that for two years there had been a failure in the crops of wine and silk. It might be true, as the noble Marquess said, that the taxation had been increased 15 per cent; but why did he not inform their Lordships what was its amount in Venetia, under the government of that country, from whose rule—for it was really the rule not of the Grand-Dukes, but of Austria—the people of Central Italy had emancipated themselves? The taxation in that country—it was so called by Austria, but it would be termed confiscation by every other civilized people—amounted to 130, and in some instances, for it was levied capriciously, to 200 per cent; that was, people were charged with taxes infinitely greater in amount than their yearly income, and their property was sold to raise these enormous imposts. What did their Lordships think of taxing a man more than his yearly income? There was but one word for it, and that was "confiscation." One might suppose, from what had fallen from the noble Marquess, that the people of Northern Italy only wished that their former benign Governments should be restored to them; but to that statement he gave the most direct and flat contradiction. [The Marquess of NORMANBY: I said no such thing.] At all events, the noble Marquess said there was great discontent under the present system, particularly at Milan. He (the Marquess of Clanricarde) had witnessed the Reform agitation, and some contested elections, and he had lately been present at a demonstration in Italy; and never had he witnessed before, among all classes of the people, such enthusiasm, unanimity, order, and happiness as at Milan during a demonstration there of popular feeling. It was all very well to say that a stranger might have been deceived; but a person coming from a free country might generally be supposed to know something of popular demonstrations, and could easily collect from his intercourse with different parties whether their sentiments were real or not. He had also visited Parma, and here he must say he was sorry the noble Marquess should have thought it necessary to bring into discussion the conduct of the late ruler of those countries. For his own part, he had reason to know that, with the exception of a few persons attached to the Royal household, by whom the departure of the Ducal family was regretted, there was but one feeling of anxiety among persons of wealth and respectability, to get rid of the system of government under which they had hitherto lived. He warned the noble Marquess that there were documents in existence the signatures to which could not be denied, and which, if laid before their Lordships, would not redound to the honour of the Princes who had been removed from the thrones of Italy. What was the so-called Papal Government in Bologna and Romagna, and how had it been carried on? It was notoriously a Government under which life and property were not secure from the rapacity of Austrian commanders and the pillage of Austrian soldiers; while, on the other hand, it offered no protection from the banditti and malefactors of the country. It was a Government under which several young men, under twenty-one years of age, were shot one morning for ordinary delinquencies. What would be thought of a Government under which a man was shot by Austrian soldiers for having stolen four baiocchi (about 2*d.*), and whose sentence recited that he had committed a simple act of robbery unarmed? The fact was that Austria, and not the Pope, had governed Bologna. He was as anxious as any one for the maintenance of the Pope as a temporal Sovereign. He was aware that a great number of good Catholics thought it would be better if the Pope were not a temporal Sovereign at all. Looking, however, to the state of the Christian world, and of Europe, it was his deliberate and well-considered opinion that it is most desirable for Europe, and for those rulers who had Protestant subjects, that the Pope should occupy an independent position as a temporal Sovereign. Austria, however, had been more anxious than ever had been Sardinia to obtain possession of Papal territory, and had filched from the Pope a portion of his States. He was deeply concerned that there should be so much delay in settling the Italian question. He asked their Lordships to consider the position in which the Provisional Governments in Italy were now placed, and to see the importance of a strong Government being established as speedily as possible in that country. The movement that had been going on in Central Italy was under the control of the most influential and wealthy men, and was sympathized in by all who had an interest in the establishment of peace. He defied the noble Marquess to produce at that table a list of men in Tuscany and Bologna who would form a better selection of representatives than that which the Assembly contained. He held in his hand a list of 169 representatives, among whom were to be found not only many of the old historical names, but the most distinguished of modern times. The list comprised two Princes, twenty-nine Marquises and Counts, twelve Knights, six men of high military rank, twelve professors and men of learning, four ecclesiastical dignitaries, four judges, and so on. The Provisional Government had a very difficult part to perform. They had not only to encounter those wh favoured the return of the Dukes, but also the Revolutionary party, with whom it would be extremely difficult to deal, unless there was the speedy prospect of a strong and free Government being established. They had been told by France and Sardinia that they must be exceedingly quiet and cautious in all their movements. If the people of Italy had been told to remain as they had done for six months, and that at the end of it they might be assured of their liberties being secured to them, he could have understood it; but everything was left vague and indefinite, and he feared that unless a speedy settlement was arrived at, there was great danger of a renewal of the war. He cautioned the Governments of France and England that if great care was not taken there would be a renewal of the war. Austria was now constantly sending recruits to the army in the Papal territory; and he had heard it said that not fewer than 800 men had been despatched at one time from Trieste to Ancona. That, if true, appeared to him to be an infraction of the neutrality which had been agreed upon. He had thought it right to make these remarks, because he considered the Provisional Government of Italy and the people of Italy had been most unfairly treated by the noble Marquess. His noble Friend might now go from one end of that country to the other, and walk about the towns at all hours in a great deal more safety than he could ever have done while it was under the Austrian rule. The noble Marquess in his zeal for the Grand Duke of Tuscany seemed to forget all that had passed in 1848. When the Grand Duke was expelled by the revolution in 1848, he was recalled by the party now in power; he gave in his adhesion to the state of things then adopted, and pledged himself solemnly to administer the Constitution which was then established, and the first thing he did was to strike a medal in honour of the persons who established it. But he afterwards forfeited every pledge he had given as soon as he found himself supported by the arms of Austria, and totally abolished the Constitution. He believed that the Grand Duke, had he proved faithful to the Constitution, would have been most acceptable to the Italians. The question now was, whether there was to be for ever bad or good Government in Central Italy, and he trusted the Italians—and that without loss of time—would be permitted freely to institute the form of government which would be most pleasing to themselves.

Earl GRANVILLE was understood to explain that the despatches which had been recently received from Earl Cowley made no allusion to any territorial acquisitions on the part of the French Government.

The Earl of CARDIGAN thought that nothing could be more desirable than that Her Majesty's Government should endeavour to prevail on the Emperor of the French to withdraw his army from Northern Italy. But the case of the occupation of Rome by French troops stood on different grounds; and he believed that before one hour elapsed after the withdrawal of those troops the lives of the Pope and the Cardinals would be in the greatest peril. The noble Earl, the President of the Council would bear him out when he said that the Government of the Pope and the Cardinals, as it was constituted in Rome, was of so hateful, arbitrary, and intolerable a nature, that there was none more unpopular, and that to leave it without the support of French troops would be to endanger the safety of all the authorities there—unless, indeed, the French were to be replaced by Austrian troops.

The Earl of DERBY said, their Lordships need not be under the least apprehension that he was going to follow, much less reply to, the very discursive speech of the noble Marquess opposite (the Marquess of Clanricarde). He concurred with the noble Earl, the President of the Council, that, the papers having been laid on the table of both Houses of Parliament only on the previous evening, any further discussion of the question raised by his noble Friend would be premature. But certainly it would not be desirable to enter into the various topics which the noble Marquess opposite had imported into his speech, including allusions to the biography of some of the Princes and statesmen of Italy, to his own early reminiscences of the time when he presided over an institution of the friends of civil and religious liberty, to the history of the old Catholic Association, and to the language held by the disciples of Dr. Cullen—topics by which he had to a considerable extent amused and enlightened their Lordships. He (the Earl of Derby), not having been in Italy for thirty-eight years, and not being possessed of that twenty years' experience which, according to the noble Marquess opposite, was necessary to make a man ignorant; nor, on the other hand, having made that quick transit through a country by which one suddenly became acquainted with all the circumstances of which twenty years' residence made a person ignorant, he should certainly not attempt to express any opinion as to the personal character of the gentlemen whose names had been introduced into the debate, nor to discuss the merits of the different Assemblies.

"Non nostrum inter vos tantas componere lites."

This, however, he would say, that the Italian topic was becoming day by day more important, and it probably might be necessary in the course of the present Session to discuss in a more deliberate manner the state of Central Italy. He was afraid events there were acquiring alarming importance, and he thought their Lordships' attention should be steadily directed to the country. But, while deprecating at that moment any further discussion, he was anxious to ask the noble Earl opposite a few questions. In the first place, would the noble Earl inform the House whether the papers that had been laid on the table would contain the latest information which the Government were enabled to afford on one of the subjects—and that the most important one—to which the noble Marquess had directed attention? If those papers would contain the latest information on the subject of the supposed intention to annex Savoy to the French dominions, he (the Earl of Derby) had not another word to say, and he would wait their appearance. On the other hand, if they would not include that information, he must take the liberty to ask whether the noble Earl would afford any information to the House with regard to the present intentions of the Emperor of the French as to the annexation of Savoy, and the light in which Her Majesty's Ministers regarded that policy. If the noble Earl was unable to give that information, he (the Earl of Derby) was compelled to tell him that the irresistible conclusion would be either that the noble Earl and his colleagues had not dealt very ingenuously with that and the other House of Parliament, or that they had been kept in a state of ignorance and consequently deceived as to the intentions which our Imperial Ally entertained on the subject in question. The answer recently given in both Houses of Parliament was to the effect that in the month of July last Her Majesty's Government had a communication with the Government of the Emperor of the French, and had been assured that there was no intention to propose or suggest the annexation of Savoy to France. Her Majesty's Government went on to inform their Lordships that they had intimated to the French Government that such a project would meet with their entire disapprobation. Was it or was it not true that since July, and previous to that question having been put and answered in both Houses of Parliament, a further communication had been received from the French Government that an alteration of opinion had taken place on the part of the Emperor of the French? If there had been such a subsequent correspondence, he (the Earl of Derby) was compelled, however painfully, to say that the Government, in giving the answer they did, merely referring to earlier communications, gave an answer which, though true to the letter, at the same time left both Houses of Parliament under an erroneous impression on a matter of the deepest importance. If, on the other hand, when the Government gave that answer, they were still under the impression that the Emperor of the French adhered to the views expressed in July last, but that since then they had ascertained from conversation, or otherwise, that a different opinion prevailed which had been concealed from them, then he thought it was a most unfortunate state of feeling, and the relations between the two countries were very different from the state of perfect confidence and harmony which it was the boast of the present Government to have established. He thought, therefore, Parliament was entitled to ask whether Her Majesty's Government had any reason to believe that there had been any change of views on the part of the French Government since July last with regard to the annexation of Savoy; whether any communications had been made to them upon the subject, and whether they had expressed their opinions upon the annexation. If the noble Earl should say that negotiations were still going on and that the correspondence had not been concluded, he (the Earl of Derby) had not a word further to say, but would wait the production of that correspondence for an explanation of the course that had been pursued. But he would entreat the House to mark the position in which they now stood. Her Majesty's Government had given them no information on the subject of a later date than the month of July; and the correspondence, when it is produced, would tell their Lordships whether, when they gave that answer they had in their possession communications of a later date, showing that that correspondence had been again renewed. The foreign journals, who were under strict control, and would not be allowed to discuss the question without the sanction of their Government, made no scruple in treating of the annexation as virtually decided upon. He did not ask the Government to say whether that was the case, but he hoped they would take the earliest opportunity of telling us the substance of any information they may have received, and we can then judge what might have been done if we had had the information sooner. The other and much less important question which he had to put was only to ascertain whether he had correctly understood the noble Earl. The Motion of the noble Marquess was for

> " Copies of any instructions from the Secretary of State to Her Majesty's Chargé d'Affaires at Florence, who is not accredited to the Provisional Government there, directing him to attend the official reception on the 1st of January of Signor Buoncompagni, now acting as Governor General of Tuscany."

He understood the noble Earl (Earl Granville) to say that no despatch had been written instructing Mr. Corbett as to the course he should pursue; but what the House ought to know was, what were the real facts. Did Mr. Corbett officially attend at a public reception of M. Buoncompagni, to whom he was not accredited by the Government? Did he take a course different to that taken by other Ministers residing at that Court? Was he in possession of the views and wishes of Her Majesty's Government before doing so? And if he had received no instructions, but acted upon his own responsibility, did Her Majesty's Government subsequently signify their approval of his conduct? He (the Earl of Derby) did not intend to enter into the question of whether the course taken was a correct one or not, although he had a strong opinion upon that point; but he wished to know what were the real facts.

EARL GRANVILLE, in reply to the first question of the noble Earl, said he had last week stated the most recent answer of the French Government, and he had also stated that negotiations were still proceeding between the Governments upon the subject, and that therefore he could not produce the papers. In answer to the second question, he had only to state that no other instructions were given to Mr. Corbett by the Government than a direction that if M. Buoncompagni should come to Florence as the head of the Government, he should be treated with every respect and in the same way as other Ministers did.

THE EARL OF DERBY thought that when such general instructions were given to Mr. Corbett, the Government could not say they had given no instructions to that gentleman with respect to his official reception; and it was still more impossible that the Foreign Office could be ignorant of a fact so significant in diplomacy as whether the representative of England had attended, in an official capacity, the public reception of a gentleman at the head of a Government to which he was not accredited. If they had received information of the fact, he wished to know whether or not they had approved of his conduct?

LORD WODEHOUSE thought the noble Earl had assumed too much. Did Mr. Corbett attend in an official capacity? He could not have attended in such capacity, because he had no credentials. That gentleman's position was simply this:—When the Grand Duke retired, the noble Earl who was then Secretary of State for Foreign Affairs (the Earl of Malmesbury) instructed Mr. Scarlett to maintain, not "official," but "officious" relations with the Provisional Government. When the present Government came into office they were of opinion that it was unnecessary to retain Mr. Scarlett there, and accordingly they directed the Minister to leave, and that Mr. Corbett, the Secretary of Legation, should remain in the same "officious" capacity as Mr. Scarlett had been. There was no official character attaching to him at Florence, and no act which he could do would involve the recognition of any Government there by Her Majesty's Government. As his noble Friend (Earl Granville) had stated, it would have been undesirable for the Government to inquire into the source or nature of the authority of M. Buoncompagni, since their real position was one of officious relations with the authority for the time being, no matter how it had been established, if it was established for the preservation of peace and order. The noble Earl had expressed astonishment that the Foreign Office should not have been informed of the prodigious event of Mr. Corbett's attending Signor Buoncompagni's reception. Speaking from memory, he might say that Mr. Corbett did not report that circumstance; but, if he had done so, no very grave importance could have been attached to it. Whether he was right in going at all was of no consequence, as he was acting under instructions placing him only in an officious position; and he (Lord Wodehouse) ventured to say that no authority could be produced to show that a person so placed could, by attending an official reception, compromise his Government to the recognition of any other Government.

THE EARL OF MALMESBURY thought the noble Lord had not answered the question whether other Ministers attended officially. The noble Lord must know that an official reception compromised any gentleman in the position of Mr. Corbett if he attended it at all. If Mr. Corbett did attend that official reception without instructions, he (the Earl of Malmesbury) could only say that that gentleman committed an act which must be called extremely "officious" in another sense.

THE EARL OF ELLENBOROUGH said he could not understand how the correspondence respecting the suggested annexation of Savoy and Nice came to be confined to the Governments of England, France, and Sardinia. Our interest in the matter must be shared by every other European Power; in fact, our interest is not so immediate as that of some other Powers. He questioned the right of the King of Sardinia to give Savoy to France without the consent of all the Powers which gave Savoy to his House. Let their Lordships remember the position of the House of Savoy before the Treaties of 1815. The King only retained possession of Sardinia, and that under the protection of our fleets; but the treaties restored him to his ancient dominions, and added to them Genoa, for the especial purpose of making Sardinia stronger, and preventing that influence of France over Italy which had been so injuriously exercised in former times. Any attempt on the part of the King of Sardinia to yield Savoy to France without the consent of the Powers which gave it to him would be an act of treachery to them, and, further, would be an act of treachery to the people of the Central States of Italy, who had shown such confidence in him as to desire him to be their ruler. Savoy was the frontier of Italy. All those Italian States, which at no distant period expected to be united to Piedmont, were as deeply interested in the continued possession of Savoy and Nice by Piedmont as was the King of Sardinia himself. It was, indeed, stated that Piacenza was to be given to the King of Sardinia, and they were told much of the strategical importance of that place; but Savoy and Nice are strategically much more important than Piacenza; and, indeed, if the King of Sardinia had the option of having all Tuscany and giving up Savoy and Nice, or of keeping Savoy and Nice without having Tuscany, he would, if he understood his own position, without hesitation keep Savoy and Nice. This was not the occasion on which to enter fully into the subject, but he felt most deeply with regard to it, and he did hope that at no distant period their Lordships would be afforded a regular opportunity of expressing their opinions.

THE MARQUESS OF NORMANBY said, that, agreeing, as had been stated, on both sides, that this discussion should not now be prolonged, he would detain their Lordships by a few words only in reply. He accepted the assurance of his noble Friend (Earl Granville) that no discourtesy was intended on Friday last. The noble Earl was mistaken in thinking he asserted positively that the letter in question was written by Count Walewski. What he did say was, that the letter bore internal evidence that its contents must have been communicated from Count Walewski. He must next condole the noble Marquess (the Marquess of Clanricarde) on the failure of his well-prepared attack. It must have caused the noble Marquess some pains to examine so very carefully into his (the Marquess of Normanby's) despatches in 1848, and try to establish a discrepancy between his present objection and his declaration then, that he thought M. Lamartine deserved all the support which Her Majesty's Government could give. But in saying this he intended to raise no question of the recognition of the Provisional Government; and, therefore, the noble Marquess had fallen into what, in his own country, would be called a blunder, and, in the country which he had been lately visiting, a *fiasco*. With regard to the reception which Mr. Corbett had attended, it should be remembered that a reception on New Year's-day bore on the Continent a peculiarly official character. The French *chargé de affaires*, it seemed, wrote to his own Government to ask whether he should attend it; and it was understood at Florence that he had a reply in the negative. It was very unusual that, under such circumstances, the British representative should have been present, and it was still more extraordinary if the British Government had not been informed of it.

THE MARQUESS OF **CLANRICARDE** said, that the expression he had quoted was not contained in any despatches, but in the Diary written by the noble Marquess.

THE MARQUESS OF **NORMANBY** said, that whether despatch, diary or biography, his noble Friend's object was to establish a case of inconsistency; and he thought that he had established to the satisfaction of all, even of the noble Marquess, that no such inconsistency had been found to exist.

Motion for Address for Instructions, &c. (by leave of the House), *withdrawn.*

Motion for Address for Return of Dates, &c., *agreed to.*

House adjourned at a quarter past Eight o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 14, 1860.

MINUTES.] NEW MEMBERS SWORN.—For Gateshead, William Hutt, esquire; for Hertford Borough, Right hon. William Francis Cowper. PUBLIC BILL.—1° Mines Regulation and Inspection.

THE SPANISH DEBT.—QUESTION.

LORD **BURGHLEY** said, he wished to ask the Secretary of State for Foreign Affairs what is the exact amount that Spain has agreed to repay to this country; and whether she has consented to do so spontaneously, or at the request of the present or the late Government?

LORD **JOHN RUSSELL** said, that the exact amount of the debt was £496,385. The application for payment of the debt was made in a despatch addressed by the Earl of Malmesbury, dated November 17, 1858. The negotiations had been continued from that time, and the present Government found them still going on when they came into office. He must say the Government of Spain had throughout behaved with the greatest fairness and candour with regard to that debt, when it was properly ascertained, according to their view, of what the sum really was. Mr. Buchanan had also pursued the negotiation with the greatest prudence and judgment, and at the end of the last year the Government came to an agreement on the subject, the result of which was the payment of the sum in question.

THE REFORM BILL.—QUESTION.

MR. **EDWIN JAMES** said, he rose to ask the Secretary of State for Foreign Affairs, to what period he intends to postpone the introduction of the Bill for Reform of the Representation of the People in Parliament.

LORD **JOHN RUSSELL**: In answer to that question I beg to state that I propose to take the ballot on Thursday, and if I am successful in getting a pretty high place in the Paper I propose to bring in the Bill on Thursday, the 1st of March, which is a day not inauspicious for the introduction of a Bill on this subject. If I am not successful I shall ask leave to introduce it on Friday, the 2nd, or Monday, the 5th of March.

WINE AND MEDICINES FOR THE NAVY. QUESTION.

LORD **CLAUD HAMILTON** said, he desired to ask the Secretary to the Admiralty Whether the attention of the Board has been directed to the quality of the wine supplied to the Navy for medical purposes, it having been described as unfit for the use of invalids, although exempt from duty. And, also, whether he can give an assurance to the House that the drugs supplied to the Navy are not of an equally adulterated and deleterious description?

LORD **CLARENCE PAGET** said, that drugs for the use of the navy were supplied from Apothecaries' Hall, and therefore were of the best of their kind. With regard to the wine no complaint had been made from any of the ships. But the statement of his right hon. Friend the Chancellor of the Exchequer the other night caused some little sensation at the Admiralty, and therefore they were making inquiries into the subject.

THE FRENCH ARMY IN NORTHERN ITALY.—QUESTION.

MR. **DARBY GRIFFITH** said, he would beg leave to ask the Secretary of State for Foreign Affairs Whether preparations have not been made for placing the French army in Northern Italy in a state ready for immediate active service, and a Military Intendant and Staff sent to Tuscany to prepare for the arrival of French troops there; and whether such preparations are made with the intention of occupying any part of Central Italy by French troops, in order to "protect the voting" should fresh elections be resorted to, or for any other ostensible object?

LORD JOHN RUSSELL said, the Government had heard of no preparations for putting the French army in Northern Italy in a state of active preparation, except that the number of men in the cavalry having been described as not being sufficient to take care of the horses, an additional number were sent for the purpose. With regard to a military staff and intendant being sent into Tuscany as reliefs, all he could say was, that he heard constantly from Her Majesty's Minister at Florence, and no rumour of any such arrival had reached him or was mentioned in his despatches, nor were any preparations being made to protect the voting. His answer generally was that no such preparations were in progress as those referred to by the hon. Gentleman.

TREATY OF COMMERCE WITH FRANCE.

QUESTION.

MR. EWART said, he rose to ask the President of the Board of Trade, Whether, in the Treaty of Commerce with France, the English or the French is understood to be the correct version of Article 10, "the privileges, favours, or advantages granted to national vessels" being stated in the English version to be granted "generally," while in the French they are stated to be granted "*sans exception.*"

MR. MILNER GIBSON said, he believed it was understood that the French and English versions of Article 10 of the Commercial Treaty with France had exactly the same meaning. The precise words perhaps might not appear to correspond, but the general meaning of the two versions was exactly the same. He begged to assure the hon. Member that neither by the English nor by the French version would the privileges of the freemen of Liverpool, as regarded their exemption from certain local dues, be affected.

LUNATIC POOR IN IRELAND.—QUESTION.

COLONEL GREVILLE said, he wished to ask the Chief Secretary for Ireland if it is the intention of the Government to introduce a measure to consolidate and amend the law relating to the Lunatic Poor in Ireland?

MR. CARDWELL said, that a Bill which he had in contemplation on this subject would not be proceeded with, and there was no intention on the part of the Government to bring in any further measure.

THE MADRAS IRRIGATION AND CANAL COMPANY.—QUESTION.

MR. SMOLLETT said, he would beg leave to ask the Secretary of State for India, Whether application has been made on behalf of a London Joint Stock Company, called "The Madras Irrigation and Canal Company," for the guarantee of a *minimum* interest of 5 per cent per annum, payable from the Indian revenues, upon a capital of two millions sterling, for the purpose of enabling the said company to prosecute certain irrigation schemes in Cuttack and in other districts of Orissa; and whether it is intended to accede to this proposal?

MR. T. G. BARING said, that an application had been addressed to the Secretary of State for India in Council for the guarantee in question, but the application was refused; and, he might add, that it was not the intention of the Secretary of State for India to accede to any such proposal.

THE MAYNOOTH GRANT.

MOTION FOR COMMITTEE.

MR. SPOONER said, he would have most willingly withdrawn from the discussion of a subject which he had so often brought under the notice of the House, but that he had been induced from the first to bring it forward by the thorough conviction that the continuance of the Grant to Maynooth was a national sin, and would at some time or another produce terrible consequences to this country. He retained the opinion that it was a great national sin, and he believed that it was already bringing forth its fruits. No one who read the papers could fail to see that the priests educated at that College had been most mischievous in exciting feelings of disloyalty towards Her Gracious Majesty and hatred to the Protestant Reformed Church. He hoped that he should not have to detain the House long. In fact, he found from the state of his eyes, that it would be impossible for him to do so. He had often experienced the indulgence of the House, but he had never more need of it than on the present occasion.

The education at Maynooth was now producing its fruits, and he would first of all show this by comparing the language held by the Roman Catholic Bishops in 1792, when they were humble suppliants for relief, with that held at a meeting which lately took place in Dublin by Dr. Paul Cullen, who had been unconstitutionally recognized in that fantastical and farcical inquiry called Lord Harrowby's Commission, by the illegal title of the "Delegate Apostolic" in Ireland. In a petition presented to the Irish Parliament in 1792 the Irish Bishops held this language:—

> "We solemnly and conscientiously declare that we are satisfied with the present state of ecclesiastical polity; we acquiesce in the establishment of the National Church; we neither repine at its possessions nor its dignities, and we are ready on this point to give every satisfaction in our power."

In another petition, 1808, they said—

> "Your petitioners most solemnly declare that they do not seek in any way to encroach upon the rights, privileges, possessions, or revenue appertaining to the Bishops and Clergy of the Protestant Church."

Contrast this with the language held by Dr. Cullen at a meeting in Dublin not long ago, which was received with "loud cheers."

> "No country," said he, "presents such a nuisance as the Church establishment in Ireland, with its mitred dignitaries, its universities, schools, and its enormous wealth derived from the confiscation of the property of our ancestors—a nuisance which, if it existed in any other country, would be daily denounced by all shades of the British press."

These were the abominable opinions which the British people were compelled to pay for teaching. The next point which he wished to submit to the House was a declaration of Dr. Moriarty, President of Allhallows, Drumcondra, who was one of the witnesses before the late Commission, on the subject of the oath of allegiance. He had often made a charge against Maynooth that the doctrine was taught there that oaths must be dealt with in an equivocal way; that there was no sin in swearing one thing and meaning another. The quotations which he had given to prove that had never been refuted or denied; and he now made this charge, that doctrines

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were taught there completely subversive of the oath of allegiance. In his examination Dr. Moriarty was asked, "Are there no circumstances under which the Pope could release subjects from their oath of allegiance?" His answer was boldly, "Most emphatically I say none;" and then came his Jesuitical "but," which was this,—"but there are certain cases where the allegiance of subjects ceases, and where the Government of the country may be justly overthrown, and I consider the Pope is the best and fittest authority to decide in many cases whether such circumstances have arisen." The power of the Pope was represented as merely declaratory, and not involving the allegiance of the subject. In answer, however, to the next question, whether the Pope would not thus have removed the obligation from the conscience, the answer given was, "he could declare it removed." He confessed that, not being himself a Jesuit, and not having received his education in a Jesuit's College, he was unable to realize the distinction. The examination proceeded:—"But the declaration of the Pope would have the effect, would it not, of removing the obligation from the conscience?" "No," was the reply; "he merely decides and declares that it is removed." He was then asked, "With whom does the responsibility rest? Is it [the responsibility of disobeying] removed from the party by virtue of the opinion expressed by the superior authority?" Answer—"Were we to consult the Holy See upon our allegiance or obedience to our temporal Sovereign, and that an answer were given us, it ought to satisfy the consciences of Catholics, considering that we know it to be an authority divinely appointed and divinely assisted for our guidance in the way of salvation, and consequently in the path of duty." Was the State to continue a system of instruction which not only declared persons to be absolved by the Pope from their oath of allegiance, but entered into the reasons for that release? Such a course he held to be a violation of the coronation oath taken by the Sovereign, and opposed to the Articles of the Church, to which many who heard him had expressly declared their assent. If the case rested there, it ought to be strong enough to prevent any Government or house of representatives from daring to tax the people for the maintenance of such an Institution. But he went further, and charged those connected with the College of Maynooth with teaching doctrines completely subversive of the allegiance due to the Throne, and dangerous to the Constitution by the Divine blessing established in these realms. At a public assembly held in Dublin on the 9th of November last (the same above referred to), the Pope's delegate, Dr. Cullen, had thus expressed himself:—

> "Again, when, to gratify the ambitious views of a Dutch Prince, the daughter of a weak and unfortunate Monarch, forgetful of the ties of gratitude and kindred, banished her father (James II.) from his hereditary dominions, did not the Catholics of Ireland resist the torrent of Dutch Calvinists, and French Huguenots, and Scotch Covenanters, and English Evangelicals let loose upon them; and, though they were weak and unfriended, did they not defend with valour and energy the cause of Royalty and their King?"

Was not this a gross insult levelled at the present dynasty? At the same meeting a gentleman named Reynolds, formerly a member of that House, incidentally mentioned the name of the Queen, which was hissed from one end of the room to the other, while a reference to the Pope was hailed with three cheers. These were not trivial ebullitions of the moment, but were evidences of a deep-seated feeling, which only required opportunity to become dangerous. There was one particular doctrine of the Roman Catholic Church, for the inculcation of which, among others, this £30,000 was paid—namely, that all who were baptized, whether by Protestant Ministers or by Protestant laymen, became, by the fact itself, members of the Roman Catholic Church, and subjects of the Pope, to whom they owed allegiance. It was true that Protestants might renounce the benefits to which they thus became entitled, but by so doing they rendered themselves heretics, and liable in the eye of the Church to punishment, even to the extent of death. As long as Roman Catholics were weak it was vain for them to hope for the infliction of these penalties; but if ever power once more fell into their hands, those who had heretically refused communion with their Church would become the legitimate objects of their attack. That these doctrines did exist and were entertained he had proved by quotations in former addresses to the House. He implored hon. Members not to treat the matter lightly, for it was not to be supposed that sins such as he had described could be suffered to go on with impunity. Where were the Ministers of the Crown—where was the Attorney General for Ireland—that they had taken no move in the matter? In former days similar attacks against the honour and dignity of the Crown would not have been suffered, but would have led to legal prosecutions, and, if, necessary, the Representatives of the people would have addressed the Queen to instruct her Ministers to cause the Law Officers to defend the religion which they had sworn to uphold. The Throne and the religion of the State in these days, however, were no longer assailed by attacks slily insinuated, but by aggressions boldly and impudently avowed. A remarkable article had recently appeared in the great leading organ of the press, which had never yet been found supporting what could in any way be termed bigoted opinions, (and had constantly charged him (Mr. Spooner) with bigotry, while it gave him credit for honesty); and he trusted that the document to which he referred would have its full weight with the House and with the public. What said this great organ of opinion now? It said—

> "It is only due to the memory of men who underwent much obloquy for the time, and were even treated with a peculiar and galling kind of contempt not usual in English political warfare, to ask ourselves, after an experience of just thirty years, which side was in the right? Have the results been in accordance with the sanguine anticipations of Canning, of Mackintosh, of Grey, and of Brougham, or has the measure turned out as was predicted by Lord Eldon, 'that hater of all that was liberal and pleasant,' and by Lord Winchilsea, at whose tirades we have all laughed so heartily? There is, unhappily, no doubt about it; the genius, the liberality, and the eloquence were wrong; the narrowness, the bigotry, and the prejudice were right. Ever since the day of deliverance the conduct of the Roman Catholics has more and more confirmed the predictions of their enemies, more and more disappointed the anticipations of their friends. . . . . It would be childish to deny that we have raised up among ourselves a party which is neither Liberal nor Conservative, neither English nor Irish, which holds its allegiance to a foreign Power paramount to its allegiance to its domestic Sovereign. . . . Where but in a Roman Catholic meeting, presided over by a Bishop, and harangued by Deans and Canons, could the name of the Queen be received with a burst of disapprobation which rendered the speaker inaudible from the very voices which yelled out a determination to fight for the Pope? From whom but a Roman Catholic Bishop could one hear it laid down that it was the duty of a constituency in these islands to exercise their influence on their representatives to induce the Government to put down a rebellion in a foreign State; and only because that tyrannical Sovereign was the head of their Church, and they had therefore a vested interest in perpetuating his tyranny and corruption? There is no divided allegiance, as was apprehended. The allegiance is wholly

given to one person, and nothing is left for the Queen but yells of disapprobation and the accusation of having starved two millions of her subjects."—*The Times*, December 13, 1859.

Was all this to go on, or would they do something to stop it? He had always said that the fruits of Maynooth teaching would one day be seen; were they not now visible? Yet did not the members of the Government consult the Popish party in all they did? And those he generally acted with did so a great deal too much. Both parties tried too much to reconcile those who would never be reconciled, but who would go with both parties just as far as would serve their purpose, and enable them to carry out their disloyal and rebellious opinions. (Hear, and No). Let those who cried "No" contradict the facts he had stated. Let them prove that these meetings had never been held, that such speeches had never been made. He challenged denial of what he had stated. He had differed from Lord Eldon on the question of emancipation, for, judging from what he saw of the conduct of Roman Catholic gentlemen at that time, he did not fear admitting them into Parliament, and what assistance he could render them out of the House he gave them. But it was done in ignorance of that priestly domination in which another generation had been nursed up, and the doctrines subversive of everything loyal that had been taught from Maynooth to the deluded Papists of Ireland; those doctrines would on any opportunity lead them to unite themselves to any enemy who might attempt to change the succession, and go back to the line of that poor Prince who was so shamefully used, as the Pope's delegate had said, by his own child. It was an extraordinary fact that there had been a change in the books used at Maynooth. Bailey's "Moral Theology" was formerly used, which taught, on the validity of marriage, that the rite was good and binding though not celebrated by a Roman Catholic priest. Bailey's work was now superseded by Scavigni's, with the approval of the Pope. Scavigni's work taught that no marriage was valid unless celebrated by priests of the Roman Church. By this teaching the Queen of these realms was only nominally married, and consequently the issue of that marriage were illegitimate. Were they prepared to give such doctrines all the authority of the House by voting a grant to teach them? There was a descendant of the Stuarts still existing, who, but for the Act of Settlement and the Protestant oath now required, would undoubtedly be the heir to the throne of England. If they permitted it to be taught that the children of the English Sovereign were illegitimate, and any persons should attempt to act on that belief, could they be prosecuted as traitors and rebels, would not such persons turn round and say, "You taught it, you paid for the books from which we learned it." They were standing in a most dangerous position. Their duty was to defend their Queen's rights, privileges, honour, character, and dignity, and yet they were paying money to those priests who taught their flocks that Her Majesty was not their rightful Sovereign, and that her children were illegitimate. He felt that he had already trespassed too much on the attention of the House, but he had one or two more observations to make. He wished for many reasons that the Chancellor of the Exchequer was in his place. What were the opinions of his right hon. Friend on this subject? He knew the opinions of his right hon. Friend had been changed, but they had made too deep an impression on his (Mr. Spooner's) mind for him to change them; they remained there unshaken and immovable. The worst thing he would wish for his right hon. Friend was, that he should come back to his old opinions, and stand forth as the powerful defender of the rights of the Protestant Church. What did his right hon. Friend say on the subject in his well-known book — *The State in its Relations with the Church.* There was this remarkable paragraph in that book—

> "The support of the College of Maynooth was originally undertaken by the Protestant Parliament of Ireland in the anticipation—which has since proved miserably fallacious — that a more loyal class of priests would be produced by a home education than by a foreign one, and that a gradual mitigation in the features of Irish Romanism would be produced when her Ministers where no longer familiarized with its condition in Continental countries where Romanism is the religion of the State . . . . . Instead of which it has been found that the facility for education at home has opened the priesthood to a lower and less cultivated class, and one more liable to the influence of secondary motives. It can hardly be denied that this is a well-merited disappointment."

As to the grant—

> "In principle it is wholly vicious, and it will be a thorn in the side of the State of these countries so long as it is continued. When foreigners express their astonishment at finding that we support

> in Ireland the Church of a minority, we may tell them that we support it on the high ground of conscientious necessity for its truth, but how should we blush, at the same time, to support an institution—Maynooth—whose avowed and legitimate purpose it is constantly to denounce that truth as falsehood. . . . . If, indeed, our faith be pledged to the College, by all means let us acquit ourselves of the obligation ; but it is monstrous that we should be the voluntary feeders of an establishment which exhibits at once our parsimony, lax principles, and erroneous calculations."

These were the sentiments of his right hon. and much respected Friend—not declared in the heat of debate in a hasty speech, without due consideration and reflection—but deliberately published to the world with the sanction of his high name. As to the alleged compact, how did it stand? When was it made? Certainly not at the Union—it never formed any part of that treaty; but even were it so (which is clear it was not), it has long since ceased; for all the grants to the charitable and public institutions, made by the treaty, were only to last for twenty years. Certainly it was not made by that House. The vote for the support of the College was granted annually in the estimates, and might be withheld at any time. It was actually withheld in one year when Mr. Perceval was Minister. It frequently varied in amount. The present arrangemen had been made by Sir Robert Peel without any consideration; who held that we were perfectly free to repeal it at any time, if we found it did not answer the intended purpose, and if the message of peace was not received in a spirt of peace—those were his (Sir R. Peel's) words. Exactly the same view was held by the noble Lord the Secretary for Foreign Affairs when the question of compact was discussed. Compact there was none. Parliament freely gave, and Parliament could take away. The plea on which it was given by Sir Robert Peel was that it would prove a message of peace to Ireland, and promote the feeling of loyalty among the Roman Catholic priests in that country. Had this expectation been realized? Did they not know that juries were frequently so much under the influence of the priests as to give verdicts contrary to the direction of the Judges on points of law, and contrary to the clearest demonstration of fact, their conduct amounting, in truth, to an utter perversion of justice? There was another question he had already hinted at, and to which he wished more fully to refer—he meant the conduct of Parliament in regard to the Coronation Oath. What did they require when the Sovereign of this country was crowned? He called the attention of hon. Members to the words of that solemn oath which Her Majesty took in ratification of the sacred compact between Her and Her people in presence of Almighty God. [The hon. Gentleman here read the words of the oath from the printed form.] After administering that oath how could they require Her consent to a grant to Roman Catholic priests who taught that the very truths She swore to maintain were but falsehoods? It was not likely that he should have an opportunity of again addressing the House on this subject, but he could not leave them without once more expressing his earnest opinion that by supporting Maynooth they were committing a great national sin; and they might rest assured that although individuals were punished for their sins in another life, nations were always punished in the present world, and punished by the subversion of their rights and privileges. God forbid that it should be so with this country! but they had been too long going on in their present sinful course, and he called on them as they professed to be Christians—both those belonging to the Established Church and Nonconformists—to use their endeavours to put down this monstrous system. Those who claim to be the friends of civil and religious liberty should remember that wherever Roman Catholicism was predominant its clergy were hostile to that principle, and strove to gain the ascendancy over the civil power. Oh, that he could convince the House of the sin and danger of continuing this system! He took, perhaps, a stronger view of this subject now that he approached so near to the natural term of human life. All he could say was, that if the House persisted in its present course, the guilt would not be his. He would be wholly unworthy of the honourable position in which a large constituency had placed him if he did not manfully declare that we were now committing a great national sin, and if he did not implore the House to cast aside party feeling, and give to this question its calmest and most solemn consideration. He was reminded by the results of this ungodly and impolitic measure of a place in Holy Writ where it is said, "They hatch cockatrice eggs and weave the spider's web." That House by its grants supplied the eggs, the Maynooth professors hatched them, and Ireland was overrun with spiritual serpents. Meanwhile the wily Jesuits had been secretly weaving the spider's web in which many hon. Members had been caught already; and he would warn them that they would find that web too strong to allow of their escape. Before concluding, he wished to call the attention of the noble Lord at the head of the Government to an Irish weekly newspaper called *The Irishman*, the chief writer in which was said to be a Mr. Mitchell, a pardoned rebel, who spurned his pardon, and who was now living in Paris. The law officers of the Crown ought to be instructed to watch the articles appearing from time to time in that paper, the tendency of which was of a most subversive and insidious character. Under the pretence of the defence of Ireland there was a series of strategic articles, evidently the work of a military hand and meant for a revolutionary purpose. One clause in his present Resolution was intended to preserve vested rights.—[*Divide.*] He hoped he had not trespassed long on the time of the House, and he had guarded himself against saying anything that could give personal offence to any hon. Member. There was no compact which bound Parliament in this matter; but, young men having been induced to enter this College in the expectation that certain privileges would be continued to them, it would not be fair to turn them adrift until their education was finished. These, then, were his views, feebly and most imperfectly expressed. He only wished that some of the eloquent Gentlemen beside him had consented to take up this question. But he felt himself actuated by honest motives, and by a conscientious desire, if possible, to be of some use in his generation in supporting that blessed Constitution under which we still had the happiness to live, but the security of which was endangered by the principles which the Jesuits of the Roman Catholic Church upheld and taught. The hon. Gentleman concluded by moving that the House should resolve itself into a Committee to consider the Acts for the Endowment of the College of Maynooth, with a view to the withdrawal of any endowment out of the Consolidated Fund, due regard being had to vested rights and interests.

Mr. RICHARD LONG said, that in rising to second the Motion, he followed one who, through a long political life, had distinguished himself by his perfect consistency, and who, whatever the depth of his political or religious convictions, had always endeavoured to express himself with temper and moderation. The grounds upon which he based his own opposition to the grant were very simple. In stating those grounds, he hoped he should avoid saying anything that could be personally offensive to any hon. Member. He held, that according to the theory of our Constitution, there was but one Church established within the realms of England and Ireland, and that was the United Church of England and Ireland. He, therefore, did not consider it was the duty of the State to hold out pecuniary assistance to any body of Nonconformists; and he could not distinguish the Roman Catholics from any other body of Nonconformists. Although he was opposed to the continuance of the Maynooth Grant, he by no means wished that it should be put an end to without giving an adequate compensation to vested interests. His hon. Friend, by the terms of his Motion, had shown a much more forbearing spirit than the Protestant Dissenters, who, on a recent occasion, displayed a desire to deprive the Established Church of her rights without any compensation. He should probably be told that in taking his present course he was alienating from him and his friends the support of the Roman Catholic Members, who were the natural allies of the Conservative party. Now he (Mr. Long) could not think so meanly of the motives of the Roman Catholic Members of that House, as to suppose that on a question of this kind, involving a point of conscience, those hon. Members would take offence at a firm but temperate refusal to support their Church from funds contributed by Protestant ratepayers, or that they would on that account refrain on other occasions from acting in harmony with the party with whose views their own really coincided. He would remind those hon. Gentlemen that it was not to the Liberals, as the party opposite were commonly called, they were indebted for the endowments granted to the Roman Catholic chaplains of the army and the navy. He was not saying whether that measure was right or wrong; but if it was right, it was strange that a Liberal Government, which had had a prolonged tenure of power, had not found time to adopt it. When in 1850 the Pope thought fit to revive his ancient jurisdiction in this realm, and sent over a Cardinal Archbishop of Westminster, what was the conduct of the Liberal

Government, and the then chief of the Liberal party? He remembered seeing about that time a caricature in a well-known humorous periodical, in which there appeared the figure of a certain noble Lord opposite, in the shape of a little boy, who, after chalking upon the walls of Durham the words "No Popery," was seen running away in terror of what he had done. He could not help reminding Roman Catholic Members of the conduct of noble Lords and right hon. Gentlemen on the Liberal side of the House. One of the former, some years ago, published a memorable letter on the subject of the assumption of ecclesiastical titles. To that letter he need not more particularly refer; for every hon. Gentleman in the House no doubt knew of its contents. The conduct of the leaders of the Liberal party in respect of Roman Catholic affairs, was such that in the remarks which he was making in support of a Motion for the repeal of the Maynooth Grant, he did not think he ran any risk of alienating the support of Roman Catholic Members from the Conservative party. It could not be possible that Roman Catholic Members found in the present occupants of the Treasury bench exponents of their opinions, or that they could expect to find in them sincere upholders of the Maynooth Grant. He would wish to allude briefly to the state of the Roman Catholic Church in this country; and in so doing, he should refer to an extract from a work of the Count de Montalembert. In the passage to which he would refer, the Count observed, that when the last of the Stuarts attempted to recover the throne of his fathers, the Roman Catholics in this country were a miserable few, but that at the present time, wherever the flag of England floated, it sheltered Roman Catholic colleges, schools, churches, and other institutions. In another passage the same writer, referring to the British empire, said that churches, houses of education, and monasteries, for the Roman Catholics, were being founded with a facility and a liberty which not only had never been surpassed, but had never been equalled in any other country, Roman Catholic or Protestant; and he further remarked, that in Ireland, under the operation of the Incumbered Estates Act, large properties had passed out of the hands of Protestant proprietors into those of Roman Catholics. If, then, the Roman Catholic Church in these realms was so rich, prosperous, and powerful, its followers must be perfectly well able to give up the miserable grant of £36,000 per year, which was doled out to them by an unwilling Parliament, and was paid by Protestant ratepayers. He would ask the Roman Catholic Members would it not be better, for peace' sake, to accept such terms as were offered—a fair compensation for vested rights and interests. It was the conduct of Sir R. Peel in 1845, in preparing the *ignis fatuus* of expediency to principle, in reference to this grant, that had alienated from him a party perhaps the strongest and most compact that had ever existed in that House. He would on the present occasion appeal to the Conservative party to hold by their principles. They could not consistently endow error. They must choose between England and the Church of Rome. If England was right, Rome must be wrong. This was the ground on which he appealed for Conservative support for the Motion of his hon. Friend; and hoping that a large majority would confirm the views of the hon. Member for North Warwickshire (Mr. Spooner), he had much pleasure in seconding the proposition then before the House.

Motion made, and Question proposed,—

"That this House do resolve itself into a Committee, to consider the Acts for the Endowment of the College of Maynooth, with a view to the withdrawal of any Endowment out of the Consolidated Fund, due regard being had to vested rights and interests."

MR. P. O'BRIEN said, he did not intend to occupy the House at any length on a subject which must be almost, if not entirely, exhausted. He did not think the House of Commons ought to be converted into a religious conventicle, and therefore he would regard the matter, not from a religious, but from a political point of view. If the *Regium Donum* were to be withdrawn, and the Church establishment in Ireland abolished, then he would not advocate the Maynooth Grant; but when other bodies received State allowances, the Roman Catholics, bearing their share in the burdens of taxation, had a right to demand a share of the Government grants. No case had been made out for depriving the Roman Catholic Church of a grant which it had hitherto received; and he confessed he never heard this Motion brought on without recalling O'Connell's saying that the most dangerous enemy to religion that ever existed was a pious fool.

MR. HENNESSY said, he must take leave to deny that there was any foundation for the charge of disloyalty brought against the Roman Catholic bishops in Ireland by the hon. Member for Warwickshire (Mr. Spooner). At a great meeting in the County of Tipperary, the Archbishop of Cashel said:—"We know how to preserve inviolate allegiance to the Queen, our only legitimate Sovereign." At a meeting in the North of Ireland, the Roman Catholic Archbishop of Armagh, Primate of all Ireland, said:—"Our Gracious Majesty, whom may God long preserve, has no more loyal subjects than we are." The Irish bishops uniformly spoke in the same tone, and their expressions of loyal devotion were received with loud applause. The hon. Member for Chippenham (Mr. Long) had not used a single argument which might not have come from the other side of the House with more propriety. The hon. Member had appealed to the Dissenters and Nonconformists to support the Motion. He wished to bear witness to the consistency of the Nonconformists and Dissenters on this question, but he could repose no confidence in the highly inconsistent course of the hon. Member for Chippenham. If, indeed, church rates, tithes, and the *Regium Donum* were given up, then the Catholics would give up Maynooth; but, so long as they were burdened with the expense of those establishments, they thought it would be an act of injustice—of one-sided and partial injustice—to refuse this paltry, miserable grant to Maynooth.

Mr. CARDWELL said, it was the obvious wish of the House to go to a division. He would only say a few words, out of respect to the hon. Member for North Warwickshire, and in consequence of the interest which the question excited in Ireland. He wished to call attention to the importance of closing the subject by a decisive vote to-night. The hon. Gentleman opened the case upon the principle that a continuance of the grant would be doing injury to the Established Church, and sapping the foundations of allegiance to the Sovereign, and he pushed his argument so far as to indicate that this was only the beginning of a series of measures which would end in the repeal of Catholic emancipation. The seconder of the Motion founded his opposition to the grant on arguments—which as the right hon. Gentleman opposite (Mr. Walpole) then Home Secretary, had judiciously pointed out on the last occasion this subject was brought forward, would lead to the withdrawal of the educational grant from the Roman Catholic body. In a former Parliament it was determined by general consent not to enter upon arguments when almost every quotation upon the subject had been exhausted, but at once to express their opinion by the legitimate process of a decided vote. He thought the new Parliament would show their prudence if they closed a discussion which produced such irrelevant topics and excited such angry feelings. By expressing a decided opinion, he trusted the House would declare that the arrangement so long made with regard to Maynooth was not to be determined, and that they were not disposed, by countenancing Motions calculated to excite religious animosities, to take the first step in unsettling the religious institutions of the country.

Mr. NEWDEGATE said, he rose to warn the House against being induced, by the dictum of a Minister, to close, without due consideration, the discussion of so important a matter as that which they had now before them. If they did they would soon lapse into the condition of the French Chambers. The hon. Member for the King's County (Mr. P. O'Brien) was so courteous as to apply the term pious fool to his hon. Colleague in the representation of North Warwickshire. If the hon. Member's observation had any force in it, there must be a goodly company of fools in that assembly, for repeated votes of that House had declared their wish that this grant should terminate, not by an arbitrary and unjust Act of Parliament, but by an arrangement granting to those who enjoyed salaries under the Act of 1845, adequate compensation for their offices, and by those decisions the House had only expressed the opinions of the country. It was not, indeed, difficult to understand that there should be in this country a strong desire for the termination of this grant; for if they looked over the world they found at this moment, in almost every part of it, a universal repudiation of those Ultramontane doctrines which were inculcated at Maynooth by professors paid by this Protestant State. France, Italy, Sardinia, Spain, and Russia all united in condemning them. According to the hon. Member for King's County (Mr. Hennessy), nothing could be more loyal than the conduct of the Roman Catholic archbishops and bishops in Ireland. But there was a policy in that loyalty. He had not forgotten that in August last the leading journal, which reflected the opinions of that school of

Roman Catholics, and circulated them more widely than he could wish—that at that time, when it was supposed that the Emperor of the French was the servant of Rome, *The Tablet* declared that no act could make His Majesty so popular and secure him such universal support in Europe as the invasion of England, and added that during such an operation he would be secured against any attacks by secret societies in France. What, he (Mr. Newdegate) should like to be told, did the conductors of *The Tablet* know of the operations of these secret societies that they thus confidently predicted their forbearance. At that time, he (Mr. Newdegate) did not observe any such loyal expression on the part of Dr. Cullen and the other Roman Catholic bishops in Ireland, as those for which the hon. Member for the King's County wished them to have credit; but he had noticed that whenever they were at public dinners they gave the toast of "The Pope" precedence of that of "The Queen," and thus offered a deliberate insult to the Majesty of this country. Now that they had discovered that the Emperor of the French would not act as the mere servant of the See of Rome, and had expressed his determination not to restore the temporal power of the Pope—which had been so badly used—there were abundant expressions of loyalty on the part of these archbishops and bishops towards Her Majesty. His comment on this fact was, where was this loyalty when it might have been expressed in disavowal of the disloyal expressions of the Ultramontane paper at a time when there was a prospect of an immediate rupture between France and England. At that time there was apparently a silent acquiescence in the disloyalty of their organ on the part of these Roman Prelates. The hon. Member opposite (Mr. P. O'Brien) had quoted an observation made by Mr. O'Connell. He (Mr. Newdegate) would take the liberty of quoting some remarks from the same authority in reference to this very grant to Maynooth. He (Mr. O'Connell) was in Ireland when the grant was sanctioned by that House in pursuance of the proposal of Sir R. Peel; and he expressed his gratitude to England in these words:—

> "I would not, I confess, go this length, when I came into this room to-day, for I had a little inkling that there was some trick under all this liberality; but my friend Dr. Gray brought me the Act of Parliament, and I read it in my seat here, and I proclaim it excellent in all its parts. [Cheers.] . . . . But is this to make us give up agitation ? [*Cries of* 'No, we will die first,' and cheers.] I do not mean to quarrel with any one who differs in opinion from me on any subject; still less am I inclined to quarrel with any one who thinks with me, that it was the repeal agitation that produced this change in Sir Robert Peel with reference to Maynooth. [Cheers.] Agitation, I thank you. [Cheers.] Conciliation Hall, I am obliged to you. [Cheers.] Repeal Association, Maynooth ought to pray for you. [Loud cheering.] There is a story told of the officers of the Irish Brigade: as long as a young man who came into the French army as a cadet conducted himself well, he was left a cadet, so they always found it necessary to become a little riotous to get promoted to the rank of officer. [*Laughter.*] We, in Conciliation Hall, represent the officer. The Irish cadets understand the policy of misconducting themselves. This is a boon to us to misbehave in future, and we are too honest not to give them the price for their money. [*Cheers and laughter.*] . . . . When they tell us that we should thank Sir Robert Peel and the two hundred myrmidons that go with him from one side of the House to the other, I say, thank Conciliation Hall! thank agitation! [Cheers.]

Take the history of the grant from the first. The first grant was made by the Parliament of Ireland in 1795, and in 1798 there was a rebellion in Ireland. The existing Act of Parliament was passed in 1845, and in 1846 a Coercion Act was necessary to save life and property in Ireland. Had Ireland been peaceful since? Had not the fruits of that grant been the dissemination of principles among the Irish people which were not necessary to the Roman Catholic religion, but were intended and were used for the purpose of establishing and extending the temporal power of the See and Court of Rome? It was not for the interest of the Roman Catholic laity that the Government should authorize the dissemination among the priesthood of Ireland of Ultramontane opinions, for those opinions would neutralize the efforts of the laity, who might be disposed to lead the people of Ireland to peaceful pursuits and habits. An inquiry had been instituted in 1826, and it was then proved that Dr. Kenney, then Vice President of Maynooth, was a Jesuit, and had, four years before, founded a Jesuit college in the immediate neighbourhood of Maynooth. The character of the teaching at Maynooth had verged towards the Ultramontane doctrines, until at last all other teaching had been superseded by the doctrines of Liguori, as had been proved before the Commission of 1851. It should not be forgotten that when the grant of £30,000 had been made to Maynooth to improve the accommodation and increase the comforts of the students it was spent in increasing the number of the rooms by one-half, so that half as many more boys could be admitted, notwithstanding the express provision of the Act of 1845, that no more than 520 students should be admitted, while the building itself was left in that state of discomfort which it had been the object of the grant to remove. In fact, no instance existed in which the authorities at Maynooth had not acted in a spirit of defiance; they were continually disseminating Ultramontane doctrines, which were admitted even by the Catholics themselves to be subversive of all order and peaceful principles. He trusted that the House would act in conformity with the prevalent opinions of Catholic as well as Protestant Europe, and put an end to the scandal of a Protestant State finding means for the dissemination of Ultramontane opinions.

Mr. HADFIELD was understood to say that the reason why he and others on his side of the House voted in favour of the Motion was because they objected to all grants for religious purposes. He could not, however, help expressing his amazement at the inconsistency of hon. Gentlemen opposite, who were so anxious to get rid of this grant, though at the same time they were straining every nerve to retain church rates.

Mr. SPOONER said, he would just make one or two observations in reply, and seeing the anxiety hon. Members exhibited for a division, he would not detain them many minutes. He begged the hon. Member for King's County (Mr. O'Brien) to understand that if upon reaching his home, and, as a gentleman, reflecting upon the observations he had made that evening, he found he could forgive himself for having uttered them, then might he feel assured of his (Mr. Spooner's) forgiveness. The right hon. Gentleman opposite (Mr. Cardwell) had made a very characteristic, and, considering the circumstances, appropriate speech upon the subject of his (Mr. Spooner's) Motion. It was short, because he (Mr. Cardwell) felt that the more the subject was considered the more it would damage his favourite grant. It was wise, therefore, for him to retire, leaving his own opinions regarding the matter in mystery, and his (Mr. Spooner's) views unanswered. He (Mr. Spooner) could not concur in what had been stated, that the Roman Catholics were the natural allies of the Conservatives. For his part, whichever party strove most to conciliate them by unconstitutional and anti-Protestant concessions, would receive from him the least confiding support.

Mr. P. O'BRIEN said, he could assure the hon. Member for North Warwickshire (Mr. Spooner) that when he had used the playful expression complained of, it was very far from his intention to be personally offensive to the hon. Member for North Warwickshire. He used it only generically, as applied to a class; and if he had offended the hon. Member for North Warwickshire in any possible way, he begged to express his regret.

Question put.

The House *divided:*—Ayes 128; Noes 186: Majority 58.

TRINITY AND ST. JOHN'S COLLEGES (CAMBRIDGE).

ADDRESS MOVED FOR.

Mr. POLLARD-URQUHART said, he rose, pursuant to notice, to move that an humble Address be presented to Her Majesty, requesting that consent might be withheld from certain portions of the statutes of the Colleges of Trinity and St. John's, in the University of Cambridge, now before Parliament. By an Act passed in 1856, entitled an "Act for the better government of the University of Cambridge," certain Commissioners were appointed, with power to frame statutes which were to become law within forty days after their presentation to Parliament, unless in the meantime an Address against their adoption should be presented to Her Majesty. The statutes were laid before Parliament on the 11th of July last, at which period everybody who had not been driven out of London by the heat and the river was occupied in attending to the election petitions against himself or other hon. Members, and it was impossible to secure the attention of Parliament to a subject like the present. Through the courtesy of the right hon. Gentleman the Secretary for the Home Department, the statutes had been allowed to remain over for consideration to the present Session; and a promise was given that Her Majesty would not be advised to grant her sanction to them till they had been brought under the notice of the House. Therefore, as a member of Trinity College, and interested in its welfare, he had brought the subject before them. He believed that there were faults in these statutes which were calculated to be prejudicial to the welfare and usefulness of the colleges as centres of literary and scientific activity, and were at variance with the best interests of the Church of England, and consequently of religion itself. By statute 3, it was enacted that the master should be a member of the Church of England. Statute 6, provided that the College should be governed by a board, consisting of the master and eight of the senior Fellows, each vacancy being filled from among the other senior Fellows by election of the other members of the board. Statutes 16 and 21, taken together, provided that the master should be a member of the Church of England, and should relinquish his position in the event of his secession. Practically, the effect of these statutes was to limit the highest honours to members of the Church of England. In St. John's College the case was still worse; a student could not read for honours unless he was a member of the Church of England. The statutes were unjust in themselves, and adverse to the best interests of the University. They were drawn up in times when conformity with the Church of England was believed to be more of a test of loyalty to the Crown than it was at present. The statutes were then enforced for a political purpose; but the same principles enforced now could not but weaken the University. Mr. Mill, in speaking of our educational system, described it as one for making the students think right what we thought right, and as an abuse of the human faculties. No great minds could be formed under such a system, as its effect must necessarily be to cramp the energies of the students in their search after truth. It had also inflicted great injury on individuals. During the time he was an undergraduate of Cambridge, a Quaker gentleman was fourth wrangler; but he was not allowed to be a fellow of his college. In 1837 a Jew was second wrangler, but he was not allowed to take a degree; that had since been remedied, but he would not now be allowed to contend for a fellowship. Three years ago a Baptist gained high honours; if these statutes passed all his hopes would be destroyed. The senior wrangler of the year was a member of the Free Church of Scotland, and it was doubtful whether he would be able to subscribe the Articles of the Church of England. The Bishop of St. David's, one of the brightest ornaments of Trinity College, Cambridge, was in favour of the repeal of these exclusive statutes. The system of holding out rewards and punishments was, as Archbishop Whately remarked, calculated to bring over to the Church only those who were influenced by interest or vanity, while it would repel those who had a sincere sense of religion. The operation of the statutes to which he had called the attention of the House would exclude many of the best men from the highest emoluments of the University for daring to think for themselves. That part of the statutes which referred to the election of seniors would have a most prejudicial effect. It was true they were to be elected in rotation unless good reason were shown to the contrary; but what would be good reason where all must be members of the Church of England, and from long habit and association were taught to regard whatever belonged to the Church of England as right, and whatever was antagonistic to her then opinions must be wrong? The Bishop of St. David's had been compelled to resign his tutorship at Cambridge on account of his having written a pamphlet in favour of the admission of Dissenters to the University. For the same cause it was possible that the most distinguished ornaments of learning would not be chosen a senior or a member of that body to whom the government of the college was committed. It was extremely possible that the author of such a book as the *Vestiges of the Natural History of the Creation* would not be elected a senior. It was extremely possible that such a distinguished scholar as Dr. Donaldson, the learned author of the *New Cratylus*, would be excluded in consequence of his original researches in early Jewish history; the effect, in short, would be to shut out those great original minds from the highest rewards of the University, whom its best friends should wish to become identified with it. He appealed to the noble Lord (Lord Stanley), Member for King's Lynn, as a member of the University and of the same college to which he himself belonged, and attached to it by the same affectionate recollections, would he wish men of the most original research and European reputation to be altogether excluded from having a principal place in these colleges, and could he deny that this was likely to be the result if these statutes should become law? He was quite certain the noble Lord wonld do this question justice; at all events, he hoped all those hon. Members who wished to see in the Universities a fair field open to all, and no favour, would support him, in case of a division to prevent these statutes becoming law.

Mr. BAINES seconded the Motion. He regretted that, from a miscalculation as to the time the division on the preceding Motion was likely to last, he had lost the opportunity of presenting three petitions in favour of the Motion from the town of Cambridge—two from members of Dissenting congregations—complaining of the statutes of the University requiring the attendance of students twice at chapel on a Sunday, thereby preventing them from attending their own places of worship; also of the statutes of St. John's College excluding Dissenters from fellowships, while they were threatened to be excluded from fellowships in Trinity College. The statutes alluded to in the Motion of the hon. Member for Westmeath seemed to him to be a retrograde step in the march of enlightened and liberal legislation. Parliament had admitted Dissenters of every name to seats in that House, to the bench of justice, to municipal corporations, and the Act of 1856 was expressly intended to admit Dissenters to the University of Cambridge. They were admitted to take degrees, but excluded from those fair rewards of learning and merit to which others, being Churchmen, were admitted. If the position of a fellow was one which gave ecclesiastical power, or function, or office in the University in which education for ecclesiastical purposes was distinctly intended, he should not seek that it should be enjoyed by Dissenters; but he did ask that Dissenters might be permitted to enjoy those fellowships which were left in ancient times as a reward of learning and merit, and which were not connected with any ecclesiastical function or office. He need scarcely remind the House that the Dissenters who were excluded by these statutes, taking the population of the United Kingdom, constituted the larger part of the nation. It was not for the benefit of Cambridge or of the country that so large a part of the population should be excluded from the attainment of the honours and emoluments of learning and merit; it was only for the benefit of the religious sect exercising it that this monopoly was established and sought to be maintained. The restrictions and disqualifications to which he had referred were in the nature of pains and penalties for holding a certain religious belief. He thought the day had gone by when pains and penalties for religious belief could be enacted or continued in this country; yet it was proposed that a new test should be established by two of our principal colleges, which would inflict pains and penalties on the larger part of the people of England. It ought to be known that the declaration originally required from the fellows of St. John's was not that they were members of the Church of England; it was this,—that they would embrace from their heart the true religion of Christ, follow the authority of Christ before that of man, and seek from it their rule of life. Here there was nothing whatever in favour either of one or another body of Christians; but from the time of James I. it had been impossible for Dissenters to take degrees at the University until 1856; and it was by being excluded from degrees that they were shut out from the honours and emoluments which were the rewards of distinction; but, surely, when an Act of Parliament passed to remove the former of these disqualifications, it ought to remove the latter too. If Dissenters were allowed to compete for wranglers, and obtained high positions, as some of them had done, in the Tripos, surely they ought afterwards to be allowed to compete for those emoluments which were one of the inducements to enter the University. He trusted the spirit of that House would be altogether adverse to that retrograde step it was now sought to take, and that, acting on the principles of liberal legislation, which especially on the subject of education had recently prevailed, they would accede to the Motion. By so doing they would remove one more cause of irritation between Dissenters and Churchmen, and break down one more barrier in the way of that unity and cordiality of feeling which ought to exist between all classes of Her Majesty's subjects. In that hope he seconded the Motion.

Motion made, and Question proposed,—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to withhold Her consent from certain portions of the Statutes of Trinity and St. John's Colleges, Cambridge, now before Parliament, relating to the compulsory ordination of the College Master, the compulsory celibacy of the Senior Fellows, the removal of Fellows who may have openly seceded from the Church of England, the filling up of the vacant places in the Seniority by the Master and the remaining Seniors, and the delegating to the Master and Seniors exclusively all rules respecting the attendance of the Undergraduates who are not members of the Church of England at the College Chapel; and that Her Majesty will be graciously pleased to give such directions as to Her may seem fit, to refer the above-mentioned Statutes to the Cambridge University Commissioners.

LORD STANLEY said, that as he was the only one of the Commissioners appointed under the Act of 1856 for the University of Cambridge who had the honour of a seat in that House, it might be desirable that he should give a brief explanation on the points referred to in the present Motion. Neither the Colleges nor the members of the Commission had any reason to complain of the manner in which the subject had been brought before the House. If discontent existed in the minds of any class of the community in consequence of what had been done, or if a misunderstanding prevailed, as appeared from the speeches of the hon. Mover and Seconder to be the case, it was expedient that it should, if possible, be removed, and that the House should judge whether any cause of complaint existed or no. With regard to the most important point touched upon by those hon. Gentlemen, namely, the exclusion from fellowships in Trinity and St. John's Colleges of persons who were not members of the Church of England, it was not necessary to vindicate the conduct of the Commissioners, for the plain reason that the matter was one in which they whose duties were defined by the Act of 1856 had no legal power or jurisdiction whatever. That Act removed all disabilities upon persons obtaining degrees; it opened scholarships and exhibitions, and enabled undergraduates to enjoy emoluments without any profession of religious opinion; but it did not repeal that part of the Act of Uniformity, by which all persons taking fellowships were required to belong to the Church of England. If the hon. Member wished to raise the question of opening the fellowships to Dissenters—which he (Lord Stanley) would hardly advise him to do—he should therefore introduce a Bill into that House for the purpose. Parliament had imposed the restriction, and Parliament alone could remove it. With regard to the removal of Fellows who might have seceded from the Established Church, the House would probably think that Parliament having expressly confined the fellowships, wisely or unwisely, to members of the Church of England, it was necessary that the College Statutes should provide some means of declaring that, when a Fellow had ceased to fulfil the condition on which his appointment rested, the appointment itself should determine. The mode of procedure pointed out by the new statutes was less likely to lead to arbitrary removal than that which previously existed, because he imagined that formerly any Fellow taking a step implying secession from the Church of England might have been proceeded against for heresy, and on that ground deprived. If the present tenure of the office, as dependent on church-membership, was to continue—and the Commissioners certainly had no power to alter it—it seemed desirable that the law should be enforced in the mildest manner possible, and not be liable to be abused for purposes of intolerance. Accordingly, under the new statutes the loss of his fellowship was made to depend entirely on the voluntary and deliberate act of the person seceding from the Established Church. It was, as far as it went, a relaxation of the existing rule. With respect to the other points touched upon by the hon. Member, it should be remembered that the Cambridge Commissioners were not invested with absolute or unlimited authority to make statutes either for the University or for the colleges. He, for one, did not complain of that, he did not wish that larger powers should have been granted, but it should be borne in mind when considering the statutes as finally passed, that they did not embody the unmodified views and wishes of the Commissioners, but were the result of negotiations with the governing bodies of the various colleges, ending, as such negotiation almost invariably did, in a compromise by which many reforms were carried and some abandoned. The Act constituting the Cambridge Commission provided that no statute should have the force of law unless it had the assent of two-thirds of the governing body of the college which it affected. In those governing bodies the ecclesiastical element was predominant; and considerable disinclination was evinced by them to accept changes that appeared to them to wear the form of innovations, especially when pressed upon them by external authority. His own individual opinion was, that the college master should not necessarily be in holy orders, but that it should be left optional with those who elected him to choose a layman or a clergyman. Indeed, that was the view put forward by the Commissioners in the Minute of July 1857, with which they opened their negotiations with the various Colleges; and the same principle was repeated in the draught of the statutes afterwards sent down to the governing bodies, both of Trinity and St. John's. The feeling of those bodies was, however, almost universally opposed to it; and, finding there was not the slightest chance of the adoption of the measure in its original form, the Commissioners reluctantly withdrew it in order to carry other reforms which they deemed of more importance. Even had they succeeded, the assertion of such a principle in the case of colleges like St. John's would have been more of an abstract than a practical success, because, the governing body being opposed to having even the option of electing a layman, they would not have been likely to exercise that option in favour of a layman had they possessed it. This was an instance in which the Commissioners had thought it safer and more prudent to give way. Two other points touched upon by the present Motion — namely, first, the filling up of vacant places in the seniority by the master and the remaining seniors; and secondly, the compulsory celibacy of the senior fellows, were matters of detail connected with the internal administration of the colleges, and did not seem to him to involve any important question, calling for the interference of that House. The hon. Member complained of the filling up of the vacant places in the seniority by the master and the remaining seniors; but he did not indicate in what other way he would have the vacancies filled up. The Commissioners found that the practice was an ancient one, and were not aware that there were any objections to its continuance. It was a system of succession by seniority, as a general rule, with exceptions in the case of any grave defect; and a power of exception so invidious and so repugnant to the feelings of men living together and forming a society of their own, they might be sure would never be exercised without the strongest and most urgent reasons. The Commissioners had proposed considerable relaxations in regard to the compulsory celibacy of the senior fellows, but succeeded in carrying only a portion of them. The governing bodies, it was found, were most anxious to retain the rule as it stood; and the reason, good or bad, which was put forward why members of their body should not be married men was, that men who had families to provide for would be apt, as had been shown in other cases where corporate property was concerned, to look to their life interest in the college property rather than to its permanent improvement. As to compulsory attendance in chapel, the proposition originally made by the Commissioners was to give a right of non-attendance at chapel in cases where conscientious objections were entertained. But he was sorry to say that of all the propositions which were submitted by the Commission none had raised so strong a spirit of opposition as that. He was bound, however, to say on behalf of the Colleges that he did not think their objection, as a general rule, was based upon any wish to compel the attendance of those who had scruples of conscience about doing so; and he did not believe it would be the intention of any College to exclude Dissenters by any provision of that kind. They objected to be compelled to exempt them from attendance, but they did not object so to exempt them, if the power were left with themselves. It was clearly stated in the Act of 1856 that no person should be required on taking a degree, or obtaining a scholarship, exhibition, or any other college emolument, to make or subscribe any declaration of religious opinion and belief. There was a distinction, of course, between attendance in chapel and signing a declaration; but he had no hesitation in saying that if any such attendance were enforced in the case of scholars where conscientious objections were felt, it would be contrary to the spirit and intention, if not to the letter, of the Act passed by that House. In the case of pensioners there was no effectual power of interfering with the conduct of Colleges, for the plain reason that it was optional with Colleges to take or refuse any person who presented himself as a pensioner; and therefore, if they wished to exclude any one not of the Church of England, they might refuse him admission in the first instance, not assigning any reason. There appeared to the Commissioners not the remotest prospect of carrying their proposal as to attendance in chapel as originally framed, and they were therefore very reluctantly, as far as he and, he believed, others of their number were concerned, led to modify it so far as to delegate to the masters and seniors the power of granting dispensation, but to leave the matter in their discretion. He would repeat that, as to the question of fellowships the Commissioners had no power of acting at all; that subject could only be dealt with by the Legislature itself. The two statutes respecting the compulsory celibacy of senior fellows and the filling up of vacancies in the seniority by the master and remaining seniors, were scarcely questions of sufficient moment to call for legislative interference. The other two matters referred to by the hon. Member who made the Motion, lay within a narrower compass, and might no doubt, be considered as involving a question of principle. He had stated his opinion upon those points, and he must leave it in the hands of the House to take what course they thought fit. For his own part, looking at the statutes as a whole, and considering the compromise come to between the Commissioners and the Colleges, he felt bound by the arrangements then entered into, and must vote against the Motion if it were persisted in. He did not think any good would be attained by merely referring the statutes in question back again to the University Commissioners. All the Commissioners could do, would be to send down their original proposals upon those points to the Colleges, and knowing what the feeling of the Colleges was, he had no doubt their answer would be that their opinion remained unchanged, and that they would not be responsible for the changes proposed. He would advise the hon. Member (Mr. Pollard-Urquhart), as the functions of the Commission expired at the close of the year, and as the legislation both for the colleges and university would by that time be completed, to wait till the whole of the new legislation on the subject was before the House; and then, if it appeared insufficient or to require amendment in regard to any of the points he had referred to, let the changes be effected by the direct authority of the Legislature. The Commissioners had not accomplished all that they wished, but they had brought about considerable changes; they had been met on the whole in a fair spirit, they had come to an arrangement on the chief subjects in dispute, and therefore, as to the present Motion, he felt that, as one of the Commissioners, he should be breaking faith with the Colleges if he were to acquiesce in it.

MR. WALPOLE said, he hoped the House would pause before it interfered with the proceedings of the Commissioners. Parliament had delegated to the Commissioners certain powers. Those powers were to be exercised by the Colleges in the first instance with reference to the statutes which they might have to propose, or any alteration of the statutes which they might have to recommend. If those powers were not exercised by the Colleges, then it was for the Commissioners to suggest such statutes as they thought the Colleges might with propriety adopt. If the statutes were settled between the Colleges and the Commissioners, or the Commissioners accepted the statutes of the Colleges, it was thought by Parliament that, instead of bringing all those matters under discussion again, they would be more likely to be well settled by leaving the Colleges and Commissioners to mutual action. Parliament also required that the statutes should be laid on the table of both Houses, in order that either House, within forty days afterwards, might address the Crown, if they thought any provisions of the Act of Parliament had been evaded. Those forty days had, in fact, expired, still he did not take exception to that expiration but for these two purposes — first, to point out the inconvenience of leaving the Colleges with uncertain statutes, when nothing was more desirable than that the Colleges and Universities should know the statutes on which they were to act at the earliest possible moment; and, second, to point out that the latter part of the Motion could not be complied with, because there was no power to send back statutes to the Commissioners with any specific direction. As soon as the forty days had expired the power of dealing with these Statutes remained in the Crown, and in the Crown alone. The Crown no doubt had power to approve, and, by implication, power to disapprove. It was thus intended that it should be left to the Crown to determine whether action should be taken in reference to complaints either against the statutes framed by the Colleges, or by the Commissioners. The hon. Gentleman would recollect that there was some discussion on the Oxford Statutes when they were framed by the Commissioners, and then it was thought by both sides of the House that it would be most inconvenient for Parliament to interfere; most inconvenient, because nothing could lead to greater embarrassment after delegating all these powers to the Colleges and Commissioners, to reopen questions which had been settled after great deliberation, much discussion, and mutual concessions. The hon. Gentleman (Mr. P. Urquhart) seemed to think that the provisions which had been made with reference to the two great colleges, Trinity and St. John, were not, as regards religious matter in strict accordance with the intentions of the Legislature; but, if he would look at the Act of Parliament, he would see that the limits were carefully determined, beyond which the Commissioners could not go. The Legislature had said that university education should be open to all classes of Her Majesty's subjects, whatever might be their religious opinions, and, in order to insure it, there was inserted in both of the Acts of Parliament, the power of founding what were called private halls in Oxford and hostels in Cambridge. This was done that all persons who did not agree with the Church of England might have the fullest benefit of university education. But this provision did not extend to Colleges. For to go beyond that, and to say that the Colleges should admit within their walls, not merely for purposes of education, but to enable them to receive the emoluments of colleges endowed for a different purpose, or to take a part in the government of the Colleges which necessarily followed a fellowship being conferred. Those persons whose religious opinions did not concur with the intention of the founder, was not consistent with the Act of Parliament. Those matters were expressly brought before Parliament, expressly discussed, and expressly negatived. Therefore it would be inconvenient by an Address to the Crown to interfere with that which the Legislature itself had already deliberately determined. He trusted, however, he should be pardoned for making one or two observations on the points suggested by the Motion. As to the requirement that the masters should be in holy orders, it was much discussed between the Commissioners and the Colleges, and he believed he might say that the general opinion of both those great institutions, Trinity and St. John's, was that to dispense with such requirement would be detrimental and contrary to the original intentions of the founders. With regard to the celibacy of the fellows, the hon. Gentleman would remember that that point was much discussed and debated between the Commissioners and the Colleges. The different Colleges took different views on it, but the grounds upon which Trinity and St. John decided against admitting married Fellows were so strong in themselves as to demonstrate the propriety of celibacy being enforced as a qualification, if they wished to have a constant succession of energetic and able men, instead of allowing married gentlemen to hold fellowships, to the detriment of those whose anxious ambition was to get those emoluments and distinctions. Moreover, he did not know how the government of the colleges was to go on if they did away with celibacy to any great extent, for their good government depended as much on having the tutors and authorities resident in the college as on any other circumstance. There might be some Colleges which would desire to take a different view, but, if so, that is a matter which had better be left for themselves to determine. With regard to the last point to which the hon. Gentleman adverted, the attendance of students, who were not members of the Church of England, at chapel, he would remind the House that there was really no compulsory attendance upon chapel. It was left to the governing body of the college to decide whether that attendance should be required or not; and he put it to any Gentleman whether any institution could go on if it were in the power of any person to say—"I will belong to your institution; but I will not comply with your regulations." The hon. Gentleman must know from his own experience of Trinity College, to which they both had the honour to belong, that compulsory attendance was not necessarily required when reasonable grounds for dispensing with that attendance might be alleged; and it was only within the last six months that the son of a member of the Jewish persuasion, well known in that House, had gone to Trinity for the sake of the benefits therein to be derived, and attendance at chapel was dispensed with in his case without a murmur and without debate. In conclusion, he would only say that though there had been differences between the University and the Commissioners, and between the Colleges and the Commissioners, yet by the good feeling which all parties had manifested, those differences had been allayed; and he therefore entreated the House to leave to the Commissioners, together with the Colleges, the discharge of the duties with which Parliament had intrusted them; and he felt no doubt that they would make such regulations and statutes as would best extend the benefits of the education given by the University, and best promote the interests of all classes of Her Majesty's subjects.

MR. BRISCOE remarked, that he should best support the principles involved in the Motion, by advising his hon. Friend not to press it to a division.

MR. NEWDEGATE said, he wished to refer to the position of this Motion upon their Order-book. The House had just decided that the grant to Maynooth should be continued. Now, that was a grant for the benefit of the Roman Catholic clergy exclusively. Immediately after that decision of the House, a Roman Catholic Gentleman rises, and not content with the making of liberal professions [MR. P. URQUHART: I am not a Catholic]—well, then, he would merely say this—he trusted that the House would not be induced by any Member, whatever may be his faith, to invade the rights of these colleges, which were seminaries for the education of the clergy of the Church of England, immediately after it had consented to continue an exclusive grant to the Roman Catholic College of Maynooth. At that moment there was going on in Ireland an agitation to break up the Queen's Colleges in that country, in which there was no religious test. Patience has its limits; and the members of the Church of England, both in and out of the House, might depend on this — if the friends of the Church of England were not more watchful, the interests of that Church would be sacrificed.

MR. POLLARD-URQUHART said, that in rising to ask leave to withdraw his Motion, he wished to thank the noble Lord, the Member for King's Lynn, (Lord Stanley) for the liberal support which he had given it.

Motion, by leave, *withdrawn*.

House resumed.

House adjourned at half after Eight o'clock.

HOUSE OF COMMONS,

Wednesday, February 15, 1860.

MINUTES.] PUBLIC BILLS.—1° Valuationof Rateable Property (Ireland).

2ª Adulteration of Food or Drink ; Charitable Uses.

CORRUPT PRACTICES PREVENTION ACT (1854)—AMENDMENT BILL.

MOTION FOR SECOND READING.

Order for Second Reading read.

MR. MELLOR said, that since he had obtained leave to bring in this Bill, he had received numerous communications from all parts of the country expressing approval of the provisions of the measure, and complaining of the statement of the noble Viscount at the head of the Government that the House of Commons was much more alive to the evils of bribery than the country generally. He himself was firmly persuaded that the noble Viscount was mistaken, and he trusted that in future his correspondents would address their letters to the noble Viscount, who it appeared required to be convinced that the country was seriously bent upon measures for the repression of bribery. The disclosures brought about by the Gloucester and Wakefield Commissions might be said to have placed representative institutions on their trial, and unless something were done by the House to put a stop to bribery they almost ran the risk of becoming the scorn and contempt of Europe. He believed that the most effectual means of effecting that object would be to attach a degrading punishment to the offence, and he thought the punishment proposed in his measure, while sufficient for the purpose of deterring persons from giving or taking bribes, was not so severe as to render juries unwilling to convict. One of his correspondents thought that he let off offenders much too easily, and that four years' penal servitude should be assigned for the second offence, and with a much heavier punishment for the third. The offence of bribery, however, whether in giving or taking, like that of manslaughter, involved many degrees of guilt. In some cases the person who accepted a bribe was worse than the one who paid it. Therefore he had left it to the discretion of the Judge to fix the punishment according to the particular circumstances of each case. The Bill also contained a clause, the object of which was to prevent a witness from refusing to give evidence on the ground that it would criminate himself. For the necessity of this provision he might refer to an attempt at bribery of a common councilman at Norwich by the offer of £300 to vote in favour of certain aldermen. The case was heard before the magistrates at Norwich, and one magistrate, a banker, refused to give evidence, on the ground that it would criminate himself. In the present state of the law, he could not be compelled to give evidence, although his conduct deserved censure, and he hoped it would be taken notice of by the Government. Some of the magistrates implicated in the transaction actually voted on the adjournment of the case, and the end of it was that the proceedings were rendered abortive. But he thought that such cases ought not to be allowed to pass with perfect impunity. He proposed the Bill as a provisional measure, until the House should have time and opportunity completely to revise the whole system. He regarded the Corrupt Practices Prevention Act, which the present Bill proposed to amend, as founded on sound and good principles, but it had failed because its provisions could only be enforced by costly proceedings to recover money penalties. Gentlemen had gone down to elections with the predetermination to treat the Act, for which they had voted, as a dead letter, and both the Wakefield and Gloucester reports disclosed gross falsifications of accounts. Large sums were paid away by the candidates in bribery, and those sums, of course, did not appear in the accounts of the election auditor. At Gloucester, the expenses of Sir Robert Carden were returned at £1,021 10*s.* 11*d.*, but the Commissioners reported that the actual sum spent must have amounted to at least £2,600. The total expenditure of Messrs. Price and Monk, according to the return of the election auditor, was £929 2*s.*, but the actual expenditure was at least £2,300. The case of Wakefield afforded even a more striking instance of this falsification of accounts. Mr. Leatham's expenditure was returned as under £500, but the Commissioners reported that it had been nearly £4,000; and Mr. Charlesworth's, which was returned at £652, was found by the Commissioners to have been £4,150. Mr. Leatham expended no less than £1,900 in direct bribery, and Mr. Charlesworth £1,600, in addition to a large sum for the employment of bands of prizefighters to intimidate the electors. At Wakefield ninety-eight persons committed acts of bribery, by bribing other people, eighty-six in respect of their own votes, and twelve were bribed on both sides. He had received statements from various parts of the kingdom, which showed that although there was a general feeling in favour of proceedings to put down bribery there was a wonderful disinclination even among religious and respectable persons to regard bribery as a serious offence. He had received singular statements as to this from various places, each showing a singular deadness of principle in this respect. In one place there was a gentleman, who, while he employed a chaplain to read prayers every morning and contributed largely to every benevolent object, gave also large sums for Parliamentary and municipal corruption. This gentleman salved his conscience by supposing he could preserve his religion and morality by not inquiring how the money was spent. In other plases there were gentlemen professing religion of a high character who gave their money to similar objects. Now, in his opinion, if a man employed money to sap the self-respect of his fellow-men, though he gave all his goods to feed the poor and his body to be burnt, yet was his religion nothing more than sounding brass and a tinkling cymbal. He proposed that no person should be at liberty to pay any, save personal expenses except through the election agent and auditor. He did not approve of election auditors. He believed that the election auditor was a mere machine for publishing the accounts, and was of no other use whatever. At the same time he wished to give some utility to the existing law, and he should regret if another election occurred without further provisions being made to put a stop to corrupt and illegal practices. By the provisions of this Bill he endeavoured, by making the punishment of bribery degrading through the addition of hard labour to the sentence, to give the public a belief that they were in earnest when they talked of it as a degrading offence. He endeavoured also to avoid the objection to answer which the rules of evidence permitted, by providing that no one should be at liberty to refuse to answer questions, which might criminate or degrade, but at the same time enacting that those answers should not be used against him in evidence in any other proceedings except proceedings for perjury. He prohibited the employment of voters in capacities which were found to be the general means resorted to in colourable bribery, such as those of canvassers, clerks, and messengers. He further provided against the colourable employment of voters by requiring that within a fortnight of the election a list should be sent to the auditor of every person engaged in the election for fee or reward, and he trusted that the Bill which he proposed would induce a feeling of insecurity between the briber and his agents, which would prevent persons who were usually the instruments of bribery being taken into the confidence of candidates. There was another provision which he should endeavour to introduce in Committee—namely, to prohibit altogether the payment of canvassers. It was not a complete measure, but it struck at the root of many evils, and he hoped the Session would not pass without something being done to prevent the recurrence of those evils should another general election take place.

Motion made and Question proposed, that the Bill be now read a second time.

MR. HUNT said, he gave his cordial support to the Bill. It contained several very valuable provisions. He approved all payments being made through the election auditor, and the increase in the punishment for offending against the law. But there were several provisions which he hoped would be amended in Committee. He could not agree that they ought to prohibit candidates employing paid canvassers. It would be quite sufficient to enact that all paid canvassers should be incapacitated from voting. In small boroughs it might be possible to do without paid canvassers, but where the constituency was large, and the area extensive, no candidate was physically capable of going through the enormous labour of a contested election without paid assistants. He agreed that the office of election auditor as at present constituted was a mere farce; but he believed that officer might be made a very valuable functionary if the onus of refusing to pay doubtful claims were thrown upon him, instead of being left to the candidate, at a time when he was almost incapacitated for resisting improper charges. In the case of one of his own elections he had made an application to the election auditor to know whether he was justified in refusing certain claims, but the reply the auditor made was—"I have only to pass the cheques and publish the accounts." The election auditor should be a person of position and character, and he ought to be able to protect the candidate from the exorbitant claims made upon him. While he intended to support this Bill, he did not pretend to say that this or any other Act would prevent bribery and corruption at elections. As long as there were persons willing to pay money for a seat in Parliament means would be found to evade the law and to convey the money to the voters. Corrupt practices had been to a certain extent checked, and he believed that if this Bill were carried the evil would be further mitigated, but something further was needed. He did not think the country would believe that the House were in earnest in wishing to put down bribery, while in their individual capacities they were found using money in a manner which in their collective capacity they stigmatized. It was often said that they were the victims of others—that they found themselves in the end implicated in practices which they wished to avoid. But a very pertinent fact came out at all these investigations, which was, that in nine cases out of ten, the money employed in corrupting voters could be traced to the banker of the candidate or of his immediate relations or connections. What was the case at Wakefield? He drew no distinction between Conservatives and Liberals. The one side of the House was as bad as the other. The Conservative candidate at Wakefield went through the farce of opening an account in the name of his cousin, and deposited security for the money which was to meet his cousin's cheques. The money was spent either in pouring beer down the throats of the electors or filling the pockets of their wives. The Liberal candidate, who was not so used to electioneering, went to work in a more straightforward manner, and drew the money himself. At Gloucester, the Conservative candidate, like the Liberal candidate at Wakefield, callous and indifferent as to the purposes for which it was to be used, drew the money himself. The Liberal candidate had a friend who had stood many contests, and he advised the candidate to know nothing about money transactions until after the election. The same friend drew a cheque on the candidate's father-in-law, and that cheque was duly honoured. A Gentleman high in position in this House, although he had a private residence, found it necessary to have an election-office in Ryder Street. A parliamentary agent was instructed to open all his letters, and to act according to the best of his judgment. The money of the father-in-law found its way to the office, and was transferred through the medium of a notorious bribing agent to the pockets of the electors of Gloucester. While upon this subject he wished to say a few words on the Reports of the Wakefield and Gloucester Commissioners. He admired the manliness and honesty of the Wakefield Report. The Commissioners had not flinched from their duty of including in the list gentlemen high in position, as well as the occupiers of low-rented houses in Wakefield. It presented a very favourable contrast to the Report of the Gloucester Commissioners, who gave a very amusing and able narrative, but seemed unable to make up their minds, or, at all events, to state the impression of their minds that Sir W. Carden, Sir W. Hayter, and Mr. Moffatt might have been guilty of bribery.

> "Dat veniam corvis, vexat censura columbas."

But if the Commissioners had been too sensitive to implicate those gentlemen, their own consciences had moved them to apply for certificates of indemnity. It seemed inconsistent that while three paragraphs of the Gloucester Report should be devoted to whitewashing these three gentlemen, they should have felt compelled—and he thought they were well advised—to apply for certificates of indemnity. Until there was a better state of public opinion, it was comparatively useless to pass stringent measures against bribery. It frequently happened that Members were unseated for bribery; but when they returned to the House did they meet with the cold shoulder, or at all lose caste among their friends because of the stigma attaching to them by Reports of Commissioners or Committee? Were they not welcomed with as much cordiality as if such Reports had never been made? If the four gentlemen who had been proved to have been guilty of bribery in the Gloucester and Wakefield elections were present, they would no doubt walk into the lobby to swell the majority for the second reading of this Bill, and if either of them had a taste for oratory he would get on his legs to enforce the doctrines of purity with as grave a face as the hon. and learned Gentleman himself. While that was the case, how could they expect persons in a humble position to believe in the indignation against such practices which was generally professed? He hoped the hon. and learned Gentleman would not consent to the Bill being sent to a Select Committee, because if there was one subject more than another upon which all hon. Members were well informed it was this, and therefore a reference to a Select Committee was wholly unnecessary. He wished well to that or any other measure which might have the effect of putting an end to the most notorious of the corrupt practices prevailing at elections. He was by no means sanguine in his anticipations of the

good which was to be expected from the present Bill, but he would give every assistance in his power to the desirable object with which it had been introduced.

SIR FRANCIS GOLDSMID said, he was of opinion that some of the clauses contained in the Bill might prove valuable, but to others he entertained such strong objections, that he wished to urge them before the measure reached the stage of committal. Many of its provisions, by which severer penalties were directed against the offence of bribery, were founded on a principle of antiquated legislation, which he hoped the country had outgrown. About half a century ago it was regarded as a rule that all offences highly detrimental to public or private interests, which the existing penalties had failed to check, should be visited with severer punishment; and the easier the offence was to commit, and the more difficult it was to detect, the greater was the necessity which was felt of counterbalancing the temptation by additional threats of severity—the result being that eventually the punishment of death was denounced against crimes with which one could now hardly associate the idea of such an extreme penalty. In this way capital punishment had come to be inflicted for horse stealing, sheep stealing, and other offences of that kind. But theoretic severity produced, in most instances, practical impunity; and for the last forty years this system had gradually been abandoned, and sounder views of criminal legislation, which were largely indebted for their diffusion to the writings and speeches of such men as Bentham, Romilly, Montagu, and Mackintosh, were established. The new plan for the repression of offences proceeded on the two principles of making punishment certain, and diminishing the temptation to commit the offence; and wherever it had been applied, it had always been found to work for the public welfare. Bank-note forgery and smuggling, formerly crimes of alarming frequency, against which penal statutes had in vain been directed, were put an end to in one case by an improved system of manufacture, and by removing from circulation the one pound bank-note, and in the other by a reduction in the rate of duty. Why should they not apply to the offence of bribery, which was frequently designated a crime, the same principle which had been attended with beneficial effects in the instances he had mentioned? The second and third clauses of the Bill proposed, at the discretion of the Judge, to add in cases of bribery at Parliamentary and Municipal elections the penalty of hard labour to that of fine and imprisonment already pronounced by the statutes. This he held to be wholly inconsistent with the spirit of modern legislation; and how, he would ask, was it possible for public opinion to approve the infliction of a degrading punishment—what the French termed *peine infamante*—when a feeling existed that many Members of that House were tainted with this very offence of bribery? The penalties imposed by the existing law were not enforced. At every general election hundreds of cases of bribery occurred, and yet nothing was more rare in the history of our criminal courts than punishment of that offence either by fine or imprisonment. If, without making trial of the checks already existing, they were to set about framing others, they would be imitating the physician, who, on learning that the remedies which he had prescribed had not been administered, sat down to write a fresh prescription, consisting of more violent medicines. The only effectual remedies, in his opinion, were the loss of the seat and the loss of the vote; but to legalize the sentence of hard labour in cases of bribery, would only be to add to what had proved in practice an idle threat, a fresh denunciation, which was still more certain, from its severity, to prove inefficacious. As to the 4th clause,—the difficulty of procuring evidence was not to be ascribed to any fear on the part of witnesses that their testimony might lead to their own subsequent conviction, but to the fact that the parties engaged in the traffic—the subordinate agent who bought, and the electors who sold—liked the trade, and were unwilling to do anything that might interfere with it, and likewise to the feeling of mutual fidelity—he would not call it honour—which bound most persons engaged together in enterprises, even of an unlawful character. The 5th clause afforded an indemnity to witnesses who had been guilty of the offence of bribery; but he put it to the House whether it was worth while, for an additional chance of putting a stop to the practice complained of, to interfere with the rule of law to which English lawyers and the English people attached so much importance. The 9th clause would, he believed, be found impracticable in populous places; but, with these exceptions, the Bill, after diligent consideration in Committee, might, he thought, be passed with advantage. He now came to the remedy which he himself was desirous should be adopted—namely, that when a defeated candidate petitioned on the ground of bribery or treating, and made out his case without any recriminatory case being established against himself, he should be entitled to the seat. In the majority of elections which took place under the present system in corrupt political constituencies, it usually happened that there were three parties, of whom two were opposed in politics, one being somewhat stronger than the other, and the third party, which held no political opinions whatever—except it were recognized as a political principle that electors were to make as much as possible out of their votes—were able to give the victory to the weaker side by throwing their force in that direction. A candidate was invited down by the stronger side, and was correctly assured that if no corrupt practices were resorted to he was sure of his seat; but a few days before the election it was ascertained by some of those appearances so well understood by persons familiar with such matters that the weaker side had made arrangements for buying the votes of the corrupt section; under such circumstances what course would the most strenuous opponent of bribery recommend the candidate to pursue? If, persevering in his original intention not to bribe, he withdrew from the contest, it was true that he avoided both the expense and contamination to which he would otherwise be exposed. But so far as the constituency was concerned, bribery was not checked, but, on the contrary, encouraged; for the weaker side, simply by unscrupulous determination, succeeded in gaining the election. If, as he feared was most frequently the case, the candidate who started with pure intentions found that unless he resorted to the same practices as his opponent his election would be lost, and thereon placed a sum of money in the hands of his agent without inquiring how it was to be spent, such a proceeding was not, of course, to be defended; but the unwillingness of men to succumb in any contest in which they had once engaged, the extreme importance which was attached to a seat in that House, and the improbability of succeeding on petition, made it, he thought, not to be wondered at that the temptation was often yielded to, and resulted in the occurrence of events such as had excited the reprobation of the country at Gloucester and Wakefield. The candidate might, to be sure, adopt the more honourable course of adhering to the principle of purity, and petitioning the House if defeated; but after the expenditure of a moderate amount on the legitimate costs of the election, and a much larger sum in prosecuting the petition, he was no nearer to the honourable object of his ambition, a seat in that House, even if he succeeded in ousting his opponent. Where a very gross scene of corruption was exposed, the House would probably suspend the writ for a year; but if even a new writ were issued immediately, there was no man who was more secure of the hostility of the corrupt party than the hon. and public-spirited candidate; and, with some rare exceptions, it had been found that the corrupt elector, whether influenced by gratitude or self-interest, if he could not obtain money from anybody at the second election, generally voted for the candidate of the party to whom he had sold his vote on the former occasion. In some cases it was the friend, in others it was the near relative, but the person who came forward in the same interest as the unseated representative was pretty sure of being returned. Thus the three courses which were open to a candidate desiring to avoid bribery were each of them eminently unsatisfactory. Numerous as were the petitions which flocked in after every general election, the number of seats which had been obtained by corrupt agency, and respecting which no effective petition was presented, was even greater still. By the course which he proposed, bribery, like smuggling, would be rendered a non-remunerative speculation, for the effect would only be to hand over the seat on petition to the opposing candidate; and gentlemen coming forward to contest elections would soon shrink from an expenditure which only led to exposure and defeat. The House, moreover, would be relieved from the unpleasant and embarrassing dilemma in which it was too frequently placed of punishing the innocent as well as the guilty electors by suspending the writ for an indefinite period, or of rewarding the guilty parties and affording them the opportunity of a fresh harvest by suffering a new election at once to take place. It had been said that this proposal would lead to the result that the candidate of the minority would not unfrequently gain the seat —meaning of course thereby the minority of unbought votes. But it would be seen, on reflection, that this would rarely occur. As the law now stood the candidate who had the majority of unbought votes was, nevertheless, often tempted to buy votes, lest his majority should be overpowered by the bought votes of the other side, and thus he might put it out of his power to obtain the seat either at the election or on petition. But under the law as altered he would be perfectly certain of obtaining the seat on petition, and the only way in which he could incur the risk of losing it would be by his own folly. In fact, to use a familiar phrase, it would be by buying votes that he would be "sold." Candidates having the minority of unbought votes might more frequently obtain the seat at present than under this alteration of the law. Whatever plan might be adopted, he therefore trusted that it would comprise the remedy which he had suggested.

Mr. STEUART said, he had no intention to offer any opposition to this Bill, in the spirit and objects of many of the provisions of which he highly approved. With regard to the appointment of an election auditor, he thought it could not be denied that, as the working of the system had already shown, the office of election auditor had in some respects failed. He believed that, by giving him more explicit functions to discharge and greater powers, they might effectually secure the object which it was intended to carry out. The real use of election auditors was to prevent the honest candidate spending more than the legitimate amount of money at elections. He knew it was difficult for a candidate to say he would only pay the legitimate expenses, because his supporters frequently came to him after the election had terminated and told him that they had expended such and such sums, which they thought necessary. Nevertheless, after the passing of this Act any candidate might say that he would place in the auditor's hands the money for such and such expenses, and would pay no more. There at least would be a safeguard against an undue expenditure at those elections. With regard to the penalties in this Bill, he did not think that they should be much more severe than the law enacted at present. The great object to be kept in view was to make the penalties certain. That was the point which this House had to consider in the Municipal Corporations

Bill of last year. The result was that the penalties were small, but certain. The remedy proposed by the hon. Baronet was that the defeated candidate, if successful in his petition, should be entitled to the seat, if he were able to show a majority of legal votes. He knew not whether the House would be willing to maintain that principle. The greatest temptation to resort to bribery arose when parties were evenly balanced. Now, in the event of bribery being committed, the defeated candidate had already a remedy, but one certainly not without expense. There were, however, ways and means by which a remedy could be given without such expense. Why should not the party who successfully prosecuted an election petition as well as an action at law be entitled to his costs? It had been suggested, too, that the borough itself should pay the expenses, and that suggestion might in some cases be a very fair one, but the chief attention of the House ought to be directed to making it certain that inquiry would take place in every case where it was necessary, and in relieving the person who had suffered an injury from the expense. With regard to paid canvassers, there were very few boroughs in the kingdom where such persons were employed, and if in any case such a mode of influencing votes were resorted to an Election Committee would be almost certain to look upon it as *primâ facie* grounds for concluding that corruption had been resorted to. But the clause in the Bill relating to this subject he was afraid would be found utterly unworkable. It was of little use to say that no voter should be employed as messenger, paid canvasser, or the like, for where it was wished to influence votes in this way, it would be easy to evade the prohibition by employing the voter's son, or any other near relative. It would be perfectly possible to carry out the intentions of the clause in another way. It might be left, for instance, to the election auditor to say how many messengers would be required on each side. Considering the subject generally, however, he would give his cordial support to the second reading.

MR. COLLIER said, that if the Bill had proposed that every one guilty of bribery should be hanged or transported for life, the remarks of the hon. Member for Reading (Sir F. Goldsmid) might be apposite, but he seemed to overlook the fact that the penalties inflicted by the Act varied from a *minimum* of one day's imprisonment to a *maximum* of six months' with hard labour. To the coupling of hard labour with imprisonment he attached some importance, for, though hon. Gentlemen did not scruple in that House to talk about bribery as an odious and degrading offence, yet, if the public remarked that there was a great disinclination to give the Judges power to inflict a degrading punishment, there would be a great disposition to reproach them with not being in earnest in suppressing this abuse. He should certainly support that particular clause in the Bill, and it would be a test to the public of the sincerity of the House. Pecuniary penalties bore hard upon the poor, but allowed the rich to escape. The spectacle of an hon. or right hon. Gentleman doing useful work on Dartmouth Farm or on the Portland Breakwater would have a great effect, and convince the public that bribery was not so gentlemanly a fault after all. The Bill, in his opinion, was good as far as it went, but was somewhat incomplete. The provisions in the present Act, with regard to the election auditor, had been entirely nugatory, because no machinery had been established for the enforcement of them. On this part of the subject he should be very much inclined to borrow that part of the Bill of the hon. and learned Member for East Suffolk, which provided that every Member should be required to declare that he had paid nothing and would pay nothing except through the election auditor. With regard to oaths and declarations, he did not attach much weight to them, thinking, with Burke, that they were spiders' webs, which great and dangerous animals easily broke through, and which served only to endanger the fluttering wings of tender consciences. Sir F. Slade, for instance, a highly honourable and conscientious gentleman, would have found not the slightest difficulty in making a declaration against bribery, though it was afterwards decided that in paying the travelling expenses of a voter he had committed an act which amounted to bribery. He would insert a clause enacting that any persons making such payments should lose their seats. If a man knew what acts were prohibited, and yet did them, it was no hardship to enforce a penalty. The clause that made it a misdemeanour to employ a voter as messenger or agent was a valuable one. And as a further means of reducing the cost of elections, he did not see why the election auditor should not decide on what expenses should be incurred. He already decided what number of polling places were necessary, according to circumstances, and he might also fix the number of committee-rooms to be hired and agents to be employed—the candidate who engaged more than the prescribed number should forfeit his seat. The practice of retaining all the attorneys in a town at £20 and £25 a piece was very hard to distinguish from bribery; and hiring committee-rooms from doubtful publicans at £10 and £20 a piece was only a cloak for corruption. But any Bill for the prevention of bribery would be defective if it did not make it illegal to pay for the conveyance of voters. He had introduced a Bill on this subject which had received the assent of the House, and he hoped in Committee he should be allowed to insert clauses having the effect in the present measure. There was another point referred to by the Gloucester Commission—unless prosecutions for bribery were made obligatory, the present machinery for bringing cases to justice would be very defective. Occasionally the House ordered a prosecution; but it did not always fix upon the principal offenders, and consequently public sympathy ran rather in favour of those who seemed to be singled out for punishment, capriciously. It was impossible for the Attorney General to obtain the information required for the administration of this branch of justice. The House had on a previous occasion affirmed the principle of appointing a public prosecutor for all crimes. The measure creating a public prosecutor had received the concurrence of the most eminent lawyers in the House, among others the Chief Justice of England. But for bribery and all that class of offences a public prosecutor was especially required; it was advisable, if only as an experiment, which, if it succeeded in these cases, might be extended to others. Bribery was a public offence, and private prosecutors could not be trusted to deal with it. When any one prosecuted a man for stealing his property he was considered to be performing a duty, and public opinion went with him. But if a gentleman prosecuted a rival candidate for filching his voters, a howl would be raised against him; it would be said he was vindictive, and acting from revenge and spite, consequently not one in a hundred offenders against the bribery laws was prosecuted. It was worth considering whether public prosecutors for this offence might not be appointed in different districts. He did not anticipate that the House would adopt the proposed panacea of the hon. Member for Reading (Sir F. Goldsmid), that the candidate defeated by bribery should in all cases obtain the seat if he had a majority of the unbought votes. This would involve a scrutiny very like that now made by a Parliamentary inquiry. The Bill was defective, and required some additions; but he should support the second reading, though it might be found necessary in another stage of the measure to refer it to a Select Committee.

Sir GEORGE GREY said, the whole of the present debate had confirmed him in the opinion that before the House could legislate satisfactorily on this subject there must be a full and searching inquiry into the evils now in operation and the means of preventing them. With this feeling he felt some hesitation in voting for the second reading of the Bill, although he thought the hon. and learned Member for Nottingham (Mr. Mellor) deserved their thanks for the desire he had evinced to repress the corruption which had in many cases taken place. They might not only inquire into the provisions of this Bill, but also into those of the Bill of the hon. and learned Gentleman the Member for Suffolk (Sir F. Kelly). The provisions of the Bill might be classed under the three principal heads:—by the first it was proposed to increase the penalties for the offence of bribery—though by the existing law it was punishable by fine and imprisonment; by the second it was proposed to facilitate inquiries into cases of bribery, by giving an indemnity to witnesses answering questions that might criminate themselves. The third series of clauses embodied some of the chief provisions of the Corrupt Practices Act. With regard to the first division of the Bill, he much doubted whether increasing the severity of the present penalties for bribery would deter persons from committing it; and he questioned the maxim of the hon. and learned Gentleman, that to create a public opinion against bribery they must attach a disgraceful punishment to it. He thought the disgraceful character of bribery must be felt in the opinion of the public in the first place; till that opinion existed the object would not be gained by attaching a disgraceful punishment to a conviction for the offence. Moreover, where the punishment was unduly severe, juries were unwilling to convict. With respect to the indemnity proposed to be given to witnesses in cases of bribery, it was a very doubtful question; but he should be sorry to affirm, without further consideration, the principle of an enactment that took away from a witness the power of refusing to give an answer that might criminate himself. As to the working of the Corrupt Practices Act and the appointment of election auditors, it had proved nugatory or worse than nugatory, inasmuch as it had been used as a screen for corruption. It must, therefore, be repealed or very extensively altered. But he did not think it safe to adopt all the alterations proposed by the present Bill without a full inquiry by a competent Committee. As to the prohibition of paying voters as messengers, the principle was good, but it could be evaded with the greatest ease. The prohibition only applied to persons actually on the register; but their friends or relatives, not on the register, could be employed. Nor did he think they should go the length of saying that no person on the register should be employed during an election. The prohibition would defeat itself. The law now disqualified any election agents from voting; yet it was well known that they did vote on each side. What he would suggest to the hon. and learned Member was, that instead of asking the House to affirm the principle of his Bill by the second reading, he should consent to the appointment of a Committee to inquire into the operation of the Corrupt Practices Act; the Committee would have all the Bills on the subject before it, and after such an inquiry, the House would be better prepared to deal with it. Such a course need not involve any needless delay, for, as both Bills now stood, they must be separately discussed, whereas a Committee would consider the provisions of both measures, without further delay. As to the suggestion of the hon. Member for Reading (Sir F. Goldsmid) that the defeated candidate, if he had the majority of unbought votes, should take the seat, this was no more than an Election Committee had now the power of deciding. It could, in that case, give the seat declared void for bribery to the candidate who had not bribed.

SIR FRANCIS GOLDSMID explained, that when he made the suggestion he was quite aware of the state of the law on this point.

MR. MACAULAY observed, that the House did not sufficiently bear in mind one fact. In every election acts were done which must be known to many people were acts of bribery. Yet the public did not think fit to call for any prosecutions for this offence. How it could enter the mind of any one that visiting it with imprisonment and hard labour would stimulate unwilling prosecutors, he could not conceive. He had heard with great surprise the emphatic denunciation of the Corrupt Practices Act by the right hon. Baronet opposite (Sir George Grey). He, as a Minister of the Crown, followed the suit of the Gloucester and Wakefield Commissioners, and assented to the evidence given by three gentlemen who stood in the position of having flagrantly, he might say, impudently, violated the enactments of that Bill, which were very easily carried out, and very effective where carried out. What was the plain principle of the Act? That all disbursements of money should be through the candidate's agent for election expenses, and should undergo the supervision of the election auditors. That injunction was plainly to be obeyed, it was easy to be obeyed, and if obeyed it would lead necessarily to this result—that no money of the candidate could be disbursed except publicly, for the auditors' accounts were published in the newspapers; and, inasmuch as 9-10ths, if not 99-100ths of the money corruptly expended came directly or indirectly from the pocket of the candidates, this provision, duly complied with, would dry up the whole of that source of corrupt expenditure. It was in evidence before the auditors, however, that the money paid at those elections was not paid in the manner prescribed, but was obtained from quarters with which that evidence had made them all familiar. How, then, such a provision could be said to be wholly and entirely nugatory and required to be replaced by others of a different character, he could not understand. But he was aware that the institution of the election auditor might be materially improved. He would, therefore, suggest that the statement laid before the auditor should be open to the inspection, attack, and criticism of the agent for the other side, who should be allowed to go into all the items. This he thought would be a great protection. The hon. and learned Member for Plymouth (Mr. Collier) had not only asserted the nugatory character of the provision in regard to the election auditor, but accompanied his statement by a reference to Sir F. Slade which he thought rather unfortunate for his argument. The hon. Gentleman had stated that Sir F.

Slade had been convicted of bribery, rather an invidious mode of characterizing the decision of the House of Lords. True it was that on the face of the accounts which were before the election auditor and published in the newspapers, A. B., a voter living at Huntingdon, had his expenses paid to Cambridge and back, which led to an action for penalties by a common informer. The case was brought before the House of Lords in the form of what was called a special verdict. The facts disclosed a circular letter written by the chairman of Sir Frederick, then Mr. Slade's committee to the voter—"The election takes place on Friday next; you are solicited to attend at Cambridge to vote for Mr. Slade, and your expenses of travelling to Cambridge and returning to Huntingdon will be paid." Having received that letter the voter travelled to Cambridge, voted for Sir F. Slade, went to his agent, and was paid his travelling expenses to Cambridge and back to Huntingdon. Reference was made to the Corrupt Practices Prevention Act, which defines bribery thus:—"Any money paid to a man on account of his having voted;"—and the question before the House of Lords was whether that letter, followed by the fact of the voter having made the journey, and afterwards gone to the agent's office and received the money, was evidence that he had received £1 10*s.* "on account of his vote." The House of Lords said that the letter was evidence that the £1 10*s.* was paid on account of the vote. This was what his learned Friend called the conviction of Sir F. Slade for bribery. He had always thought the provision with regard to the election auditor a most valuable one; and having felt the value in his own person of the clause relative to the disbursement of expenses, he could not but protest against the repeated assertion that the Act had been entirely nugatory.

Sir GEORGE GREY said, he had been misunderstood by the hon. and learned Gentleman. He was far from saying that the provision of the Corrupt Practices Prevention Act with reference to the election auditor was not intended to be operative, nor did he imply any extenuation of those who had failed to comply with the provisions of that Act; all he said was, that its operation had practically been nugatory and had dissappointed those who looked to it as an effectual remedy.

Mr. COLLIER said, he also wished to explain; he had strongly approved the provision, and thought it desirable further to enforce it. So far from reflecting on Sir F. Slade, he stated that he knew him to be a man of high honour; he only mentioned the fact that the jury did find that he had committed bribery.

Mr. MONCKTON MILNES said, he was glad in the prospect that this Bill would be referred to a Select Committee. He did not coincide with those who said that the Act it was proposed to amend had not been of great value. They had to contend with an evil on which it was extremely difficult to operate with any immediate or very striking effect. Bribery was an offence with which it was no easy matter to deal in a discussion in that House. Under certain circumstances, assuming a political character, it almost lost its aspect of vice. They were apt, perhaps, to exaggerate their deficiencies and those of everybody else on this subject. He could only say that in his county there were very large and populous towns, such as Leeds, Halifax, and Bradford, where the keenest contests had taken place, and no suspicion of bribery was ever thrown on a single individual or even made the subject of recrimination. The ethical character of the crime of bribery must solely depend on the conviction of the individual who was exercising what he called a political right; if he did not see it to be a violation of a trust for selfish purposes it would be extremely difficult to convince him of its heinousness. He had himself felt this when arguing with some of his constituents. A great deal had been done in getting rid of the habitual bribery which formerly existed in some places. The practice of giving "head-money" at one time prevailed in the borough he represented and in many others. That practice had been uprooted; but he had encountered opposition from not a few who always insisted on it as an absolute right, and he remembered in one instance a voter said to him if he did not pay head-money he would go to law with him and force him to pay it. He thought the establishment of an election auditor had been extremely valuable, he having been made a cloak for additional abuses only in one or two instances, which appeared to be quite accidental. At the same time he thought it would be a great improvement if the election auditor were placed in a more responsible position, by having the power of refusing his assent to particular payments, and disallowing certain expenses that should not have been incurred. He would recommend the hon. and learned Gentleman to accede to the suggestion of the right hon. Baronet.

MR. MELLOR said, that of himself he felt disposed to accede to the proposal of the right hon. Baronet the Chancellor of the Duchy of Lancaster (Sir George Grey), although he still retained strong opinions of the necessity of the two clauses, depriving witnesses of the privilege of not answering questions put to them, and increasing the punishment which should be awarded under the Act. For both of these he was prepared to adduce strong reasons, but he would not now detain the House. He gave his consent to the proposal of the right hon. Baronet.

MR. EDWIN JAMES said, he would then, as a matter of form, move the Amendment of which he had given notice.

MR. SPEAKER: The hon. and learned Member has given notice, "After the second reading of the Corrupt Practices Prevention Act (1854) Amendment Bill, to move that the Bill be committed to a Select Committee." The question now is that the Motion for the Second Reading be withdrawn.

Motion, by leave, *withdrawn.*

CORRUPT PRACTICES PREVENTION ACT (1854).

SELECT COMMITTEE APPOINTED.

MR. EDWIN JAMES said, that with the permission of the House he would move that a Select Committee be appointed to inquire into the operation and effect of the Corrupt Practices Prevention Act (1854), and whether any further measures are necessary for the prevention of corrupt practices at elections. He would trouble the House with a very few observations, because he understood the House had practically agreed to the reference. It was desirable, however, that a system should be adopted by which something like honesty and purity of election might be secured. The hon. Baronet the Member for Reading had suggested that the petitioning candidate, after bringing home a charge of bribery, should have the seat even without a majority of legal votes. This would entirely overturn the *lex et consuetudo Parliamenti.* In fact, a proposition more monstrous and unconstitutional as a specific against bribery he was at a loss to conceive. As the hon. and learned Member for Nottingham had withdrawn his Bill he would not now revive the discussion; but there were great difficulties in the question, and the main reason why he had given notice of this Motion was, that being now early in the Session, they might, by the appointment of a Committee of Members thoroughly conversant with the subject, if the House were sincere, proceed to the enactment of some real measure to put a stop to bribery. The Corrupt Practices Prevention Act of 1854 was the emanation of a Parliamentary Committee; to a certain extent it had worked well; but he must say what little experience he had entirely corroborated what had been stated by the right hon. Baronet (Sir G. Grey), that in practice the provision in respect to the election auditor had become perfectly nugatory. He could not give a stronger evidence of this than the fact that after the last election there were twenty-six or twenty-seven Election Committees, and in no single instance had the return been made by the election auditor in time to come before the Committee. The election auditor's returns almost invariably came in after the petition had been tried. He did not mean to say that, with additional safeguards, the institution might not be made a valuable one; but, practically, at present it was utterly illusory. He trusted the result of the Committee would be the production of some rational measure calculated to do away with the serious evils now complained of; for, as the great historian who had just passed away from us truly observed, the history of Parliamentary corruption remained yet to be written. He trusted that blot, which sullied and disgraced our institutions, would, as the result of the investigation of this Committee, be speedily swept away, leaving pure, as it ought to be, the noblest institution which a free people was ever permitted to enjoy.

MR. SERJEANT KINGLAKE said, he rose to second the Motion, as he thought that the right hon. Baronet had taken the right course in recommending that the subject should be left to the consideration of a Select Committee. He (Mr. Serjeant Kinglake) felt that this question was one not only of serious importance, but of great difficulty. It was quite clear that hitherto the Legislature had failed in accomplishing its great object in the suppression of corrupt practices at elections. It was very easy to introduce a speculative remedy; what was required was a clear, distinct, and practical remedy. The Corrupt Practices Prevention Act would have better deserved its name if it had been called the Corrupt Practices Protection Act. That measure might have been good enough in the intention of its framers; but it had wofully failed in practice. The Gloucester Election Committee stated in their Report that the office of election auditor existed only to delude the Legislature and the public—that instead of aiding in the detection of electoral abuses it acted as a screen to prevent their exposure. What was wanted to put down corruption was not so much severe penalties and more stringent laws as increased means of detection. If there had been a strong feeling out of doors against bribery the law would have been put in force and found effective, but then there was a freemasonry carried on on both sides in the boroughs where bribery was practised, which rendered the discovery of delinquents most difficult. Of late years the Election Committees of that House had, happily, been more earnest and more honest in the discharge of their duties; and in exact proportion as Members petitioned against found that their seats were really in peril candidates became more scrupulous as to the practices they sanctioned at the time of an election. By facilitating inquiry and improving the tribunal to which election petitions were referred, more would be done towards eradicating this evil than by sentencing hundreds of men to hard labour, or by making Members of that House take oaths at the table, and enter, as it were, into recognizances for their future conduct. He begged to second the Motion.

Mr. PHILIPPS remarked, that notwithstanding all that had been said to the contrary the Corrupt Practices Act had been attended with good results. It was true that much remained to be done to extirpate electoral corruption, but the tendency of things was towards improvement. The disclosures at Gloucester showed that while thousands had been spent there at recent elections, tens of thousands used to be spent in the same manner in former times. The mode of appointing the election auditor might be improved if his nomination were in the hands of some authority unconnected with the locality. The power of scrutinizing election accounts or of appointing the officer who was to scrutinize them, might be safely intrusted to the revising barrister. If the House were to inflict excessive penalties on persons guilty of bribery, a revulsion of feeling might be excited in favour of the offenders, it would be much better to make such persons the objects of public ridicule and contempt than to elevate them into the position of martyrs. The worst kind of manufacture was that of martyrs.

Mr. PULLER observed, it was the wisest course to refer this and the other Bills on the same subject to the Select Committee. A remark had been made with respect to the Hull Election Committee to the effect that there was a failure of justice, because while one man was condemned another escaped. That was a defect incidental to every mode of administering justice, because unless a man, whatever his guilt, were accused and sufficient evidence was brought against him he could not be punished. The way to prevent colourable employment at elections would be to disqualify voters engaged by either candidate from voting at elections.

Mr. WYKEHAM MARTIN said, that one cause of the non-appearance of prosecutors for bribery, was the general repugnance of the English people to *qui tam* actions, the only remedy which the law provided for the offence. He did not think the appointment of a public prosecutor would remedy the evil. The other day the House ordered the prosecution of two persons for bribery at the Beverley election; and what was the result? Anybody who referred to *The Times* of the day preceding, would find that at a public meeting of the inhabitants of Beverley, not consisting exclusively of one party, but even comprising some opponents of the two convicted bribers, strong resolutions were passed condemnatory of the course taken by that House, and pledging the meeting to resist such "an attack on the liberties of Beverley." It appeared from this that, in one borough at least, it was thought perfectly legitimate to bribe. When bribery was the subject of jests in the periodical literature of the day, it was plain that the tone of the public mind required elevating. He had had the good fortune to be engaged in three election contests in which the solicitors on both sides thought they would have been disgraced by taking a fee for their services. He had had some difficulty in prevailing on one professional gentleman to accept a fee for acting as election agent. It was no less bribery for a solicitor to take a retainer of twenty-five guineas than for a poor voter to take five shillings for loitering about a committee-room as a messenger.

MR. DARBY GRIFFITH said that one source of corruption hitherto overlooked took the form of loans from candidates to their constituents. Applications were sometimes made to a Member for loans after his return; and though these transactions might not appear to either party concerned to be at variance with law or morals, there was no doubt that the money being given in consideration of political support they were essentially corrupt. Such loans would naturally influence future votes, without any further money being necessarily passed to the recipients about the time of another election. The Committee to whom this question was to be referred, while endeavouring to stop up all the other channels of corruption, ought not to neglect the one which he had indicated.

MR. ANGERSTEIN hoped that the Committee would inquire into the whole question of election expenses, particularly into the system of employing paid canvassers. The masses of the people, he believed, desired to have the expenses of elections diminished. A very great source of expense, however, was the machinery created by Parliament itself.

MR. CAVE said, he did not believe that bribery was to be put down by severity alone. Certainty of detection and punishment would, in his opinion, be more efficacious. With reference to the payment of the travelling expenses of voters, he would suggest that it could hardly be made illegal without, in some counties, rendering necessary the erection of a polling place for only a dozen or so of voters.

MR. W. VANSITTART said, he wished to call attention to the influence which might be exercised by collectors of rates and taxes, and to express a hope that they would be placed in the same position as election auditors, and forbidden to take any part, direct or indirect, in elections.

Motion *agreed to.*

Select Committee *appointed*—

"To inquire into the operation and effect of the Corrupt Practices Prevention Act (1854), and whether any and what further measures are necessary for the prevention of Corrupt Practices at Elections."

ELECTION PETITIONS ACT (1848) AMENDMENT BILL.

SECOND READING DEFERRED.

SIR GEORGE GREY said, he hoped the Second Reading of this measure would not be pressed to-day, as it formed a portion of a much larger measure which was at present in course of preparation by the Secretary of State for the Home Department.

Second Reading *deferred* till *Wednesday* next.

ADULTERATION OF FOOD OR DRINK BILL.

SECOND READING.

MR. SCHOLEFIELD said, that in moving the Second Reading of this Bill, he wished to explain that the principal provisions of the measure were to impose penalties upon persons who sold impure articles as warranted pure, to enable Corporations to appoint analysts, to authorize persons buying goods to take them to such analysts to be examined, and to make their certificates evidence in case no testimony was produced to contradict them. It was almost identical with the Bill which he introduced last Session. There were some slight changes, and if any other improvements could be introduced, he should be glad to adopt them. The Bill was one of importance, especially to the working classes, and he hoped the second reading would be allowed to pass.

MR. EDWIN JAMES would not oppose the second reading; but it contained several points with regard to the appointment of analysts, and other matters, which required to be considered with care in Committee.

SIR GEORGE GREY said, that as the Bill was very similar to the Bill of last Session, the principle of which had been affirmed by a large majority, he should not oppose the second reading. But it was not to be understood that he pledged himself to all the details, some of which required to be considered with care and attention.

Bill read 2° and Committed for Wednesday 29th February.

CASE OF MR. BALFE.

COLONEL DUNNE said, he rose to move for a copy of the Commission for an Inquiry into the conduct of Mr. Balfe, a magistrate of the County of Roscommon, accused of having committed a criminal offence; together with the Report of the Commissioners appointed to make the inquiry, and correspondence connected therewith. He believed, upon high legal authority, that all such Commissions as that referred to in his notice were illegal, and that the Commissioners had no right whatever to administer an oath to any witnesses whom they examined. Mr. Balfe took part in the election for Roscommon, and he was charged with subornation of perjury and attempted personation. The charge was not made at the time of the election, but upon a subsequent occasion, at the period for appointing sheriffs for the counties. His name stood first on the list of three gentlemen recommended by the Judges to the Lord Lieutenant; but, nevertheless, he was passed over, and one of the other two was appointed sheriff for Roscommon. Mr. Balfe requested an explanation. The Chief Secretary replied, that it was not the practice for the Lord Lieutenant to state the reasons of his choice; but, on applying to the Lord Chancellor, Mr. Balfe was informed that he had been passed over because a charge had been made against him in connection with the Roscommon election. The Lord Chancellor proposed to issue a Commission to inquire into the charge. Mr. Balfe protested against such an inquiry, but his protest was unavailing; for Mr. Demoleyns, a gentleman at the bar, of high character and reputation, was appointed to investigate the charge. Mr. Balfe protested against being placed on his trial before such a tribunal; but not wishing to shrink from vindicating his character under any circumstances, he consented to appear before that gentleman. Mr. Demoleyns went into evidence, and made a Report which completely exculpated Mr. Balfe from the guilt of perjury and personation. Within the last few days he had received a letter from the Lord Lieutenant stating that the report entirely absolved him. So the matter stood. Mr. Balfe had been exculpated, but he had been subjected to an impolitic and unconstitutional inquiry. Now he (Colonel Dunne) wished to point out the difficulty into which the Government must get by issuing these illegal Commissions; especially in cases involving political motives. The legal way of trying a man charged with such an offence, was to take him before a magistrate, or to prefer an indictment in the Court of Queen's Bench against him; and Mr. Balfe complained that neither of those courses had been adopted. The practice of appointing these Commissions was inconvenient, illegal, and fraught with all kinds of mischief. It had never been followed in England; and, if it were to be continued in Ireland, they might as well have another Star Chamber in that country. There was nothing whatever to justify the accusation against Mr. Balfe. No doubt the Lord Lieutenant was not bound to give any reason why the Crown passed him over; but the Lord Chancellor had imprudently made known the reason, and thus rendered it necessary for him to vindicate his character against a charge which had not been proved. He hoped the Government would give an assurance that the practice he had condemned would now cease.

MR. CARDWELL said, the hon. and gallant Member had brought forward the Motion in the fairest manner, and had stated the case with accuracy. He had admitted that the course pursued was the same as that adopted in former cases of the same kind, though he had not mentioned, as he might have done, that it was prescribed by statute in regard to magistrates appointed under the Constabulary Act: the Commission to inquire into the charge preferred against Mr. Balfe was issued, therefore, in accordance with both law and practice. He (Mr. Cardwell) was happy to say that he would agree to the Motion for the production of all the papers on the subject. It was desirable that the House should be in possession of these documents before it entered into a discussion of the case; but he was anxious now to state what actually happened. The law cast upon the Lord Lieutenant the duty of selecting sheriffs for the several counties. Three names were submitted to him by the Judges, and it was usual to select the first on the list. It was, however, not his duty to take that first name; and in the very same county, not long ago, that usage was departed from. The gentleman first on the list, who was then passed over, wrote to inquire the reason, and he received an answer that the Lord Lieutenant had appointed one gentleman whose name was on the list to the office of High Sheriff, and that he could not recognize on the part of any other gentleman, whatever position he might occupy on the list, a right to raise a question why he was not himself the object of choice. It was quite clear that such a right was not recognized either by law or practice; but then it might be said that by refusing to give a reason they would pain the feelings of the gentleman concerned, and injure his character and position. Mr. Balfe was invited to return an answer to the charge, and he distinctly denied its truth. There being this absolute contradiction of fact, a gentleman of the highest respectability at the bar was appointed to investigate the matter. Both parties appeared before him, and were heard by counsel. The hon. and gallant Member asked why there had not been a criminal trial, but a greater hardship could scarcely have been practised upon Mr. Balfe than by the Government instituting criminal proceedings in such a case. The evidence was conflicting, but Mr. Balfe distinctly denied that he was guilty of any attempt to personate a voter. Mr. Demoleyns reported that he was of opinion that the charge against Mr. Balfe, and contained in a letter written by Mr. O'Donnell, had not been sustained; but he added that though he had, satisfactorily to himself, arrived at that conclusion, he was of opinion that the circumstances proved before him justified Mr. O'Donnell in demanding the inquiry and in subsequently pressing for it. The Lord Lieutenant then communicated to Mr. Balfe the result of the Commission, and stated that in his estimation Mr. Balfe's character was entirely unaffected by the charge. The general question as to issuing these Commissions was a separate matter, but with regard to the present case he trusted the House would suspend its judgment until all the papers were on the table.

MR. WHITESIDE said, he wished to ask where the right hon. Gentleman found his authority for instituting such an inquiry. He had stated—adroitly, but not candidly—that under the Constabulary Act the Crown had power to investigate by Commission the conduct of its own officers. The very fact, however, that there was an Act providing a particular mode of investigation for the case of stipendiary magistrates might have suggested to the clear mind of the right hon. Gentleman that there was no power under that statute to try any other class of the Queen's subjects. It was, unquestionably, illegal to issue a Commission to inquire whether Mr. Balfe, who was not a stipendiary magistrate, had stood by while somebody voted who ought not to have done so; and the gentleman who administered an oath to Mr. Balfe had rendered himself liable to be indicted. The inquiry, in short, was illegal alike in its inception and in its conduct. In the case of another similar Commission, a newspaper which had innocently published the proceedings was prosecuted for so doing, and did not get its costs. Such inquiries were illegal, and the administration of oaths by those who conducted them was forbidden by positive law. Again, he would ask how the cost of these proceedings was defrayed. He supposed that it came out of the Consolidated Fund in some shape or other; but, however this might be, it would be better to let the common law of England prevail in Ireland. The principle involved in the appointment of such a Commission was a most improper, and it might prove a most dangerous one.

MR. BERNAL OSBORNE said, that he was delighted that the Secretary for Ireland was not mixed up in these proceedings, for if he were, he should have lost all confidence in the Government of Ireland. If this case, which appeared to excite so little interest, had occurred in England, every country gentleman in the commission of the peace would have come down and protested against so unheard-of and despotic exercise of power on the part of the Executive. He knew nothing of Mr. Balfe, except that he was a Roman Catholic gentleman of liberal opinions and of large property. At the last election for Roscommon, Mr. Balfe opposed the Castle interest, and since that time he seemed to have been a marked man. What would have happened if the late Attorney General for Ireland (Mr. Whiteside) had acted in the way complained of? Would not hon. Members on the Ministerial side have denounced his conduct in words as strong as the English language could supply? The House was equally bound to watch the system of government, or rather no government, which at present existed in Ireland. Had the Chief Secretary been there, this Commission would never have been issued, for the right hon. Gentleman was far too prudent to give reasons for striking a sheriff's name off the list. The fact was that all this was done by the backstairs influence at Dublin Castle. His right hon. Friend (Mr. Cardwell) had endeavoured to take the House off the scent by referring to what the Government were empowered to do in the case of the paid magistracy; but Mr. Balfe was no paid magistrate, and could not be dealt with in any such way. He had been struck off the list of sheriffs, and, upon demanding an explanation, the Lord Lieutenant very imprudently furnished him with one. "Oh that mine enemy would give a reason!" Mr. Balfe might have said; and the Lord Lieutenant did give a reason, declaring that during the election Mr. Balfe had been a party to the personation of a voter. Then a correspondence ensued between Mr. Balfe and the present Lord Chancellor, in which the latter got the worst of it, both in law and logic. Mr. Balfe demanded that the charges against him should be brought forward in the light of day. He disapproved of the Commission, but said he would come before it. He did appear accordingly, and was entirely acquitted. The inference which he (Mr. Osborne) drew from all this was that the present mode of governing Ireland was unsatisfactory; that backstairs influence was predominant there; that men's characters might be whispered away; and that if they did not happen to be on the list of high sheriffs they would never know the reason why. The people of Ireland were in favour of the Lord-Lieutenancy, and he should not attempt to disturb their decision; but at the same time he thought there might be a great reform in the system. At present it was a grotesque burlesque; but if it was to be a pageant, at least it should be a solemn pageant, and not one brought into play merely for such things as the inauguration of baths and washhouses. If such a case had happened under the Earl of Eglintoun, every Irishman would have started up to denounce it. As it was, wishing to deal impartially with such questions, and looking upon the present Lord Lieutenant as a man well formed to adorn private life, he thanked his hon. and gallant Friend for bringing the subject under notice. The accusation against Mr. Balfe was preferred in quite a Venetian manner, though to say that the letter was dropped into the lion's mouth would be to cast a slur upon that noble animal. This discussion would lead men to question the expediency of continuing the government of Ireland by means of a Lord Lieutenancy, or, at any rate, it would show that the Lord Lieutenant's powers should be scrutinized more severely than at present. He hoped the result would be to give a blow to the backstairs influence which in this case had been directed against a gentleman who bore as high a character as any hon. Member of this House.

Mr. LONGFIELD said that, though differing from that gentleman in politics, he felt bound to defend Mr. Demoleyns, the Commissioner, from the unjust attack which he thought had been made against him during the discussion. No hole-and-corner meeting had been held, but the inquiry was entered upon after full notice, and was fully and fairly attended. Mr. O'Donnell and Mr. Balfe, who were the parties on either side, both assented when asked whether the evidence should be given on oath, and the Commissioner had not acted illegally in taking it. He (Mr. Longfield) deprecated these Commissions, which were unconstitutional, and followed precedents set in bad times. But as those precedents had been followed in the present case, no person could have been selected from the bar who was more likely to do justice than Mr. Demoleyns; and before his decision was given all the parties expressed their satisfaction with the strict impartiality and ability evinced by him throughout the proceedings.

Mr. GEORGE said, there was no more distinguished lawyer at the Irish bar than Mr. Demoleyns; but the House should not suffer its attention to be distracted from the real question at issue here by the character of the individual selected as Commissioner. He was not aware of any general law which in such an inquiry allowed a Commissioner to take evidence on oath, and so doubtful was Mr. Demoleyns as to the extent of his authority, that he had at first declined to examine on oath at all, and only did so when the parties concurred. But was it fair, on such an inquisitorial, if not illegal, inquiry, to call on any man to be sworn? If Mr. Balfe had refused, it would have appeared as though he was afraid to meet the charge. It was only proper that the House should know that Mr. O'Donnell, who appeared as the accuser, was the acting Parliamentary agent of the candidate favoured by the Castle, but opposed by Mr. Balfe, at the Roscommon election. As to the conduct of the Government in striking off Mr. Balfe's name from the list of sheriffs, he admitted that it was in the power of the Executive to displace a gentleman from the list, but they ought, when called upon, to show satisfactory reasons for so doing. If the course pursued in Mr. Balfe's case were followed, no man's character in the land would be safe. He trusted that they would never hear of such Commissions again. Upon a charge of aiding and abetting the personation of a voter, it was the duty of the Government to have instituted a criminal prosecution. As it was, Mr. Demoleyn's acquittal was not so full and fair as it should have been. He ought not to have alluded to complicated evidence, which afforded some reason for the belief that his Report was intended to cover a rather shabby retreat on the part of the Government, or, at all events, to excuse their inadvertence in having been betrayed into such proceedings. The Government were wrong in condemning Mr. Balfe in the first instance, and then in inquiring into a charge that ought never to have been made. When these documents were produced, he (Mr. George) hoped that as a matter of public policy, and with a view to the proper administration of justice in future, the subject would receive full and searching inquiry.

SIR GEORGE GREY said, he could not help expressing his regret that as the papers were to be produced, the hon. and learned Gentleman (Mr. George) had entered into this case, and, besides his charges against the Executive, had directly impugned the judicial impartiality of the Commissioner, insinuating that his Report was biassed by political feelings. Being unacquainted with the facts of the case, he (Sir G. Grey) had no opinion to express respecting them; but there was, he admitted, considerable force in the objection made to inquiries conducted in this way. It should, however, be remembered that the practice was not now adopted for the first time, but had been sanctioned by precedents under former Governments. In England, although Commissions had frequently been appointed to inquire into the conduct of magistrates and of persons employed in public offices under the Crown, he did not remember that upon charges preferred against an individual magistrate merely by letter any such steps had been directed as those which appeared to be sanctioned by precedent in Ireland. The course here would be to communicate to the magistrate a copy of the statement impugning his conduct (which appeared to have been done in this case), and if his answer was unsatisfactory, or was at variance with the facts submitted to the authorities, the Lord Chancellor would employ the means at his disposal in order to satisfy himself whether the charge rested on any good foundation. As a matter of principle he (Sir G. Grey) thought that the sooner the present practice in Ireland was discontinued the better; but meanwhile it was unfair to attack the Lord Lieutenant and the Lord Chancellor for following the precedents set them, when they had selected as Commissioner a gentleman who, by common consent, was above all suspicion of partiality—at any rate until the remarks made, perhaps rather inconsiderately, by the hon. and learned Member. With respect to the administration of an oath, Mr. Demoleyns, he believed, had expressed in court an opinion that he was empowered to do so upon the consent of the parties, and it must not therefore be assumed that the Commissioner entertained any doubt on the subject.

COLONEL DUNNE said, he wished to disclaim all intention of charging Mr. Demoleyns with partiality. He had only protested against the Commissioner's administration of an oath to the witnesses, which competent authorities believed he was not warranted in doing.

Motion *agreed to.*

Copy *ordered—*

"Of the Commission for an inquiry into the conduct of Mr. Balfe, a Magistrate of the county of Roscommon, accused of having committed a criminal offence; together with the Report of the Commissioners appointed to make the inquiry, and Correspondence connected therewith."

ST. GEORGE'S-IN-THE-EAST.

CORRESPONDENCE MOVED FOR.

MR. BUTLER said, he rose to move for a copy of all correspondence that had taken place between the Rev. Bryan King, the vestry of St. George's-in-the-East, and the Bishop of London, relative to the disturbances in the parish church.

SIR GEORGE GREY said, that unless the correspondence was in possession of a Government department, the House had no power to order its production.

MR. BUTLER said, that both the Bishop of London and the Home Office had agreed to the return being made.

Motion *agreed to.*

House adjourned at a quarter after Five o'clock.

* * *

HOUSE OF LORDS,

Thursday, February 16, 1860.

MINUTES.] *Took the Oath.*—The Earl of Yarborough.

PUBLIC BILLS.—1ª Light Weight Racing.

LIGHT WEIGHT RACING BILL.

BILL PRESENTED. FIRST READING.

LORD REDESDALE said, he had to ask their Lordships to give a first reading to a

Bill for regulating the weights carried by racehorses. The ridiculously light weights now carried in some cases led to gambling practices on the turf, and were, he believed, exceedingly prejudicial to the breed of horses. At one time Parliament imposed restrictions on the weights allowed to be run at races; and although that Act had been repealed, the evil now prevailed to such an extent, that, although it might not be possible to remedy it altogether, something ought to be done. Every one, he thought, would admit that if a horse could not carry seven stone he could be of no use except to swell the crowd of horses in a race, and could not answer any legitimate purpose of racing. He proposed to enact by his Bill, that after the 1st January, 1861, no horse should start for any racing prize carrying less than seven stone, under penalty of forfeiture of the horse and £200. The penalty was made recoverable by any person whatever in the superior courts, and the person suing should be entitled to one moiety of the penalty, the other moiety being applicable to a weight for age race over the same course on which the illegal race had been run. The offender was also to pay double costs. He would not at present name a day for the second reading, in order that persons interested might have sufficient time for considering the matter.

Bill to prevent the entering or running Horses carrying very light weights for any Plate or Money, *presented*, and read 1ª.

ALTERATIONS IN THE PRAYER BOOK.

MOTION FOR A PAPER. OBSERVATIONS.

Lord EBURY said, he wished to make a statement with respect to a matter which was discussed by their Lordships on Monday last. On that evening he moved for the Return of a copy of the Memorial presented to the Archbishop of Canterbury in the year 1851, from certain clergymen of the English Church, praying for alterations in the burial service, and for his Grace's reply thereto. He was told in answer by his noble and learned Friend on the Woolsack that it was not within the competence of their Lordships' House to order such a Return, the Memorial in question being a private document. He (Lord Ebury) then stated that he believed there were precedents for the Motion he had made, but could not at the moment remember them, and consented to withdraw his Motion. He was better acquainted with the proceedings of the other House of Parliament than with those of their Lordships, and he found that there the precedents were altogether in his favour. In 1854, for example, Mr. Heywood moved for an Address to the Crown for a copy of the alterations in the Book of Common Prayer, proposed by the Commissioners appointed in 1789, which was in the hands of the Archbishop of Canterbury. On that occasion the Motion was resisted by Mr. Goulburn; but the House of Commons overruled the objections, and the Return asked for by Mr. Heywood was ordered by the House. Again, so recently as yesterday, a Motion was made in the other House for a copy of the correspondence which had taken place between the Bishop of London and the rector of St. George's-in-the-East, and though an objection was taken to the Motion, it was nevertheless agreed to by the House. According to the precedents in "another place," therefore, he was perfectly justified in making the Motion he did. His object was to make the paper for which he moved the foundation of a Motion before their Lordships, and he still thought it was competent for them to order the production of the paper.

The LORD CHANCELLOR had no doubt that his noble Friend was animated by the most laudable intentions in the Motion he made the other night, and that he believed he was following a regular course in doing so. He (the Lord Chancellor) had, nevertheless, felt it to be his duty to draw their Lordships' attention to the subject, and to submit whether it would not be an anomalous thing for them to order that the Paper moved for should be produced. It was the unanimous opinion of all present that it was not competent for their Lordships to do so, and the noble Earl (the Earl of Derby) pointed out in forcible language the difficulties and inconveniences of such a course. There were two modes by which his noble Friend could have moved for the production of the Papers in question. He could have done so by moving a direct Order of the House; but it was evident that their Lordships could not have enforced such an Order, or he might have proposed an Address to the Crown to order the Paper to be laid on the table; but neither would the Crown have had any power to enforce its production. There was no power either with their lordships or the Crown to compel the Archbishop of Canterbury to produce a particular book or memorial from his library. His noble Friend pointed to precedents in the other House of Parliament for such a proceeding. But precedents were not law. It was possible that such things might have been done *per incuriam,* but he could not believe that they were warranted by the rules of the House, and were certainly not safe models for imitation. If that was so, a Member of the other House of Parliament might obtain an order to compel his noble Friend to produce any book in his library which he might wish to lay on the table of the House. There was not the slightest necessity for the Memorial which his noble Friend moved for being laid on their Lordships' table, as a reference to it would have equally answered his purpose. Nobody, he presumed, doubted the existence of such a document.

Lord BROUGHAM said, he could not consent that their Lordships should follow the example which his noble Friend (Lord Ebury) told them had been set in "another place." He considered that by doing so they would lower themselves, not only in their own estimation, but in the eyes of the world, to a level to which that House had never yet sunk. His noble Friend said that the other House of Parliament had agreed to an Address to the Crown to cause the Archbishop of Canterbury to produce a book that was in his library. But the Crown could no more order the production of such a document than could the Houses of Parliament. No doubt as the noble and learned Lord on the Woolsack had said, such was the course which had been taken; and there was another which might have been taken—namely, to proceed without an Address to the Crown, and send the Serjeant-at-Arms to the Archbishop of Canterbury to call on him to deliver up the book. Then, if the book was not given up, the Serjeant-at-Arms might follow a course resembling that taken by certain persons, not clothed with high authority, but possessed of physical force, who, meeting a man on the highway, produced, not a mace, but another instrument, probably more effectual than the sight of the awful mace, and ordered him to deliver up his purse, with an intimation that if the order was not complied with that instrument, and not entreaty, would be used for the purpose of enforcing it. He would not believe that the House of Commons could be so forgetful of the first principles of justice as to resort to that course; nor could he believe that they would address the Crown to do what was an illegal act; for the Crown had no more power than the Serjeant-at-Arms to call on the Archbishop of Canterbury to bring a book out of his library. Were it to be so far forgetful of its duty as to attempt to compel him to do so, the officers of the Crown who put this order in force would be subjected to the heaviest penalties.

Lord EBURY replied, that if their Lordships thought the precedent of the House of Commons in this respect was a bad one, he had not another word to say; but he had thought it right to direct their attention to it.

TREATY OF COMMERCE WITH FRANCE.

MOTION FOR CORRESPONDENCE.

The Earl of AIRLIE, pursuant to notice, moved for copies of any correspondence, in addition to that already presented to Parliament, that might have taken place between Her Majesty's Government and the British Plenipotentiaries in Paris as to the negotiation of the Treaty of Commerce with France. The noble Lord said that it was not his intention on the present occasion to provoke a discussion of the general merits of the Commercial Treaty with France which had recently been signed at Paris, nor to enter upon the question of its bearings on our financial and commercial policy. These were matters which would, no doubt, be fully discussed next week in that other assembly on whose decision the fate of commercial treaties and financial projects might be said to depend, and he had no desire to anticipate their deliberations. The object which he had now in view was, simply to endeavour to obtain from the Government some explanation of that which appeared to him a very important provision of the treaty, to which, however, he could find no reference in the correspondence respecting the negotiations which had been laid before Parliament, and to which, if his memory served him right, the right hon. Gentleman the Chancellor of the Exchequer made no allusion in the course of his speech on Friday last, though with respect to many other matters he entered into very detailed explanations. The provision to which he referred was to be found in the 11th Article of the Treaty, which ran as follows:—

> "The two high contracting Powers engage not to prohibit the exportation of coal, and to levy no duty upon such exportation."

It would hardly, he thought be contended, though the provision was nominally binding upon both Powers, that there was much reciprocity in this stipulation. Nor in the course of the Correspondence respecting the Treaty could he find the remotest allusion to such an engagement on the part either of the French or the English Government. In that correspondence the subject of the coal trade was twice adverted to. In Lord Cowley's despatch to Lord John Russell, dated the 23rd of December, 1859, he stated that Count Walewski had informed him on the 22nd of December that he had had a conversation with Mr. Cobden which might lead to very important results; that, among other arrangements, the French Government might be disposed to admit British coal imported overland "at the same rate of duties as Belgian coal—seaborne coal to be subjected to the present duty for five years, when they would be assimilated to coal introduced overland." Lord John Russell, in his reply, dated the 17th of January, 1860, speaking of his desire that some of the commodities not now prohibited by the French tariff should be selected for early reduction, went on to say:—

> "An allusion is, indeed, made by Count Walewski to British coal; but such is the market for that commodity, both in this country and abroad, that no public interest would be excited upon the question whether the duty charged on it in France is to be high or low, or whether the remission is to be immediate or postponed. Indeed, there still remains more or less of a disposition, which formerly was strong, to view the export of coal with jealousy, or even to subject it to fiscal restriction."

Lord John Russell then proceeded to state what reductions in the tariff Her Majesty's Government was prepared to make in favour of French goods, and to intimate what relaxations in the French Tariff he expected in return. On the 31st of January the Treaty was received at the Foreign Office, and Lord John Russell wrote on the same day to Lord Cowley and Mr. Cobden, to convey to them Her Majesty's approval of the able and judicious manner in which the negotiations had been carried to a successful issue, and to intimate that the ratification of the Treaty would be sent to Lord Cowley as soon as it was ready. But not once in the correspondence — neither in the original proposal of Count Walewski, nor in the more fully developed proposal of Lord John Russell—nor in the despatch conveying Her Majesty's approval—was the engagement contained in the 11th Article of the Treaty even hinted at. It would really seem as if no equivalent whatever had been asked for in return for this concession on the part of England—as if it had been contemptuously thrown into the bargain as something too insignificant to be thought worth mentioning. Now, no one would plead that this was a matter of reciprocity; for though it was true that the engagement was equally binding on both countries, no one could expect that England would ever import coal from France. He did not wish to lay much stress upon the circumstance that so long as this Treaty should continue in force we should be cut off from one source of revenue of which we might otherwise have availed ourselves, though there were high authorities in political economy who were in favour of an export duty on coal. The question had another and, as it seemed to him, a much more serious aspect. No one, he thought, would deny that the matter had strong political bearings. He took for granted, what he believed was now universally admitted, that the issue of the next struggle which might take place upon the seas would be decided by steam. We in England, at least, were so satisfied of this that we had ceased to build any other vessels than steamships for purposes of war, and we had, at great expense, converted many of our sailing vessels into steamers. All other maritime nations were, he believed, imitating our example more or less rapidly. But from this state of things, it would follow, as a matter of course, that, other things being equal, that nation would have a great advantage in naval warfare, which, having itself coal in great abundance, and of good quality, was able to cut off supplies of coal suitable for steamers from countries with whom it might be at war. Now, we were at present in this position. It so happened that we had not only more extensive coal-fields than any other nation in Europe, but that there was to be found in great abundance within these islands a kind of coal, commonly known by the name of steam-coal, better adapted for steam navigation than that which was possessed by any other European nation. Owing to its greater density, its bulk in proportion to its weight was very small, compared with the other kinds of coal, so that a much greater number of tons could be stowed away in the hold of a ship. At the same time a given weight of this description of coal would generate a much greater quantity of heat than other descriptions of coal. It was asserted that the advantage in this respect was as much as 44 per cent in favour of steam-coal. In a word, it was the most highly concentrated kind of fuel which had yet been discovered. Its admirable qualities were now, he believed, fully recognized by all those who were connected with the administration of the British Navy. It had been carefully tested by experiments conducted on board the ships of war of the French Navy; and the result of those experiments had been clearly to establish the superiority of the steam-coal of South Wales over any coal which had yet been discovered in France. And neither in Belgium nor in Germany was there any ground for supposing that any considerable quantity of steam-coal was to be found; while the small quantity of steam-coal extracted from the mines of those countries was not equal in quality to the produce of the English coal-fields. Under present conditions we had it in our power, if so minded, to cut off, or, at all events, greatly to restrict the supply to foreign countries of a material which might be said to be indispensable for purposes of maritime warfare. That could be done without in any way raising unpleasant questions as to matters of international law. Our right to prohibit the export of coal, was not and could not be a matter of dispute: it was a mere question of internal regulation, with which foreign Powers had nothing to do. We had the control in our hands. That control, if this provision of the Treaty took effect, we were about to abandon. He thought the inconveniences which might follow were too obvious to make it necessary for him to dwell on them at much length; but he would cite one or two instances by way of illustration. He would suppose during the ten years that this Treaty was to be in force, that France should come into collision with some other Power, England remaining neutral. He would suppose that, so far as France was concerned, England disapproved entirely of the war; that her sympathies were enlisted on the other side, though she did not think it necessary to take on herself the part of a belligerent. He would suppose, further, that the operations in which the French forces were engaged, depended, to a great degree, on the equipment of their steamers; and that a material element of success was the capability of those steamers to remain at sea under steam for a considerable time without being obliged to return to port to coal. That, it was obvious, must depend to a great degree on the quality of the coal with which they were supplied. That would be a case in which, by this provision, we should be bound to furnish to France any quantity of that warlike material which was most required for the success of her operations against a friendly Power with whom we sympathized. Suppose, again, that this country were engaged in war with some maritime Power, or with a combination of maritime Powers, France preserving her neutrality. Under the provisions of this Treaty we were bound to allow French traders to export our coals, whatever might be their ultimate destination. Coals might be freely exported to the ports of the Power with which we were at war, or to the nearest convenient neutral port, if the enemy's ports were too strictly blockaded. He would cite only one instance more. With most of the European Powers we had commercial treaties; and in almost all those Treaties there was inserted what was called a "most favoured nation" clause. Under those Treaties we were bound to afford to other nations the same commercial advantages as we gave to France. Suppose circumstances should arise which should lead to serious misunderstandings between England, on the one side, and several of the great European Powers on the other, and that there was reason to apprehend a coalition on the part of those Powers against England. Such coalitions there had been, such coalitions there might be again. But under this provision we should be bound, up to the very moment when war should be declared, to allow every one of those States to export from this country, and to accumulate in their own dockyards, coal to be supplied to steamers which were to be employed, it might be, in endeavouring to effect a descent upon our own shores. It might be that, under such circumstances, and in consequence of the difficulty in which this provision had placed them, the Government of the day might be compelled to take upon itself, as the Governments of this country had sometimes done in days gone by, the tremendous responsibility of precipitating the conflict, and of striking the first blow before the preparations of the combined Powers should be completed. But in that case the responsibility would in reality rest, not upon those who might be compelled to take it, but upon the head of that Government which, by assenting to this inconsiderate and ill-advised concession, would have rendered such a step necessary. The people of England, if he knew anything of their temper, were above all things jealous, and justly jealous, of proceedings on the part of their Government which might tend in any manner to impair the maritime superiority of their country over other nations. And how could they be otherwise? It was not long since the Prime Minister told them,—for, though the words were spoken to a deputation, yet the words of a Prime Minister of England went forth throughout the land, and not through this land only, but through Europe and to the ends of the earth,—that the very existence of this country depended upon the maintenance of her superiority at sea. If we gave effect to this treaty, and to this provision, let them beware that there arose not ere long a cry in England that this treaty must be torn up and scattered to the winds, because its provisions were incompatible with the security of the country. The right hon. Gentleman the Chancellor of the Exchequer, in that great speech the other night, in which he unfolded his commercial policy, and surpassed even all his former efforts, had expressed a hope that this Treaty might tend to knit together in bonds of amity those two great and high-spirited nations whose conflicts had often shaken the world. So far, at least, as this provision was concerned, he (the Earl of Airlie) could see in it nothing but the fruitful source of mutual jealousies, of distrust, of dissensions, it might be of enmity and war; and it was in the interest of peace, as much as for any other cause, and because he wished from his heart to see a good understanding between France and England established and maintained—because he wished to see an alliance, not of the Government only, but of the nations, that he deprecated this provision. He did entreat the Government that they would use their influence with the Government of France to induce them to allow this article to be revised. Surely, it could be no part of the design of the French Government, under the guise of a Commercial Treaty, to introduce—to smuggle in as it were—a provision which at no distant period might preclude the Government of England from taking steps which they might consider necessary for the security of the country; and, if such a project really had entered into the mind of the Government of France, it was not possible that Her Majesty's Government could desire to assist them in carrying it into effect. But if it should appear that difficulties were likely to arise which would render it impossible for the two Governments to agree to revise this provision of the Treaty, then he hoped that Parliament would take that step which was expressly recognized by the terms of the Treaty itself, and that it would, at all events, postpone the consideration of the Treaty until a satisfactory arrangement had been arrived at with regard to this provision. It was probably quite unnecessary for him to state that in the step he had taken and in the observations he had made to-night he had not been prompted by any spirit of hostility towards the Government. On the contrary, he thought he had acted a very friendly part towards them in taking an early opportunity of pointing out to them that the provision which he had been discussing was open, not only in his opinion, but in the opinion of many of their habitual supporters, to the very gravest objections, and in affording them an opportunity of giving explanations and of producing papers which might throw a light upon the subject. He was anxious to know, and, no doubt, the House and the country were also anxious to know, when this proposal was first made and by whom it was broached, when the Foreign Secretary was informed of it, whether it was submitted to the Cabinet, whether any instructions on the subject were transmitted to Lord Cowley and Mr. Cobden, whether any communications were received from them on this subject by Lord John Russell, what was the nature of those communications, and whether Lord Cowley and Mr. Cobden were entirely agreed upon this point. Lord Cowley did not seem to have been much consulted respecting this Treaty. In his first despatch to Lord John Russell his Lordship said—

> "If Her Majesty's Government decide upon pursuing this negotiation, it cannot be intrusted to better hands than those of Mr. Cobden. The merit of whatever may be effected will rest solely with him, and it is but fair that he should have the satisfaction of putting his name to the final arrangement."

Again, in his letter of January 23, he said —

> "The way had been so completely cleared by Mr. Cobden's previous active exertions, that the task which I have had to perform has been comparatively light."

That task must certainly have been very light indeed, and the negotiation even seemed to have proceeded a considerable length before Lord Cowley had any official information on the subject. The noble Earl concluded by moving—

> "That an humble Address be presented to Her Majesty, for Copies or Extracts of any Correspondence (in addition to that already presented to Parliament) which may have taken place between Her Majesty's Government and Her Majesty's Plenipotentiaries in Paris respecting the Negotiation of the Treaty of Commerce with France."

LORD WODEHOUSE had no objection to furnish copies of or extracts from the correspondence referred to, though he did not know that they would afford the information which the noble Earl seemed to desire. His noble Friend said that Lord Cowley had apparently been very little consulted, and that the Treaty had really been negotiated by Mr. Cobden. Now, nobody had the slightest desire to conceal that. The Treaty was negotiated principally by Mr. Cobden, and he (Lord Wodehouse) did not think that public confidence in it would be diminished by a knowledge of this fact. With respect to the 11th Article of the Treaty, he did not understand his noble Friend to object to the engagement that no export duty should be levied on coal; but to the stipulation that Her Majesty's Government should not prohibit the exportation of coal from Great Britain. Now, on this point his noble Friend had failed to take into consideration the 19th Article, or "favoured nation clause," in which the two high contracting Powers engaged "not to enforce one against the other any prohibition of importation or exportation which shall not at the same time be applicable to all other nations." This stipulation would prevent Her Majesty from prohibiting the export to France of any article which was not also prohibited from being exported to any other country. That was a provision, therefore, which any Government would be very loth to adopt, because prohibition, if made at all, must be general. The stipulation was one which it was very important to bear in mind when considering the operation of the special provision contained in the 11th Article, and it seemed to him to afford an answer to one portion of the noble Earl's speech. The noble Earl's principal objection to this provision arose from the inconvenience or the danger which might be incurred if the English Government were unable to prohibit the export of coal to France in case of war or intended war. Such a prohibition, he said, would entail a heavy responsibility upon the Government, and would be regarded as a first step towards hostilities. But the prohibition would be just as serious whether any such article were contained in the treaty or not. If war were apprehended with France, and it was necessary to forbid the exportation of coal, it would matter very little whether such a treaty had been concluded or not; the angry feelings which would be aroused by any such prohibition would be the same in either case; and the breaking of a commercial treaty would not add to the inconveniences of war. The noble Earl argued as though we ought to reserve all our steam-coal for our own navy; but this we could only do as regarded all other nations as well as France. He (Lord Wodehouse) thought, therefore, that exaggerated apprehensions had been expressed as to the effect of a provision which merely recorded the intentions of Her Majesty's Government not to prohibit the exportation of an article of the greatest importance to the manufacturers and to the trade of France.

THE EARL OF HARDWICKE said, that the present conversation raised, in fact, the question of the whole Treaty, which he considered a very one-sided affair—wholly on the side of France. As far as regarded political considerations and the future, he would not deny that when the time arrived that the export duties and the import duties of the two countries should be placed on the footing on which they would probably be placed some years hence, very great advantages might be derived from the Treaty; but when we gave away by Treaty—by solemn Treaty—to a neighbouring country, and bound ourselves hand and foot not to retract the engagement, whether we liked it or not, until a very critical moment should arrive—important resources of the State, the Government ought not to be surprised if the jealousy of the people was excited. He looked on coals as the great power which this country possessed for aggression or defence, and he protested against that portion of the Treaty which, in words so specific and remarkable, withdrew from us the power of retracting at any time the exportation of that most important element in warfare. To say that the engagement was reciprocal was to place silk against coals—an utter absurdity. There was no equality in this, at all events. This very power of prohibition on both sides operating in this unequal manner, was an evidence of what is stated at the outset, that the Treaty was altogether a one-sided one. Supposing that some unfortunate circumstance should arise, and that with regard to the "most favoured nation" clause, we quarrelled with Russia, and stopped our trade in coal with her, our trade in that article would still be continued with France; and supposing that France should be a neutral Power, the trade in coal between France and Russia would offer so important a source of revenue to France that she would be anxious to pursue it to any extent, and we should be obliged, at the risk of grievous offence to France, to continue the coal trade virtually to our enemy, owing to being pledged not to prohibit the exportation under any circumstances. To tie ourselves to such an engagement in such a manner that we could never retract, was a mode of proceeding he could not understand.

THE DUKE OF SOMERSET said, he thought the noble Earl had very much exaggerated the importance of this matter, for he did not believe that any country in Europe would be prevented from going to war by the want of English coal. Did their Lordships believe that if France wished to go to war with England want of coal would prevent her? Certainly he did not. In the expenses of a war, the additional amount to be paid for coal would be insignificant. The advantage to France of the free exportation of English coals consisted in its lessening the expense of French manufactures, by keeping down the price at her own mines. If the French were to set up manufactures, it would be only on the guarantee of getting coals at a reasonable price. If they found the price of coals suddenly raised against them, they could not compete with our manufacturers; they could not do this without cheap steam power. Supplying the French with coal was putting them on a level, and enabling them to compete with our manufacturers; if they had not coal they could not compete. But the question of coal was only one of the points which made the noble Earl object to the Treaty. He objected to it from beginning to end. He said, "We give everything to France, and we get nothing in return." He (the Duke of Somerset) considered this Treaty a measure valuable as the commencement of a new era for trade. It was the foundation of a new system of intercourse between England and France and all the countries of Europe, and he believed that hereafter it would produce amicable relations in place of the warlike preparations which were now, unfortunately, so visible throughout Europe. He believed that this Treaty would be found, if carried out for a year or two, most advantageous to this country. To withdraw from the Treaty the provision against retracting the prohibition of the importation of coal would excite the jealousy of the manufacturers of France, and induce them to suspect that we were actuated, not by a desire for mutual prosperity, but for our own selfish ends. Supposing a French manufactory started, and the English, acting under a presumed commercial policy, checked the exportation of British coals, what would be the result? The French must carry on their works with high-priced French coals, or give them up. It was not a question of war and peace. Let war arise; and, as between belligerents, all treaties ceased to operate. If we wanted to tell the French they might compete with us in manufacturing skill, one thing was requisite, and that was an assurance that they should be secure of getting coal at a certain price. What was the argument of the French on this subject? They said the prosperity of France really required that they should exclude English coals, and for this reason: English coal had done them mischief; it had come in and prevented the French from developing their own mineral resources; if this coal had not come in, the French would have opened up the coal fields of France. Coal was now brought in cheap, and they did not sufficiently develope their own resources, and if war came suddenly upon them they would be unable to compete with England. It would take them some time, they maintained, before they could open their own coal pits, so as to replace the quantity that would be withdrawn by the stoppage of the English supply. Now, this was the French mode of arguing this point. But it appeared to him (the Duke of Somerset) that the view taken in that House to-night by the noble Earl relative to retaining the power to stop the exportation of coals, would be in every respect a great mistake. If we did prohibit the exportation of coals, it would necessarily excite so strong a feeling as to be almost tantamount to a declaration of war.

EARL GREY agreed with the noble Duke that the objection taken by the noble Earl really involved an objection to the whole treaty, and on that very ground he concurred with the noble Earl. He did not wish to impose any restriction on the export of coal. The county with which he was connected was deeply interested in that export, and when in the other House he took an active part in the opposition to the duty on the export of coal proposed by Sir Robert Peel, which though it did not succeed at the time, succeeded shortly after, for the duty lasted only a year or two. He also trusted that circumstances might never arise to make it the interest of this country to prohibit the export of coal; but still they could not say what might be the state of things in future years, and therefore he objected to deprive the Government and Parliament of the power, should circumstances require it, of putting a stop to the export of coal. He agreed, however, with the noble Duke that the objection extended much further—it extended to the whole system of making commercial regulations, which ought to be settled according to our own domestic interests, a matter of stipulation with foreign countries. He did not object in themselves to most of the changes provided for by the commercial treaty. He had no wish to continue any protection in favour of the British silk manufacturer, of the colonial wine-grower, of the home watchmaker, or of any one trade affected by the treaty. All those protections were bad, and should be got rid of as soon as possible. He might doubt, indeed, whether, looking at the present state of the country and the condition of our finances, the duty upon wine was one which ought to have been selected for reduction. He was confirmed in that doubt by a very high authority, because he found, in his instructions to Mr. Cobden and Lord Cowley, Lord John Russell himself expressly stating that there were other duties which would have a prior claim upon the attention of our Government, were it not for what we were to get in return. In a subsequent part of the same despatch, Lord John stated that, looking at the different nature and the much higher value of French as compared with British brandy, and having regard to the interests of the Exchequer, the Government thought that 10*s.* would be a proper duty for French brandy. But the duty now proposed was one of 8*s.* 2*d.* only. A duty which was nominally equal might not be really so, and when articles differed much in intrinsic value, the same duty would bear upon them with an unequal pressure. British brandy was much cheaper and less valuable than French brandy, and to put the same duty upon both might, in point of fact, be tantamount to imposing a differential duty against our own producer. Such, so lately as the 17th of January, was the opinion of the Government. He was inclined to adhere to it still. We should, perhaps, learn from the correspondence which had been moved for, what were the reasons which had induced the Government to alter their opinion. But that was not his main objection to the treaty. He objected to making commercial questions a matter of stipulation with foreign countries. A commercial treaty debarred Parliament from dealing with financial questions as it ought to do, according to its own unbiassed judgment, unfettered by any foregone conclusion between this country and France, but with reference only to our own domestic interests. It was, he thought, an infringement of the power and rights of Parliament. It was, moreover, a return to the old vicious principle of making commercial regulations a matter of bargain with foreign countries, which we knew from experience led to the adoption of a narrow and restrictive commercial policy. We knew that so long as we made our own admissions of foreign produce contingent upon the mode in which foreign countries dealt with our produce, no progress was made in relieving Europe from the evils of a restrictive system. We knew, on the other hand, that when we ceased to trouble ourselves with the conduct of foreign nations and regulated our import duties simply according to our own interests, commercial freedom made great progress, not only in this country, but throughout the whole of Europe. Yet now we were returning to the old pernicious system. We were going to reduce certain duties upon French produce, not for the sake of the advantage which we might derive directly from their reduction, but for the sake of certain other concessions which France was to make with regard to British produce. What would be the effect of such a policy? The immediate tendency would be to confirm the French people in all those prejudices which now held firm possession of their minds; to make them believe that the impending change in the system of protection which had so long existed among them was to take place for the benefit, not of French, but of British industry; to lead them to look to the gain they might obtain from the admission of their produce to our markets, instead of to the direct advantage of relaxing their own commercial law. That was extremely dangerous. If the opinion of France became really in favour of commercial freedom, no doubt a sound system would speedily be established; but if it remained as at present, then he feared there was very little chance of an effectual reform. Their Lordships would observe that the advance which France made on the road of commercial freedom, as far as the Treaty was concerned, was most inconsiderable. She retained her whole system of navigation laws, and she bound herself to no duties upon our manufactured goods lower than 30 per cent in the first instance, and 25 per cent afterwards. The only articles upon which she made any material reduction were coal and iron, which she wanted in order to stimulate her manufactures. That was a very partial advance, and for the sake of such a small advantage to be gained from France we were sacrificing a great principle, and at the same time confirming all those mischievous prejudices which prevented the people of France from adopting a wiser commercial system. He could not doubt that if we had abstained from the Treaty, if we had left matters to the operation of the good sense of the French people, and of their experience of the effects of our own changes in our commercial policy, we should very soon have witnessed much larger results. Indeed, if he were not misinformed, the French Emperor had already had it represented to him by a high authority that France could no longer bear the double burden of the enormous expenditure necessary to maintain her large establishments, and of the evils arising from a multitude of restrictions upon her industry. If, instead of teaching the French people to believe that their interests were sacrificed to ours, and that the proposed changes were to be made for the benefit of England, we had allowed matters to proceed as they were, remitting all those duties with which the Government intended to deal,—always providing that such a step could be taken with advantage to our own interests and with no injury to the Exchequer—but avoiding any stipulation upon the subject, he was persuaded that we should have done far more than we were now likely to do for that commercial freedom and that intercourse between the two nations which, in common with the noble Duke, he believed to be of inestimable value. He regretted that we had not taken that course for another reason. A great part of the reductions which were to take place in the French tariff were not to come into operation for a very considerable period. Now, we knew from our own experience that in changing from a narrow to a more liberal system of commercial policy the period of greatest danger was at that moment when the new system had been determined upon, but not yet brought into operation. At that time we had all the apprehension and exaggerated alarm which was created by the change, and we had not experience to correct it, nor had we the corresponding benefits to neutralize those partial inconveniences which must always, in the first instance, result from a large change of commercial policy. His fear, therefore, was that till some time after 1861, when the change was to come into operation in France, there would be great pressure and distress among those interests which were going to be deprived of part of the protection which they had hitherto enjoyed; and during the whole of that interval the blame of that distress would be thrown upon this country, an angry feeling against England would be created in the minds of the French people; and he was afraid among large classes of them it might even go so far as to lead to a desire to interrupt the operation of the Treaty by a quarrel with us. He doubted much whether the effect of this Treaty during the next year and a-half might not be to drive into the ranks of the war party, which he was afraid already existed in France, some of those who were now the advocates of peace with this country. This was a serious political inconvenience, and one which ought to be well considered before any treaty was finally concluded. He was, however, told that the reason for concluding this Treaty was, that the general opinion of France was hostile to free trade, and that even the Emperor, powerful as he was, could not carry a law for the abolition of the existing protection even through such a Legislature as that of France. To his mind this was the strongest argument which could be urged against the Treaty. Much as he valued freedom of commerce, he valued political freedom still more; and desirable as he thought it that France should have the benefits of free trade, he could not think it for her advantage that those benefits should be forced upon her against her deliberate opinion. Nay, further, if it was true that the opinion of France was so hostile to this step, that even in such a Legislature as now existed there, the enormous power of the Emperor would be insufficient to carry a law for the relaxation of prohibitions, what were we to think of the conduct of a foreign country which assisted the Emperor in overbearing so strong and deliberate an opinion on the part of the country, and in order to do so departed from the principles upon which it had for many years acted, and abandoned the policy which had at last been adopted by statesmen of all parties,—that of making its financial measures independent of those of foreign countries? Could we take such a course without giving just offence to every man in France who desired that his country should remain in possession of the smallest fragment of political liberty? Did he think that this treaty would cement the alliance between the two countries, none would hail it with more delight than himself; but, while admitting that such would be the effect of free trade, he denied that that would be the result of this Treaty. On the contrary, it seemed to him that its direct tendency would be to excite in France a state of irritation against this country, to postpone the period at which real freedom of trade might be established between the two nations, and to bring it to pass that for at least a year and a half, the state of things should be full of political danger.

THE DUKE OF ARGYLL said, he rose to call attention to the circumstance that, while the noble Earl who opened the discussion had confined his objection to one article of the Treaty only, the noble Earl who had just addressed the House had raised the general question of the soundness of the principles upon which the Treaty was founded. That was, he thought, hardly a convenient occasion for the discussion of so wide a question; but he could not avoid pointing out to their Lordships that those who took objection to the Article as to coal were generally influenced by a general dislike to the abstract principle upon which the Treaty was founded. The noble Earl (Earl Grey) who had just sat down was very fond of abstract principles, and when he got upon one, he generally rode it to death. He did not complain of his doing so with the principle of free trade; but he thought the noble Earl had entirely misapprehended the principle on which this Treaty was founded. It was not founded upon the old and exploded theory of reciprocity treaties. It was not an exclusive Treaty between England and France as regarded the articles on which it operated. There was no mention with regard to articles from other countries; but it was understood by the French Government that our operations were not to be confined to French articles, but to all articles of the same kind from whatever country they came. That was the essential difference between the old reciprocity treaties and the present. The noble Earl had not defended the abstract principle of free trade, as it had hitherto been contended for in Parliament, correctly. He (the Duke of Argyll) did not believe it had ever been laid down as an abstract principle that never, under any circumstances, ought fiscal changes to be made the subject of commercial treaties. What was contended in both Houses, and by the advocates of free trade, was that when certain changes for our own fiscal purposes were desirable, you should not wait until you could persuade other countries to give you additional benefit before you adopted such a measure; but he never heard it contended —and it would be contrary to common sense to contend—that they were not to take the one advantage in addition to the other. It was a fair principle not to withhold from our own people the advantages remission gave them, until they obtained advantages from other countries; but it was a violation of common sense to say that when they secured both they were not to do so on the abstract principles of free trade. In this instance the matter arose in the course of communications between the Governments of France and England. The French Government said:—"If you are going to make certain changes, and will do it in a certain way, we shall be able to give you a double advantage by a remission of some of our duties." To adopt the course recommended by the noble Earl, and to reject this offer from admiration of the principles of free trade, or in deference to the constitutional forms of France, would have been a great mistake in policy, and a course against the interests of England. The noble Earl said that under this Treaty the French interests affected would suffer from exaggerated alarm, and that injury would accrue from the introduction of the change. This, however, was an objection that did not really aim at the form of the Treaty, but would apply equally if the Emperor made the proposed changes in any other form. Despite of these apprehensions, he thought the noble Earl would admit that in the end the operation of the Treaty would be favourable to the French people, and that speedily. That the view which he took was the correct one was shown by a reference to the Resolution moved by Mr. Ricardo in the House of Commons on the 25th of April, 1843, and supported by the noble Earl, which declared—

> "That it is inexpedient that any contemplated remission of import duties should be postponed with the view of making such remission the basis of commercial negotiations with foreign countries;"

the whole stress of the Motion being that you should not delay remissions until other countries gave you a corresponding advantage.

EARL GREY: The whole speech was against making it a matter of negotiation at all.

THE DUKE OF ARGYLL: My noble Friend's speech, perhaps, was.

EARL GREY: And Mr. Ricardo's.

THE DUKE OF ARGYLL: The speeches must be read with reference to the particular transaction which was attacked, and with reference to the Motion which was made. He did not deny in the abstract that it might be better, if it were possible, to operate in the direction of free trade, and not to delay making remissions until other countries offered you a return; but years had elapsed and there had been no sign of any relaxation of the French tariff. Would their Lordships believe that our whole export trade with France was less than that to our single colony of Victoria? Was not that a state of things which any Government would desire to remedy? His noble Friend had not drawn a fair inference from the speech of Lord John Russell, who had said that the productions to which allusion had been made were not such articles of primary necessity as to entitle them "on those grounds" to the interference of the Government. There were, however, other grounds which called for that interference. It should be remembered that every one of those duties which were to be remitted must have been abandoned under that reform of our fiscal system which was proposed by the Chancellor of the Exchequer. The great object which Her Majesty's Government had had in view was to simplify our tariff and make a general reform of Customs' duties, and he maintained that every duty dealt with had fallen naturally in their way. He was surprised to hear his noble Friend quote British brandy as something that ought to be protected. Why, British brandy was a counterfeit article, and his noble Friend, who was a Protectionist one moment and a Free-trader the next, contended that we ought to maintain a high duty upon French brandy as a protection against British brandy. In reference to another portion of his noble Friend's argument, he should observe that his noble Friend himself did not deny that the Emperor of the French had acted in that matter in conformity with the principles of his own constitution; and it seemed to him (the Duke of Argyll) that it would be something more than a Puritanical superstition on the part of the British Government if they were to refuse to accept that great boon to the two nations immediately interested because it was not granted in the form most suited to what his noble Friend called the political liberties of France. That was a matter which Her Majesty's Government must have left entirely to the discretion of the French Government, and it was not a point on which they were called upon directly or indirectly to express any opinion whatever. Before he sat down he wished to offer a few remarks on the subject of coal, to which a reference had been made by his noble Friend (the Earl of Airlie) who had commenced that discussion. He was bound to acknowledge that he had found, both from private conversation and from other sources, considerable fear and jealousy entertained of that portion of the Treaty by persons who looked favourably upon its general provisions. That showed the great sensitiveness—he readily admitted the just and natural sensitiveness—of the public mind in this country in reference to every question which in any way affected the maintenance of our naval power. But he trusted that the clear and able explanation which had been given by his noble Friend the Under Secretary for Foreign Affairs (Lord Wodehouse) would remove the misapprehensions which appeared to prevail upon that point. No one, he believed, could doubt the perfect harmlessness to this country of that article of the treaty by which we engaged to place no duty on the exportation of coal for revenue purposes. The experiment of imposing such a tax was made by Sir Robert Peel in the year 1842; but it had been found a disastrous—he might almost say discreditable—failure, and it had been abandoned by the same great Minister in the year 1845. His noble Friend (Earl Grey) was always a most strenuous opponent of that duty. He showed that it was wrong in principle, that it imposed restrictions upon trade, and that, from its vexatious interference it was a duty that could not be maintained by a British Parliament. In 1845 this export duty upon coal was repealed by Sir Robert Peel, who said:—

> "We do think it will be an important principle to establish, that with respect to exports there shall be no duty leviable. I am unwilling to make any exception to this principle, that with respect to exports no duty shall henceforth survive."—[*See* 3 *Hansard*, lxxvii., 478.]

No one would contend that this engagement not to impose an export duty on coals for purposes of revenue was not perfectly harmless. Then, as far as that was a political question, it had already been explained by his noble Friend the Under Secretary for Foreign Affairs that, in truth the only effect of that clause was to put France in precisely the same position to us with regard to the export of coal in which all other nations were placed, because under existing treaties we could not prohibit the export of that article to any one nation, unless we were to extend the prohibition to other nations. He apprehended that if that clause were expunged from the treaty the same effect would be produced as far as regarded the power of prohibition by the provision that extended to France the "most favoured nation" clause, which was an essential part of all commercial treaties. With regard to the case of a contemplated war, he should say he thought that discussion had shown that noble Lords were not aware of the enormous interest connected in this country with the export of coal. The fact was that the prohibition of that export would destroy one of the great branches of our trade. In the year 1842, when Sir Robert Peel imposed the export duty upon coal, the quantity which we sent abroad fell short of 1,500,000 tons; but since that duty had been abolished our export of coal amounted to little less than 7,000,000 tons, valued at £3,000,000. That was a trade with which no Government would interfere except under the pressure of some extreme political emergency and danger. It was not merely the coalowner who was interested, but an enormous amount of British shipping was engaged in the trade, so that under no circumstances short of life or death could the Government interfere with this great export trade. In case of war no doubt we could do anything, and we should be justified in breaking through this article of the Treaty. But unless we prohibited the export of coals to all other countries, how could we prevent the Americans, Swedes, or Danes from exporting coals from England and taking them to France? He hoped that the House and the public would see that, except so far as this article of the treaty was open to all the abstract objections that might be taken to other portions of it, there need be no public alarm or anxiety whatever about this clause. He should say, for his part, that he looked upon it as one which was calculated to produce a very important effect, of an entirely pacific character. Coal was valuable for war, but it was much more valuable for commercial and manufacturing purposes; and he thought nothing could be more desirable than that a great interest should rise up in France, depending wholly for its prosperity on the constant supply of English coal. We should, then, establish between ourselves and the people of France, in reference to that article, relations similar to those which existed between us and the people of the United States of America with respect to cotton. He felt persuaded that the nature of our relations with the American people in regard to the supply of cotton had contributed more than any other circumstance to prevent the causes of petty irritation between the two nations from expanding into a war. He believed that if the same relations existed between us and France, the same effect would be produced; and he looked to the export of coal to France, and the introduction of French produce to this country on advantageous terms, as the grounds on which we might hope to lay the foundation of a better feeling than had hitherto existed between the people of the two countries.

LORD STANLEY OF ALDERLEY said, that every one must be glad to witness an extension of the commercial intercourse between this country and France; but there might, nevertheless, be special reasons why he might doubt whether a Treaty such as this was the most desirable means of accomplishing that end. It was not from any doubt he entertained as to the value of the abstract doctrines of political economy that he saw objections to this Commercial Treaty, but because he was opposed to those doctrines being in any way bound up with Commercial Treaties. He objected to Commercial Treaties for the same reason that Sir Robert Peel did—because they unnecessarily and often mischievously tied up our hands in the regulation of our own fiscal system. By the Treaty now under consideration we entered into engagements, not with France only, but with the whole world, for a period of ten years, and during that time our hands would be completely bound. The arrangement proceeded upon the principle that duties should be abolished on all articles of foreign produce, except on a few great articles of consumption, which were retained for the sake of revenue; and then to make good the deficiency we were to have recourse to an income tax, a tax specially obnoxious to the people of this country; and which all Chancellors of the Exchequer had hitherto deemed it impossible to retain in its present shape, if it was to become a permanent impost. There were two articles in the Treaty involving matters of great importance to which he would briefly refer. The first article was that in which France declared that, over and above certain duties which were named, she maintained her right to levy such differential duties as she pleased on foreign shipping entering into French ports. He should like to see the entire correspondence that had taken place, in order that the course pursued by the negotiators on this point might be ascertained; for he could not but believe that great exertions must have been made by them to obtain something for us in regard to this matter, seeing that we ourselves had surrendered everything. The other article to which he referred was, that by which we bound ourselves not to impose an export duty on coal conveyed to the ports of France, or under any circumstances to prohibit its exportation. Now, what was coal? It was a great element, no doubt, in manufacturing industry; but in time of war it was a munition of war quite as much as any other article universally acknowledged to be such, and which was contraband of war. Some doubt might have existed on this subject previously to the Russian war; but since that time it had become an evident fact that the whole naval marine of any country must depend on the article of coal. The noble Duke (the Duke of Argyll) had spoken of the importance of creating a manufacturing interest in France, which should be absolutely dependent upon England for a supply of coal. But the people of France were under no necessity of coming to this country to obtain coal for manufacturing purposes. The coal of Belgium was equal to our own for manufactures, and they could obtain it there, as well as in their own country; but for the purposes of war, English coal was superior to that of Belgium, or any other country. By this Treaty we should secure to France the right of obtaining coal from this country, whenever she might contemplate any hostile movement, either against ourselves or others; for their Lordships would observe that France had reserved to herself the right to resort to our shores at all time and under all circumstances for coals. He would suppose that we were likely to go to war with Russia, a country which had no coal of her own, and which, therefore, had to depend for her supplies on foreign countries. We might, in such a case, wish to prohibit the exportation of coal, and say that we would allow no coal to be taken from our shores to the Baltic; but France might step in and say she had a right under this Treaty to take our coal where she pleased; and so we might have French ships coming to Swansea, and taking away cargoes of our best Welsh coal for the use of Russia, which by the engagements of this Treaty we should be uuable to prevent. Persons of the highest authority, and in whose opinions he had great confidence, agreed with him in thinking that in the article of coal, at least, there should be an exception to the rule adopted in this Treaty, and this was a matter which he would take the liberty of pressing upon the serious attention of the Government. The Treaty was not to be considered as finally concluded till it received the sanction of Parliament. He hoped, therefore, Her Majesty's Government would lose no time in re-opening the negotiations with the Emperor of the French, who was himself the real negotiator, and that they would endeavour to obtain the omission of this article of the Treaty before it was further proceeded with in Parliament.

EARL GRANVILLE said, it was clear that within the next ten years no Government would attempt to impose a restrictive duty on coals, which, while it would bring in a very small revenue indeed, would have a disastrous effect in restricting an enormous trade which was now carried on, besides giving rise to attempts to evade the Custom-house regulations. The noble Lord who had just sat down and all who went before him, had carefully avoided the arguments used by his noble Friend the Under Secretary of State for Foreign Affairs and the noble Duke at the head of the Admiralty. His noble Friend the Under Secretary of State for Foreign Affairs clearly pointed out that, whereas there were "favoured nation clauses" in our treaties with most countries, that we should not impose prohibitions on any article going into those countries unless we extended the same prohibitions to all other countries in the world, we could not therefore prohibit coal going to France unless we did so to all the world besides. His noble Friend (Lord Stanley of Alderley) said under this Treaty we could not prevent France carrying the coal she got from this country to Russia. He was surprised that it had not occurred to his noble Friend, who was so much mixed up in the late war with Russia, that we never issued any proclamation at all during the war with regard to coal itself, but that with regard to other articles contraband of war we did issue a proclamation to all countries north of Dantzic; and those countries would doubtless have complained of that if they had not felt that the belligerent rights of nations overrode all the stipulations of commercial treaties. Even if his noble Friend (the Earl of Airlie) was right in putting the immense value he did on English coal, did he believe that a rich country like France would ever be found at the beginning of a war without an adequate supply of coal? The instant peace was broken between two nations, all the obligations of a treaty of commerce were thrown to the winds. Besides, the noble Earl was under a misapprehension when he supposed France had no coal of her own. France obtained coal from Belgium; and, in addition to that, a commission of scientific men in France, who had been directed to institute inquiries on the subject, had reported that if France chose to make the necessary efforts she might obtain a supply of coal, both of the richer and poorer qualities, sufficient for her consumption within her own territories. He was convinced the more the question was considered the more clear it would be, and the more of a bug-bear would the opposition appear which was now made to that part of the Treaty, which was intended to facilitate the export of coal to France. He did not think it necessary to trouble the House with any remarks on the general policy of the Treaty; but he might read an extract from a speech made by Sir Robert Peel, in the House of Commons on the 11th March, 1842. Sir Robert Peel said:—

> "We have opened communications with Spain for the purpose of forming a commercial treaty with that country, strongly urging on that country the policy of encouraging international commerce. As to this treaty, I can say nothing more at present than that the proposition was favourably received by the Spanish Government. We have, further, negotiations pending with Sardinia and with Naples; we have commercial treaties arranging with some of the South American States; we have, moreover, intimated to France our earnest desire to resume negotiations for the completion of a commercial treaty, founded on principles, as I believe, of reciprocal benefit, and having a tendency to strengthen the ties of amity and friendly feeling between the countries."—[3 *Hansard*, lxi., 452.]

When he (Earl Granville) found that commercial treaties with France, though they had been sometimes negotiated on false principles, had been concluded by Pitt, Huskisson, and Peel, and that the latest attempt had been made by Richard Cobden, he did feel some confidence that even to err with them was, in some respects, more satisfactory than to be right with his noble Friend (the Earl of Airlie).

THE EARL OF AIRLIE, in reply, contended that the Treaty did not put France on the same footing as the other European Powers were before it was concluded. The engagement with regard to France was absolute. There was nothing said in it about our not prohibiting the export of coal to France without our prohibiting it to all the world besides. He denied that he had ever said that as a matter of general policy it was desirable to prohibit the exportation of coal. What he had said was that it was not desirable to enter into engagements which, in cases of emergency might be found extremely inconvenient. He apprehended that we had as good a right to impose export duties as other countries had to impose prohibitions on imports. The noble Duke the First Lord of the Admiralty said we could not prevent war by prohibiting the export of coals. What he (the Earl of Airlie) had said was, that the coal found in this country, being in great part so superior to all other kinds for purposes of steam navigation, if we could restrict its importation into France, we should, in the event of hostilities becoming probable, be able to place ourselves in a better position than we should be under the Treaty. He should wait with great anxiety for the papers on this subject, and he hoped they would have a greater effect in removing his objections than the speeches he had heard on the part of the Government.

Motion *agreed to.*

House adjourned at a quarter to
Eight o'clock, till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 16, 1860.

Minutes.] Public Bills.—1° Consolidated Fund (£407,649); Religious Worship.
2° Oxford University; Marriages (England and Ireland).

THE AMERICAN COASTING TRADE.—QUESTION.

Mr. LIDDELL said, he rose to ask the Secretary of State for Foreign Affairs, Whether the opinion of the Law Officers of the Crown has been taken upon the American Law of 1848, which confers exclusive privileges upon American vessels engaged in the trade between New York and California, either by Panama or by Cape Horn, and defines such to be a coasting voyage? Whether the exclusion of British and Foreign Ships from any participation in a coasting trade, so defined, is or is not a violation of the Treaties in force between this country and America, which stipulate for a reciprocal liberty of commerce; and, whether there is any objection to produce Copies of all Correspondence that has taken place between the British and American Governments upon this subject?

Lord JOHN RUSSELL said, the opinion of the Law Officers of the Crown was taken generally whether the trade carried on between New York and California could properly be called a coasting trade, and their opinion was that they considered it was a coasting trade. With regard to the question whether the exclusion of British ships from that trade was a violation of the Treaties between this country and America, the American Government said they were prohibited from admitting our ships by the articles of their Constitution. They admitted the Treaties for equality of trade, but they said that by their Constitution, in the way they understood it, they could not grant the coasting trade to Great Britain. The hon. Gentleman would see that it was hardly possible to dispute with them as to the construction they gave to their own Constitution, but Her Majesty's Government had several times applied to the American Government to give Great Britain the same privileges which were granted to them, and especially that trade in which the cargo was unloaded, carried across the Isthmus of Panama, and shipped on board another vessel. It did not appear to the British Government that in any sense of the word that could be properly called a coasting trade. Lord Lyons had very recently brought the subject under the notice of the American Minister for Foreign Affairs, who replied that he would take the opinion of the Treasury about it. The hon. Gentleman would see that, as the correspondence was going on, it was impossible to give it at present. He had carefully considered the question as to whether it was a violation of treaties, and although it might not be a violation of treaties, at the same time it was a great disappointment after what the hon. Gentleman would recollect were the professions of the American Minister in this country in 1849, when we proposed to repeal the Navigation laws. Mr. Bancroft, who was then the American Minister, stated to Mr. Labouchere, the President of the Board of Trade, "If you are liberal, we shall be liberal; if you give much, we shall give much; if you give all, we shall give all." It was only just to say that the American Government did give equivalent advantages on passing the Navigation Act; but, although in 1854 we threw open the coasting trade, what had been done by them in that respect was still very unsatisfactory.

DRILLING IN SCHOOLS.—QUESTION.

Mr. W. EWART said he wished to ask the Vice-President of the Committee of Council on Education, Whether the Committee can authorize or encourage a system of military drilling in the Schools which have participated in the Education Grant?

Mr. LOWE said, the hon. Gentleman was doubtless aware that the management of the Schools was not in the Committee of Council. There were Local Committees of management, and therefore it was impossible for the Committee of Council to take any direct step to authorize or encourage a system of military drilling in the schools. The question, then, was, could they take any indirect step? The hon. Gentleman must also be aware that what the Committee of Council did was to make grants in aid of schools on certain conditions, not strictly educational. He must confess that, in his opinion, however desirable it might be to extend drilling, it was not desirable to attempt to exercise authority upon a new subject, and to impose fresh conditions different from those on which the Committee of Council had hitherto dealt with the Committees of management. The business of the Council was education. In his opinion, they should confine themselves to that, and not be led aside in the promotion of any other object, however desirable it might be.

RUSSIA COMPANY'S DUES.—QUESTION.

MR. HUBBARD said, he would beg to ask the President of the Board of Trade, Whether he has received any, and, if any, what communication from the Governor of the Russia Company, touching the levy of Dues by that Company?

MR. MILNER GIBSON said, a communication had been received through the Board of Trade from the Governor of the Russia Company, to the effect that they would no longer levy dues on the import of goods into the United Kingdom.

THE ANNEXATION OF SAVOY WITH FRANCE.—QUESTION.

SIR ROBERT PEEL: I wish, Sir, to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government have any objection to state the nature of the communications which have passed between the Sardinian and British Governments with respect to the Cession of a portion of the Sardinian Territory to France; and, also, whether Her Majesty's Government have had occasion to communicate to the French Government the opinion entertained by other Powers on this subject; and whether, in the event of the annexation of Savoy to France being effected, Her Majesty's Government are prepared to abandon the neutrality of Switzerland, as guaranteed by Great Britain, in common with other European Powers?

LORD JOHN RUSSELL: Sir, with regard to the nature of the communications which have passed between the Sardinian and British Governments, we have inquired of the Sardinian Government whether there was any engagement or any intention to yield Savoy to France, and the answer has been generally that there was no engagement on the subject, and that Sardinia had no intention to cede Savoy to France. That is the general nature of the answer which has been given. We have not communicated to the French Government the opinion entertained by other Powers, because we have had no communications with other Powers to ascertain what their opinions may be. With regard to the last question of the hon. Baronet, "whether, in the event of the annexation of Savoy to France being effected, Her Majesty's Government are prepared to abandon the neutrality of Switzerland, as guaranteed by Great Britain, in common with other European Powers," I have to say that the Swiss Government have asked us whether, in case of such annexation, we are prepared to maintain the neutrality of Switzerland, and to provide in such a manner that the neutrality should in no way be injured, and we have always replied that we had determined to do so. It appears that the districts of Chablais and Faucigny more especially are guaranteed by the Treaty of Vienna in the same manner as Switzerland; that they are, in fact, part of the general arrangement for the guarantee of Switzerland. But it is stated, and with great truth, by the Sardinian Government, that it would hardly be an equivalent guarantee if those districts were to belong to France, instead of belonging to Sardinia, and accordingly their view is that in case of annexation those districts at least, if not further districts, should belong to Switzerland, and be guaranteed in the general guarantee of Switzerland. That appears to be a very fair proposal on the part of Sardinia. I was only afraid that with the prospect of aggrandizement Switzerland would favour annexation; at least, I *was* uneasy; but yesterday I received assurances from Berne that the Swiss Government wish things to remain as they are, and Savoy to remain part of the territory of Sardinia. As far as Switzerland and Sardinia are concerned, there is, I apprehend, no wish or intention that this annexation should take place.

MR. SEYMOUR FITZGERALD: Sir, as the noble Lord has replied to the question of the hon. Baronet, he will, perhaps, permit me to ask him a further question on the same important subject, without which the information possessed by the House will be very incomplete. The noble Lord has informed the House that he is assured from Turin that the cession of Savoy was not contemplated by the Government of Piedmont, and would not be assented to. So far the information given by the noble Lord is satisfactory. The further question I wish to ask is, whchetr the noble Lord has been informed from Turin that a communication has been addressed to the Government of Piedmont on the part of the Emperor of the French, to the effect that if Central Italy is annexed to the Sardinian Kingdom, France cannot permit the French slopes of the Alps to remain in the possession of a Power whose position in Europe will be so materially altered by such an extension of territory.

Lord JOHN RUSSELL: Sir, I have received no information in the terms stated by the hon. Gentleman; but it has certainly, to my knowledge, been communicated to the Government of Turin that if the Kingdom of Sardinia were aggrandized to any very considerable extent by the annexation of Central Italy, France would think that her frontier was not secure without the annexation of at least some part of Savoy.

SARDINIA AND NAPLES.—QUESTION.

Lord ROBERT MONTAGU said, he would beg to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government have received any communication from the Government of the Two Sicilies, complaining that agents of the Government of Sardinia have been trying to excite a mutiny in the Troops of the King of Naples?

Lord JOHN RUSSELL: Sir, we have received no information of the kind referred to by the noble Lord, nor has the Government of the Two Sicilies made any complaint of the sort. At the same time, I should tell the noble Lord that that Government is not disinclined to make complaints. Not long ago I received a complaint that an English officer of marines, in paying a visit to a lady at Naples on her birthday, called in at a pastrycook's and bought a cake for her, which cake was said to have had on it three flags of different colours. The Government of the Two Sicilies complained of this as an attempt to excite an insurrection.

HERTFORDSHIRE MAGISTRATES.

QUESTION.

Mr. FREELAND said, he would beg to ask the Secretary of State for the Home Department, Whether the attention of Her Majesty's Government has been called to the case of an agricultural labourer in Hertfordshire, who, having been previously convicted for stealing rabbits, was said to have been sentenced by the Magistrates of that county to three years' penal servitude for stealing a few sticks from a fagot-stack; whether there is any truth in the statement; and whether, if it be true, the Home Office will consider it a proper case for interference?

Sir GEORGE LEWIS said, the attention of the Home Office had been drawn to the matter, and a Report had been asked for from the Chairman of Quarter Sessions, which had not yet been received.

LORD ELGIN'S MISSION TO CHINA.

QUESTION.

Mr. BERNAL OSBORNE said, he rose to ask, Whether there is any truth in the Report that Lord Elgin is again to go out as a Plenipotentiary to China?

Lord JOHN RUSSELL said, he could not answer the question then. He had stated on Monday evening that when the next mail came in the Government would consider what course they should pursue, and he would take an early opportunity of stating their decision to the House.

THE FRENCH DIFFERENTIAL DUTIES.

QUESTION.

Lord JOHN MANNERS said, he wished to ask the President of the Board of Trade, Whether, although from the multifarious character of the Differential Duties in the French Tariff it was impossible he could lay them all on the table of the House, it is not in his power to lay a short statement of the Differential Duties referred to in the Third Article of the Treaty of Commerce before them?

Mr. MILNER GIBSON in reply said, that the Differential Duties referred to in the Third Article of the French Treaty were part of the Navigation Laws of France, which were not intended to be touched by either of the contracting parties. There seemed to be some misunderstanding with respect to the Differential Duties. English ships entering French ports, and carrying the productions of the United Kingdom to France, would be subjected to no Differential Duties, which affected only the indirect trade that might hereafter spring up. In point of fact, the Differential Duties would be a protection to British trade, as it would secure it from competition on the part of American and other foreign shipping. He apprehended that he could give a satisfactory reply to the question by saying that a letter was written in 1855 by the Board of Trade to the Foreign Office, requesting the Foreign Office to make application to the Consuls in all the French ports to furnish the Government with the exact *status quo* as to those Differential Duties which differed in various ports, and the answers had since been received from the Consuls. If the noble Lord wished it, Government were prepared to lay the letters of the Board of Trade, with the answers received from the Consuls, on the Table of the House, which would then be in possession of exact information of the Differential Duties affecting British shipping in all the ports of France.

MANNING THE NAVY.

RESOLUTION.

SIR CHARLES NAPIER said, he rose to move,

> "That, in the opinion of this House, the recommendations of the Commissioners on Manning the Navy ought to be taken into consideration by Her Majesty's Government, with a view to carry out the principles of such recommendations."

The noble Lord the Secretary to the Admiralty had publicly declared that France had the same number of ships that we had, and had extra means of manning them by having recourse to her reserves; but the English fleet could not be manned in that way. Such a declaration by a member of the Government was one of the most extraordinary declarations he had ever heard, and a great responsibility rested on the Government and on Parliament if they allowed things to remain as they were. He had often called the attention of the House to this subject, and he was glad to find that he had at last been so far listened to that we had a respectable and well-manned fleet at the present moment; but we lived in very odd times. France appeared to him, more particularly after what had passed that night, to occupy a very uncertain position with regard to Great Britain and other nations. All this might end peaceably; but as we were not sure that it would, the Government ought to take steps, let it cost what it would, to secure that we should be able to bring forward as great a naval force as France. Every man in the House, soldier, sailor, or civilian, knew perfectly well that things had taken a very different turn of late years from what they had done in former ones. No man could tell what would be the effect of the first naval action fought between France and England. We had great reliance on our sailors and officers, but the changes in other respects were so perfectly extraordinary, and had never yet been tried, that it was impossible for any one to tell what would be the effect of the first collision. In former days, when a British man-of-war fell in with a French man-of-war, the doom of the latter was fixed; and the same when a British fleet fell upon a French fleet. In the late war the action fought on the 1st of June by Lord Howe was a very severe action; it was fought well both by the French and ourselves. We were conquerors; but that action was fought after the French Revolution, when the most distinguished officers had left the service, and the French ships were not manned so well as ours. That battle was gained; but no human being could tell what would be the result of the next naval action. At the first broadside a hole as large as a wheelbarrow would be made in a ship's side, and everybody knew that to prolong a contest under such circumstances would be utterly impossible. It had been repeatedly proved that nothing could resist molten iron, and that the ship so struck would be burnt. It was probable that in the first naval action which was fought, both fleets would be almost annihilated; and if, in that case, the French were able to bring forward another fleet, what would be the position of this country? It would be almost annihilated. Now the Government had stated by the mouth of one of their own officers that in the event of a reverse we were not in a position to send a second fleet to sea. It was plain from this that England did not put forward all the strength which she ought to do. A certain reserve, it was true, existed in the different ports of England; there were the Coastguard, which they had been recommended to increase to 12,000, but which had only been raised to 8,100, and the Coast Volunteers, the amount to be voted for which, but not the number of men, appeared in the Estimates. But he had heard that since 1857 or 1858 the same attention had not been paid to the drill of these volunteers as previously. Over and over again he had implored the Government to replace the block-ships by newly constructed men-of-war, and to take pains to increase the efficiency of this branch of the national defences. Last year he had brought the matter to a vote, and his Resolution was supported by the noble Lord at the head of the Government. Some allowance was to be made at that time, for the Admiralty were then directing all their energies to the establishment of an efficient Channel fleet. Now, however, we had actually forty-eight sail of the line in the water, of which only twenty-seven were actually in commission. What was to hinder the Government from sending out a sufficient number of these, on board of which the Coast Volunteers could be draughted and in a short time trained into a high state of efficiency? No expense would be entailed by the step, for the ships were all ready in the different ports; and why the Admiralty should refuse to carry out the suggestion—unless they were actuated by the stubbornness which generally manifested itself when proposals were made by anybody else—he was at a loss to understand. Whatever was the cause, they were just in the same position as they were last year when he brought forward his Motion. The noble Lord the Secretary to the Admiralty admitted that seamen entertained great suspicion of the Board. He quite agreed with the seamen in their view. How could sailors place any confidence in that Board, when they saw the way in which affairs were administered? Some time ago the Admiralty found it necessary to call out what were called the long-pension men for temporary service; and those who had been petty officers were promised that they were to have the same ratings which they formerly held. But they were greatly disappointed to find that such was not the case, and they accordingly addressed an humble petition to the Admiralty. Sailors had exactly the same feelings as officers, and he would like to ask the Secretary to the Admiralty, if he had retired from active service as a captain, how he would like to be sent back to do duty as a lieutenant. This was only one of many causes of dissatisfaction which he had known to exist. Another constant source of discontent was the regulations with regard to leave. Would it be believed that persons of sound sense could have issued an order, directing that whenever ships belonging to the Channel or any other squadrons came into port, and leave was given to the men, they were not to quit the port on pain of having their pay stopped as stragglers, and being otherwise punished? What were the men to do if their wives and families happened to live outside the port. This only came to his knowledge yesterday, and when he heard it he scarce believed it possible, after the dissatisfaction which had been manifested on board various ships, that such an order could have been issued by any Board. But he now came to the recommendations of the Manning Commission. It suggested that the number of seamen gunners should be increased; he had not heard that any such increase had taken place. The recommendation as to the improvement of the food, clothes, and bedding, had been carried out, and the reserve ships were in such a state that they were ready for the men to go into the moment they were commissioned. The allotments of pay, too, had been carried into effect; but what had the Admiralty been about that it had not been done sooner? He came now to the question of bounty, which was most important. He believed he had as much to do in getting the bounty for the seamen as any other man, and it was most successful in manning the fleet. The fleet was now manned; but was it prudent to reduce the bounty to £4? £10 might be too high a bounty after the fleet was manned, but certainly much more than £4 ought to be given. He now came to the important point of the reserves, and in regard to it he did not think that the Government had taken the proper steps to obtain success. They were now obliged to keep up a very large fleet. He did not mean to say that ten sail of the line was too large a force on the home station, but such a large fleet would not be necessary if they had a proper reserve. If they had a reserve of 5,000 men, giving £10 a piece to men who had served ten years, which was called the short pension, they would always have a body of men who would be as ready to be called on as if they were on board the fleet. But if they were obliged to raise 5,000 additional men on the moment for service on board the fleet, they would cost at a low estimate £250,000; whereas the reserve force of 5,000 men would not cost above £50,000. If £10 was not sufficient to get the men, they ought to increase it to £12, or to a still higher sum, so important was the object to be gained. The Commissioners recommend an increase of 5,000 marines, but that had only been carried out to the extent of 1,000. But he wished to ask of what use was it appointing a Commission if they did not carry out its recommendations? They also propose a body of 5,000 marines on short pensions; but where were they? With regard to the Royal Volunteers, the Commission put them down at 30,000; but it would be difficult to find out where they were, or the 10,000 Naval Coast Volunteers. That was the reserve force pointed out by the Commission, but that reserve force they had not got, and never would. He had pointed out before that it was not necessary to press men into the service, but it was necessary to get them out of the service as fast as they could. If men who had served their country ten years, or even five years, got a pension of £10 or £5, according to the length of their service, and were encouraged to go into the Reserve, allowing three years' time there to count for two of effective service, it would contribute to the formation of an effective reserve. The Commission had decided that the Coast Volunteers should be entitled to all the advantages of Greenwich Hospital; but when the House read the Report of the Greenwich Hospital Commissioners, they would be astonished to see what "advantages" that hospital held out to seamen, and when they had seen the manner in which, from year to year, sailors' wives and children had been treated at Greenwich Hospital, they would be induced to come to the conclusion that that institution, instead of being a blessing, was almost a curse. He had laboured for years to have that Commission appointed, and he never read such horrible details as the evidence given before it exhibited in the whole course of his existence. He trusted, therefore, that the Government had some better regulation of that establishment in view, and now that he had succeeded in getting its management overhauled, it was his intention to do everything in his power to procure that reform of the Board of Admiralty itself which appeared to him to be so necessary. As an instance of the expediency of such reform, he might mention that in 1857 it had been decided by the Government of the day that seven ships of the line should be paid off—a decision which the First Lord of the Admiralty had carried into effect. The House, however, would scarcely believe that in 1859 another Board of Admiralty had found it to be its duty to entail on the country a large expenditure for the purpose of restoring to a state of efficiency those very ships in 1857 which had been paid off, and paid off too, he believed, in opposition to the opinions of—with the exception of the First Lord—nearly all theLords of the Admiralty, who, he regretted to say, had not in consequence resigned their offices; but, on the contrary, had stuck to them like leeches. He had also to complain of the position in which Sir Baldwin Walker, as Surveyor of the Navy, had been placed, the fact being that he could not have given a single order in the dockyards the execution of which he could enforce. He was happy to find, however, that the Admiralty, after fifteen years' consideration, had at length effected a change in that respect, and that Sir Baldwin Walker, as Controller of the Navy, would be enabled to exercise an authority which had hitherto been denied him. He should simply say, in conclusion, that, after all that the House had heard from the noble Lord the Secretary for Foreign Affairs in reference to the Cession of Savoy, it was impossible to tell what consequences to the peace of Europe might six months hence ensue. We should, therefore, take care that we had a sufficient reserve of seamen to man our fleet in case any emergency should arise, and the noble Lord and the Government would, in his opinion, deserve—he would not say to be brought to the block—but, at all events, the general censure in case they neglected to render our navy as efficient as it could possibly be made.

SIR MICHAEL SEYMOUR seconded the Motion.

MR. HENLEY said, he should not follow the gallant Admiral who had just addressed the House through the various topics on which he had dwelt in the course of his speech. There was, however, one point to which he had alluded with respect to which he wished to make a few remarks. It was impossible to read the valuable evidence which had been given before the Commission on manning the Navy, without coming to the conclusion that great difficulty would be found in obtaining, on the breaking out of war, the number of seamen which would be required. He thought, indeed, it was manifest from that evidence, that the service of the Queen was not popular among our merchant-seamen. It had, moreover, been remarked, by more than one naval officer, that they entertained a distrust of the Admiralty. How far that opinion was warranted by the fact, it was not for him to say; but it had been so distinctly stated that it in all probability was based upon some good foundation; although he must confess he was not very strongly impressed by the idea that many of those who had given evidence before the Commission had themselves any very great knowledge of the feelings by which our merchant-seamen were animated in the matter. But, however that might be, some measures had been taken of late which bore not a little upon the point. The right hon. Baronet opposite (Sir J. Graham) had some years ago set up what he termed a great crimping machine, with the view of procuring men for the navy; but it had turned out that sailors did not like to be ticketed any more than did the Nonconformists. The system had gone on for a long time, to the unmitigated disgust, he believed, of every seaman connected with the merchant service, and it had ultimately fallen into abeyance. It had since, however, been employed for the purpose of getting up a naval reserve; and he should, under the circumstances, and looking to the legislation of last year, and the existing state of feeling in the merchant service, have supposed that if one thing more than another were insisted upon in connection with the subject, it would have been that the terms held out to our seamen under the system, and the conditions upon which they were to serve, should be so plainly, and in so simple a manner set forth, that any one might understand them at a glance, and that every apprehension as to a desire existing on the part of the Admiralty to entrap men into the service should be removed. He himself had in private, during the course of last Session, urged upon the noble Lord opposite (Lord Clarence Paget) the expediency of taking that course. The noble Lord, however, appeared to have fallen into the error of attempting to cook before catching the hare, he had not got the men to come forward. So indefinite were the terms offered, that if a seaman were to ask the precise nature of the engagement he was expected to enter into, no one would venture to give him an answer. They were to be called out by proclamation on an emergency; but what was the exact interpretation of an emergency? The Act of Parliament said when Her Majesty saw fit; that made them liable to be called out at any time. That could be understood. But such was not the condition stated. What was the emergency contemplated? Was it war, invasion, or the imminent danger of it? Seamen did not know what was the meaning of the term used; how, then, could they be expected to enter into the engagement? A great deal of their legislation about seamen appeared to go on the idea that these men were fools. They were no such thing; they were a most suspicious class, for they generally found on shore those who tried to impose on them. But how could they expect men to bind themselves to their service, if they did not understand the nature of the contract? Then, as to time, the engagement was to be for five years, "unless otherwise provided." That "otherwise provided" might carry it on within a few days of ten years. The men naturally wanted to know whether they were going to bind themselves for five or ten years. A plain man would say at once, "I will make a bargain with you for five years." Undoubtedly it was a much greater advantage to get men for ten years than for five years. They must recollect, however, that they wanted A.B. seamen. There was not a very great number of them. The returns produced before the Manning Commission, showed that the whole number was only 67,000; and when they took those over age they would strike off one-fifth or sixth. They must, therefore, hold out great advantages to the men, and, first of all, they must make the terms more definite. The men must know on what terms they were engaging, and for what length of time. Take the case of married men, engaged, perhaps, in the coasting trade. They held out to them that they should be drilled at home, and that was a great inducement to such that during their month's drill they should be enabled to return at night to their wives and families. But that was not promised; it was only said if the service permitted; and seamen would, therefore, be inclined to conclude that the service would not admit of it, and they would not get home of nights. There was another question on which he could not pretend to give an opinion. When a man entered he was to have a certificate that he was A.B., and that he had served as such for so long. The shipping-office people had no authority to enter him, but they were to do all the talking. Who could tell what a recruiting sergeant said? When the seaman had been talked up to a certain point he was to be handed over to another party, who did not know what had been said before, or what bargain had been made, and then he was entered. Under such a system the seaman naturally felt there was no security that he would have the same rating as in the merchant service. It was unwise, he thought, not to take all the men they could get to enter. They might easily have framed their resolutions so as to get rid of much of their cumbrous machinery. Seamen, above all things, hated to be confined. The whole of the rules, the noble Lord would excuse him for saying, had been framed in a spirit of mistrust of the seamen. He believed the more they trusted these men the more trustworthy they would be found to be. This not only applied to seamen but to every class. While the measure was passing through Parliament he had felt great interest in it. If it had succeeded it would have been of great importance to the country by breaking down the sort of feeling which was said to exist between the two services. With that view everything ought to be done to make the terms so clear and simple that he who runs might read, and then he hoped the men would more generally come into them. They must remember that the Queen's service held out no hope of promotion, or scarcely any hope of promotion, to men before the mast. The number of warrant officers was extremely small; that was their only hope of promotion. On the other hand, if they looked to the number of able seamen in the merchant service and the number of certificated masters and mates, they must see that the chance of promotion there for good men was not only large but certain. The apprentices and boys in the merchant service were about 23,000; the uncertificated petty officers and able seamen were not 100,000; so that there being 40,000 certified masters and mates, it was perfectly clear that every A.B. of good conduct was not only certain of promotion but sought for. They could not, therefore, expect such men to enter the Queen's service unless they not only held out sufficient inducements of a pecuniary nature, but made the terms of service short, and at all events as clear and definite as possible. The Secretary for Ireland had great merit due to him for what he had done in this matter, and if the scheme had not succeeded it was owing to the want of a proper conciliatory spirit in the terms which had been promulgated.

Mr. LIDDELL said, he thought the hon. Gentleman who had ascribed the failure of the naval scheme for establishing a volunteer reserve to the terms of enrolment not being sufficiently simple had hit the right nail on the head. There was too much red tape in the proposition as originally framed. The men were at first to enter for five years, and at the end of that period they were required to present themselves before the shipping master to be again enrolled. Now, the great object of the seaman was to get his pension, and by the process just named his pension was in danger. Before it could really operate as an incentive to him, he must see that his prospect of gaining it was a certain one. Again, the regulation binding the men not to take long voyages ought not to be stringently enforced; because the young and active sailor, whom it was most desirable to secure, was of an enterprising disposition, and naturally wished to see remote parts of the world. Even if allowed, after joining the reserve, to go on a distant voyage, his services might be made available in foreign waters in the event of an emergency. It was to be regretted that naval officers were not very popular with merchant seamen, many of whom refused to enter the reserve because they had to be approved by those officers. It was to be regretted likewise that a widespread feeling of distrust in the Government had been created among the seafaring classes by the treatment of the continuous-service men at the close of the Crimean war. Moreover, the shipping masters did not receive adequate compensation for the duties imposed on them in connection with this scheme, and it would be well to fix definitely the scale of that remuneration. One of those persons had recently told him that he would not for £500 a year undertake to go through all the talking and encounter all the sneering that he had experienced from the men while trying to get them to enlist during the last three months. Nothing could be more important than the projected establishment of training ships in our great ports, and this was the point he rose partly to insist upon. Twelve hundred lads annually were proposed to be admitted to these ships for a twelve months' training, and the best conducted and most proficient of their number would be then selected for the navy. Nothing could be more calculated to render the Queen's service as popular as it used to be than this mode of making admission to it the reward of the better class of youths passing though the ordinary schools of the country, and thence transported to these training ships. The system would tend to assimilate the merchant service and the Royal Navy, which had remained too long insulated, and it would also serve to raise the character of both. The cost of the experiment would not exceed £24 for each youth, and no motives of false economy should prevent the House from supporting a plan which would furnish the country yearly with 1,200 young seamen, who would form such a reserve as would enable us to pursue our ordinary avocations in peace and security. In proof of the value of the northern ports as naval nurseries, he might mention that in 1858, 875 seamen were entered at North Shields, and 918 at South Shields, while in the previous year as many as 1,113 were entered at the former and 1,331 at the latter. He was confident there would be no lack of efficient seamen for the Royal Navy if the Admiralty only gave them good pay, treated them with greater trust and better faith, and relieved them, as much as possible, from troublesome and unnecessary restrictions.

Mr. LINDSAY said, that he found it impossible to support the Motion. It was with the deepest regret that he heard from the noble Lord the Secretary to the Admiralty the other evening that the number of men who had joined the naval reserve had fallen so far short of the number required. Everything had been done to give the scheme a fair chance; a forcible appeal had been made to the country, a liberal bounty had been offered, and yet it had turned out a complete failure. The merchant seamen would not enter into the Queen's service. As a Member of the Commission he had dissented from the report of his colleagues, and had foretold the failure of the scheme. He could not, therefore, join in the recommendation of what he had formerly condemned, but he sincerely regretted the fulfilment of his predictions. One fact brought out by the evidence laid before the Commission—and it was an essential one for the House to consider—was that, while the merchant service had been making great progress in the employment of mechanical appliances to reduce manual labour on board ship, not one step had been taken in that direction by the Admiralty for the last fifty years. He had suggested to the Admiralty, for instance, that patent trusses should be employed; but the answer he received was, that they would twist off the mast heads, an objection which he had never heard made in the American service, where trusses were largely used. By adopting mechanical appliances 800 men might be enabled to do the work of 1,000, and thus fewer men would be required for each ship, and a saving effected in the cost of the crew. Another thing which he thought might be done with advantage would be to decrease the number of seamen and increase that of marines. The evidence before the Commission proved that that might be done without interfering with the efficient working of the vessel; and, as a marine cost only some £32 a year, while a sailor cost £44, the sum of £12 per man might thus be saved every year. He proposed that the whole of the seaport towns should be garrisoned by marines, and that the men should be trained part of the week afloat at the great gun exercise, and part of the week ashore in military duties. They might also be exercised in the bay in boats, and they would thus be made more efficient, if required, to go to sea. In the event of hostilities the marines would be embarked on board the fleet, the line regiments would garrison the seaports, and the militia would take care of the inland towns. He believed that if this plan were adopted, it would considerably reduce the expense of the army. The noble Lord the Secretary to the Admiralty said the other night that sailors were suspicious, and would not enter the reserve for fear of being entrapped. Why had they such fears? Because for years there had been an impassable barrier between the merchant service and the Royal Navy, and it was his wish to break down that barrier. With that object in view, he had brought forward the propositions recorded in the blue-book. Commencing with the boys, he would have school or training ships common to both services. The Government should have the power of nominating one portion and the merchant shipowners the other portion of the boys to be trained in those ships, from which, according to their good conduct or their efficient training, they should be drafted into either the one or the other service. Then he would have a common seamen's fund, to which the officers in both services should contribute, and which should be distributable among the seamen of both services. He further proposed that Greenwich Hospital should be opened, not merely to seamen of the Royal Navy, but to all who had joined the reserve. Sailors in both services would then be brought up together in youth, associated together in manhood, and succoured in the same asylum in old age. There was another point upon which he was sorry to say he differed *in toto* from all his colleagues. He advocated an appeal to the officers of the merchant service to enter the proposed reserve, as well as to the men. There was a great scarcity in the Royal Navy of officers physically efficient, and he believed there was a scarcity even now of active young lieutenants. Supposing the emergency arose, which he hoped never would arise, and they had to call upon the reserve of men, what would be the use of 30,000 men, if they had them, without experienced officers? In his opinion they would be nothing more or less than a rabble. If education and social position, officers of the merchant service were the equals of naval officers, and he thought it a great oversight not to appeal to them. He was glad to find that there was a change with respect to flogging in the navy, and he believed the service would be more popular if what sailors called the black articles were expunged from the Articles of War.

LORD CLARENCE PAGET said, he did not rise for the purpose of opposing the Motion of his gallant Friend. Far from it, and he was exceedingly glad that his gallant Friend had called the attention of the House to the question of Manning the Navy, but he hoped to be able to convince him before he sat down, that the Government were carrying out, one by one, the recommendations of the Royal Commissioners. But he would first make one or two remarks upon what had been said by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) and the hon. Member for Northumberland (Mr. Liddell) in reference to the volunteer force. It was not surprising that in all these matters there should be a great difference of opinion. The right hon. Gentleman said they tied them up too tightly, for they enrolled them for five years, and then if a war broke out, they insisted upon the men remaining another five years. Now all he could state was, that if there was not some guarantee of that sort, and if there should be a war towards the end of the term, the greater part of the men enrolled might say that they would not go to sea. His hon. Friend the member for Northumberland opposite said, why not enter the men for life? So that it would be seen that on the one hand they would be asked to enter them for life, and on the other for only five years, and then let them go perfectly free. He would admit that this measure was fraught with considerable difficulty, and the observations which hon. Gentlemen made were extremely valuable. It should be recollected, however, that it was a new measure, and if the Admiralty found that it did not work well, they would be the first to tell the House so, and say that it required amendment. Some hon. Gentlemen condemned the measure, but it had only been in operation for six weeks, and it was rather too early to assume that it had failed. On the contrary, the last accounts from the north were that men were beginning to get over the extraordinary delusion that they were to be entrapped into the service and sent off to China, and he had reason to believe, from letters he had received from shipping masters, that the few words he had addressed to the House the other night had already produced a good effect. It was, therefore, to be hoped that in course of time, when the misapprehension he had alluded to was cleared away, and the matter set in its proper light before the men, the reluctance which had lately seemingly prevailed on their part to enter the service would vanish, and that there would be no cause to be dissatisfied with the measure itself on that account. But it was certainly pressing too hardly upon the measure to condemn it really before sufficient time had elapsed to enable its efficiency to be tested. As regarded the remarks of his gallant Friend the Member for Southwark, he was glad to be in a position to assure him in reference to his suggestion to place efficient ships on the Coastguard, that the Admiralty were already doing all in their power for that purpose. The *Majestic*, a screw line-of-battle ship, was stationed at Liverpool on the Coastguard service; and the *Dauntless*, a frigate, on another station. As to the complaint of the pensioners that when sent on board they did not always get the same ratings as they had had when in the service before, the Admiralty had no knowledge of such a thing. It might occasionally happen that a pensioner going on board ship might be found not so capable of discharging the duties of a petty officer as when he was before in the service, and in such cases an officer would only be discharging his duty in removing an inefficient man from the post to make room for a better. Another complaint was that the men could not get leave to go into the country, but were kept prisoners in the neighbourhood of the ship. [SIR CHARLES NAPIER: At the ports.] His gallant Friend was wholly misinformed, for if the men wished to leave the port, and could show good reason for asking such indulgence, and were persons who could be depended on to return at the expiration of their leave, they had only to ask for a pass to enable them to go where they pleased. It was true they did not allow these men to leave the neighbourhood of the port unless they asked for a pass. Moreover, discretion was requisite as to whether the ship was or was not likely to be ordered to sea. It would be easily understood that it would be impossible to allow liberty-men to leave the neghbourhood of the port if the ship was under sailing orders.

Sir CHARLES NAPIER: Whom are they to ask?

Lord CLARENCE PAGET: The captain of the ship.

Sir CHARLES NAPIER: Suppose he should change his mind?

Lord CLARENCE PAGET: His gallant Friend next said, "Why not man the seaports with marines;" but no one knew better than he that if marines did not get their turn of sea duty, they became nothing more nor less than landsmen. He agreed entirely in the expediency of gradually increasing the number of marines, and the Admiralty were taking steps to carry out the recommendations of the Commission on that point. The late Government had taken a Vote for 2,000 extra marines, and the present Government had also added 1,000 men to the force. With regard to the training ships recommended by the Royal Commission there were two distinct schemes, one being for the education of 2,000 boys for the navy at the public expense, and another that a large number of boys should be educated on board of training ships at the mercantile ports, partly at the public, and partly at their own parents' expense, of whom a portion should be taken into the navy; the former and more important scheme would, if the House approved of the Estimates, be now carried out, and with regard to the second part of the scheme—namely, the education of the merchant boys, the Government had by no means given up that part of the scheme; but the arrangements connected with the volunteer force were really running away with so much money that they thought it better to proceed cautiously, and see how the scheme was likely to succeed on the whole. Many other recommendations of the commission, not adverted to by the gallant Admiral, the Admiralty were endeavouring to carry out. For instance, they were giving additional pay to gunnery lieutenants, and they were also giving a 1*d.* a day additional to what were called trained men—men who had passed an examination in gunnery. The Admiralty had by no means set their faces against the suggestion of the hon. Member for Sunderland (Mr. Lindsay) with regard to the officers of merchant vessels, but they did not wish to go on too fast. First let it be seen how the men dropped in, and if that result were satisfactory it would be open for consideration in what manner advantage could be taken of the services of merchant officers. Many improvements had taken place with the view of rendering the position of men in the navy more comfortable. They now received their cooking utensils free; continuous-service men had their clothes given to them; and various points of details, such as paying the men more frequently, improvement in the system of paying allotments, badge money, outfit to petty officers on promotion to warrant officers, pensions to warrant officers, were in process of carrying out by the Admiralty. Again, the Coastguard was proposed to be increased this year by 500 men, and other matters, with which he need not trouble the House, were under consideration with a view to effect still further improvements. He hoped he had said enough to show that it had been the consistent endeavour of the Board of Admiralty to take advantage of every recommendation contained in the Report of the Royal Commission, and as far as possible to carry them into effect.

Mr. H. TAYLOR said, he wished to remind the House that the coasting trade, which had always been regarded as the nursery of the navy, was most injuriously affected by the increase of railways and screw steamers. Half of the coal which was annually brought to London now reached the metropolis through the instrumentality of steam, either by sea or on land, and one screw steamer of 800 tons, managed by a crew of eight able seamen, was capable of carrying as much coal as eight sailing ships, which would require 70 or 80 men and boys. He believed that in the course of a few years 80 or 90 screw steamers, employing from 600 to 800 men, would fulfil all the requirements of a trade which now found employment for 800 or 900 ships, with 8,000 or 9,000 men. The general trade was becoming narrowed in the same way, as shipowners found that it was for their interests to employ steam in place of sailing vessels; and the result would be, that in some short time to come great difficulty would be experienced in procuring sailors in sufficient numbers for the navy. He had given the subject very serious consideration, and, as a sailor himself, he believed the Government ought to consider the propriety of establishing school ships, in which lads should be trained for the naval service.

SIR JAMES ELPHINSTONE observed that he had listened with great pleasure to the details given by the noble Lord respecting the extent to which the Government had carried out the recommendations of the Royal Naval Commission. But it could not be too strongly urged that the school system was the very basis and foundation of all their recommendations towards the formation of a reserve of 10,000 or 12,000 men, and that they ought not to hesitate at a trifling expenditure, when by its means they expected to procure the very best material for maintaining the future efficiency of the navy. In answer to the hon. Member for Sunderland (Mr. W. Lindsay), he would remind the House that in men-of-war the number of men was proportioned not to the machinery or steam power, but to the guns; and if patent trusses or improved machinery of the kind were placed in such vessels, the force applied would soon pull them to pieces. They had been tried on board two vessels, and but that the yards were fortunately slung in chains, they would have been down on the top of the men's heads. He believed that if the Government steadily refused to increase the bounty, and simply established school ships, taking every possible means of giving publicity to the advantages which were offered, after a little patience things would present a very different aspect from what they did at present. There were other matters, however, which had not been touched upon by the noble Lord the Secretary of the Admiralty, and one of the most important of those was the hulk accommodation. The *Bellerophon*, at Portsmouth, had been improved as much as was possible, but still not more than one-fifth of the ship's company could get into the galley; and, having no resource but either to go to bed or walk the decks like caged beasts, he did not think it was to be wondered at that the men seized every opportunity of getting away from such a wretched abode, and of getting their feet to a good public-house fire. Comfortable docks and barracks would go far to make the men behave more like Christians than they had sometimes done. In paying off a ship's company, likewise, he believed that some change might be effected with advantage. At present a ship when dismantled presented a most disheartening spectacle. The system and discipline which it had taken four or five years to build up was scattered to the winds, and he had heard captains say that the night before a crew was paid off was one of the most saddening and dispiriting possible. He believed that such a practice was unnecessary, that it was a remnant of barbarism which had clung to the service, and that its bad effects only required to be fully understood to lead to its being done away with. Some difference ought to be made, in paying off the crew, between the men who entered for continuous service and those who left probably with the intention of not returning again. The former might receive two-thirds of the pay which appeared from the paymaster's books to be due to them, and with this advance they might be permitted to visit their friends without any delay. On their return they would obtain the balance which was due to them; and if they had been unfortunate enough to fall among thieves they would have the means of regaining a respectable appearance. The Government would have a perfect right to retain a portion of the money, because no man had a right to return as a beggar to the service with which he had become connected. As to the other men who left them there need not be so much ceremony; but as to the continuous service men, he urged the Government to take his suggestion into their consideration. They were about to discuss a Motion on the subject of flogging in the navy; he believed for some of the crimes committed on board ship it would be impossible wholly to do away with flogging. But if the men were tried by courts-martial, as in the army, it would tend to familiarize the officers with the rules of evidence, and give men an idea of security; they would be satisfied that justice was done. It would not reduce the amount of flogging; on the contrary, it would rather increase it, as if tried by court-martial every man who deserved flogging would get it; at present, many who deserved it did not get it; the Admiralty were so severe on captains in the matter of punishment on board their ships, that they often forbore it from apprehension of the consequences to themselves. As to the Articles of War, they were never acted on, and he did not see why they should be allowed to remain in their present obsolete form. Could not a Commission of naval officers be appointed to modify them, and bring them into accordance with the more humane notions of the present day?

Sir MICHAEL SEYMOUR said, he was glad to hear the assurance from the noble Secretary to the Admiralty that the Government was desirous of carrying into effect the recommendations of the Manning Commission. The inutility of the volunteer system had been proved, and this Commission, presided over by men of great experience and intelligence, had, in their Report, recommended a naval reserve as the best means of increasing their force. But he regretted that the attempts to form this reserve had not been successful. The question was no doubt one of the most pressing importance, but it was a mistake to suppose that the harshness with which they were treated was the cause which prevented sailors from entering the navy. He believed the gradual improvement in the treatment of the seamen in ships of war, and the greater attention to their comforts, had much broken down the aversion formerly entertained; and it was rather ignorance of the present condition of men in the service that caused the difficulty in obtaining them in sufficient numbers. He rejoiced that the Admiralty had conceded pensions to the widows of warrant officers; the concession had been too long delayed. The Report of the Commission often alluded to the compulsory system of manning the navy of France. That system gave France an advantage if any sudden increase in her naval force was required—a matter of great anxiety in the event of a disturbance of the peace between the two countries. Not possessing such a system, England could only depend on money rewards and other attractions to draw men into the naval service. Their Navy Estimates, therefore, must always stand at a high figure, and the only prospect of a reduction was in some plan of a reserve. The most reliable part of the present reserve were the coast-guard men, who made a fine body of sailors; their conduct on board the ships they served in during the Russian war was exceedingly creditable to them. The other parts of the present reserve were not so reliable. Even the Coast Volunteer system had been a failure, for no dependence could be placed on the men coming forward in large numbers in cases of emergency. As to the pensions for the reserve, he disapproved them for short service; it would be better to give an equal amount in the rate of pay after four or five years' service. It was of the highest importance that every effort should be made to augment the force of continuous-service men. He quite agreed with hon. Members who had spoken of the advantages which both the merchant service and the Royal Navy would derive from the establishment of school ships. They would, in all probability, take the place of the old apprentice system. He should hail with pleasure any scheme that would unite the mercantile service with the navy, being satisfied that the naval service would be greatly the gainer. With respect to the subject of punishment, he entirely concurred in the opinion that it would be inexpedient in a Government service, such as that of the navy, to abolish the system of flogging. As a body, naval officers were desirous to abate the severity of that system as far as possible, but the power of inflicting corporal punishment must, in order to secure discipline, be maintained. He recollected an instance in which three out of a brigade of 300 or 400 men had been guilty of committing a gross outrage on a woman, which had resulted in her death, and he felt assured that the instant punishment which had followed the commission of the act had not only had a duly deterrent effect upon the rest of the men, but had been regarded by them as just and right.

Mr. BENTINCK said, it appeared to him to be impossible to overrate the importance of this question. There were very few men either in or out of the House who did not desire to keep up our naval defences. Something had been done already to put them in a better state, but in the contingency of a reverse at the beginning of a naval war—an event he would not anticipate—the whole of the £13,000,000 which the House was asked to vote for the navy would have been completely thrown away, unless a reserve of men had been formed at least equal to half those on board ships in commission. He was, therefore, glad to find that it was the intention of the Government to carry into effect the recommendations of the Manning Commission, as well as to hear from his noble Friend the Secretary to the Admiralty that two block-ships had been removed, and their places supplied by vessels of a better class. For his own part, he should like to see the same course pursued in the case of all our block-ships, which he regarded as perfectly useless, and he felt assured that in order to effect that or any similar object which would place our navy on a thoroughly efficient footing the House of Commons would not hesitate to vote the necessary supplies, so that the Government had only themselves to blame if they failed to state fully and plainly to the House what it was they required. A great mistake had been made in 1857 when so many ships were paid off, but for that the Government, and not the House of Commons, were responsible. He looked upon the appointment of a man conversant with the details of the naval profession, as his noble Friend opposite (Lord C. Paget) was, to the office of Secretary to the Admiralty as a step in the right direction, because he could not help thinking the system of selection for that office, as well as the higher offices of the Board, of men merely for oratorical ability, was one which was extremely vicious in principle. Before long he hoped to see a thorough reconstruction of that Board. He should merely observe, in conclusion, that the exclusion of boys from particular departments of the navy who did not happen to be possessed of that proficiency in reading and writing to which others had attained seemed to him to be impolitic, for the dunces among our youth, as some persons might be disposed to call them, had frequently arms as strong as their heads were thick, and, if they were but afforded the means of learning their profession, might furnish the country with most efficient seamen.

ADMIRAL WALCOTT: — I give my cordial support to the Motion now before the House, as it is of paramount importance to put forth every effort to accomplish the manning of the navy. I feel no apprehension that England will prove unequal to any emergency which may befal her. At the present moment there are in all 162,012 British, and 14,375 foreign seamen employed in the merchant service, and it would be of signal advantage to induce an adequate number of them to enter the Royal Navy. The first step in the right direction is to enlist year by year 2,000 to 4,000 boys; and I am glad to learn that measures are to be taken to provide school ships for the former number. If these vessels were despatched to the principal mercantile ports, some of the finest lads in the country—not boys from reformatories — could avail themselves of the opportunity. The greatest caution must be exercised in the selection of officers, they must be men like those of Her Majesty's ship *Britannia,* possessed of good temper, forbearance, and discretion. I had the pleasure of personally visiting Captain Harris now of that ship, when in command of Her Majesty's ship *Illustrious,* and after a most careful inspection of the system which he pursued, I give my most cheerful testimony to the admirable measures to a desirable end which were there amply exhibited. It is a melancholy truth much to be deplored by all right-thinking men who have the interest of the service at heart, that in it there is not sufficient encouragement held out to the A.B. The sailor is a roving creature, like the elements with which he has to battle, given to change and excitement, and he is especially averse to an engagement of five years. The case of Lieutenants, who rarely attain the promotion which they have a right to expect, is full of painful reflection. From the first hour when I entered the navy to the present time it has been impossible for me to be blind to a system of invidious patronage and baneful partiality. Let it once be an assured fact that there is only one direct and certain road to employment, promotion and honour, and that to be a thorough practical seaman every inch, to possess scientific knowledge, to devote heart and spirit to the duties of the profession, and you would exercise a magical influence and enthralling fascination. Instead of broken-hearted grey-haired men, you would inspire spirited youths to enter and continue a succession of men who uphold the honour of a service, never sinking into apathy and disgust at its injustice, but enthusiastically attached to it and exceedingly eager to earn distinction. The reward of merit is a glory to a country, to withhold it is its shame and discredit; to bestow it improperly is a cruel wrong to the deserving, a snare to those who are not so, and the betrayal of a national trust. Efficient as the navy is, secure as we are that it will ever win new lustre when put upon its trial, let only justice be shown in England to the officer and man and they will maintain her supremacy, her honour, and her existence, with the new vigour that springs from the certainty of her approval, and the affection that is quickened by its bestowal.

MR. DIGBY SEYMOUR remarked that there was some inconsistency in the answer given by the Secretary to the Admiralty, for while he had not offered any opposition to the Motion, he seemed to intimate that the Government would not pledge themselves at once to carry out the recommendations of the Manning Commission. He thought the Government ought at once to pledge themselves to bring in a Bill if necessary to carry out those recommendations with a view of meeting the present exigency, and of providing a constant supply for the navy in the future. One of the chief recommendations was relative to the establishment of school-ships, and Captain Engledue and Captain Vincent, among others, had both given the clearest testimony as to the importance of that recommendation, stating that the merchant service would hail the establishment of these training ships with delight, believing that the class of apprentices would thereby be improved. Only last night he had been present at a meeting at Southampton, called for the purpose of memorializing the Government to place one of these training schoolships in Southampton Water. There was a very general expression of opinion in favour of that proposal; and if Government grudged the expense, if they would only find the ship and half the cost, the other portion, he believed, would readily be subscribed at the port and throughout the county of Hampshire. Captain Sullivan estimated the expense of one of these ships for one year at £4,000, including extras, such as £100 for a chaplain; the Commission had recommended that there should be ten or twelve of them; the whole expense, therefore, of establishing these schoolships, and carrying out this great national experiment, would be £48,000. The plan which Captain Sullivan proposed, was to take boys of twelve or thirteen years of age for a year, then to apprentice them to the merchant service; at the end of their five years to let them serve for two years in a vessel of the Royal Navy, and then to bind themselves to enter at any time into the Royal Naval Volunteers, so as to be called on at any time when war menaced. There was one other recommendation he should like to refer to. Captain Sullivan pointed out the fact of about 10,000 situations at the command of the Treasury, and other public departments of the Government. Those situations were invariably given to those who had extraordinary political influence with the Government. There could be no doubt, however, that there were many of those situations, such as tide-waiters, landing waiters, for which well deserving seamen were qualified, and which he (Mr. Digby Seymour) thought ought to be given in reference to a scale of merit, instead of being placed at the service of gentlemen who had given, or promised to give, their political support and influence to the Government for the time being. He protested against such a system. The new field of rewards after long years of valuable services thus opened would, with the other arrangements, go far to popularize the Royal Navy. Give that force the opportunity of an introduction not only to the Coastguard service, to Greenwich Hospital, to pensions from the State,—but add to those anticipated advantages those offices to which he had referred—offices that would best fulfil the purposes for which they existed if they were appropriated as the rewards of honest merit in the naval forces of the country.

SIR CHARLES NAPIER said, in reply, he assured the noble Lord that he had made no mistake. The order given at Portsmouth was clear and distinct, that if a man passed certain limits he was to be taken up as a straggler. Was the British sailor, he asked, to be reduced to that in the present day? Why, even in the war time, he was never obliged to go and point out to his officer beforehand the exact spot where he wanted to go, and then only at his peril stray a hair's breadth beyond it. For the life of him he could not tell how such a nefarious system could have ever been conceived by the Admiralty—a system which was now producing the greatest discontent at Portsmouth, and which could not be too quickly abolished. The practice of refitting a vessel when she arrived in port was an absurd waste of public money. When ships came home their crews should be at once discharged into other vessels ready to receive them, where they would be found to do their duty just as well. He concurred with his hon. Friend who had just spoken, in the propriety of distributing the offices within the patronage of the Government to such men as had served their country well, and who were fitted for those situations. He had been assured that it was not intended to "cushion" his present Motion. To test the sincerity of the Government, he begged to ask whether they intended to remove the "beastly" block-ships, and substitute efficient vessels for them? It would depend upon the answer he received to that question whether or not he should divide the House.

Resolved,—

> "That, in the opinion of this House, the recommendations of the Commissioners on Manning the Navy ought to be taken into consideration by Her Majesty's Government, with a view to carry out the principles of such recommendations."

FLOGGING (ARMY AND NAVY).

RETURNS MOVED FOR.

Mr. W. WILLIAMS, in rising to call the attention of the House to flogging in the Army and Navy, said the system was most injurious to those services because it prevented respectable men from joining them. Upon their soldiers and sailors the country depended for fame, for honour and for security, and yet under the existing practice our soldiers and sailors were liable, for trivial offences, to receive worse treatment than that given to convicted criminals and felons. By the present law no culprit could be flogged in the public streets except one who had actually threatened the life of the Queen. Yet our soldiers and sailors were placed on the same degraded level as that execrable miscreant; and even one quarter of the cruelty to which they might be subjected with impunity would, if only inflicted on a horse or an ass bring the perpetrators of such brutality within the penalties of imprisonment and hard labour. It was said by many officers that the abolition of flogging would lead to a total subversion of discipline. But the hon. and gallant General (Sir De Lacy Evans), whose opinion on such a subject was most valuable, declared some years ago, when examined before a Commission, that he believed the system of flogging in the army to be totally useless, and most injurious in its effect, by preventing respectable persons from enlisting. The officers who opposed the abolition of this punishment were influenced just as the Judges and Recorders were influenced when it was proposed to humanize our criminal code. "If," they said, "you do away with the penalty of death for a vast number of offences, the country will be overwhelmed with crime." Yet the result had been a diminution instead of an increase of crime throughout the land. The same result in his opinion would follow, if flogging were abolished in the army and navy. Within his recollection the *maximum* number of lashes inflicted in the army was 1,000. This number was reduced to 300, and after a soldier had been flogged to death at Hounslow barracks the Duke of Wellington, much to his credit, reduced it still further to fifty lashes, without in the least impairing the discipline of the army. It was not often that descriptions of this punishment appeared in the newspapers, but whenever they did they excited the greatest disgust in the public mind. A short time ago two soldiers were flogged at Woolwich, and this was a description of the scene taken from the highest source:—

> "The first man, named Green, bore his punishment, as stated by an eye-witness, 'like a true soldier;' but the second, named Davis, a young recruit, protested his innocence of the crime of desertion, bellowed and screamed for mercy, and supplicated Colonel Talbot and the medical officer, and others who were present, to have compassion on him, or he should die. His back was covered with a mass of large, red, inflamed boils, which bled profusely at every stroke, and reddened the ground under his feet, upon which the cat was ordered to be withheld for a few moments, when, finding that the punishment was not at an end, he gave vent to exclamations for mercy, and partly succeeded in delivering himself by force from the straps which bound him to the halyards. The punishment was again ordered to be continued, when, at every succeeding stroke, his cries and exclamations were most lamentable, insomuch that officers and men swooned away at the sickening spectacle, and had to be carried into the open air. One officer and upwards of twenty non-commissioned officers and men long in the service closed their eyes, lest they too should become unnerved, and be subject to the reproach and ridicule of their comrades."

It was a disgrace to our Christianity and our civilization that such disgusting exhibitions should be allowed. Soldiers who were flogged suffered severely in constitution. Some years ago Mr. Wakley stated that, in his opinion, and that of the medical profession, when a man of nervous temperament was flogged, some fatal disease, probably consumption, was almost invariably produced. They were obliged to abolish flogging for the Sepoys, and yet they treated in this cruel and inhuman manner men who were equal to a dozen Sepoys. The Duke of Cambridge, much to his honour and credit, had recently issued regulations in restraint of flogging; but he (Mr. Williams) did not anticipate much effect from them, and he hoped his Royal Highness would abolish flogging altogether. If the system were now gradually falling into disuse, there might be some encouragement for those who opposed it; but a recent Return; seemed to show that it was extending. In 1847 only forty-two men were flogged in the whole army, the number of lashes being 2,200; in 1852 forty-five men were flogged, the number of lashes being 2,250;

but in 1858 the number of men flogged was 218, and of lashes inflicted 9,338. He now turned to the navy. The punishment in the army was mercy itself compared with that in the navy. The cat was heavier in the navy; it was wielded in a different manner, and it was admitted that fifty lashes in the navy were equivalent to 150 in the army. The *maximum* punishment was the flogging round the fleet, from which he believed a man rarely recovered; and it was a common saying that it would be far less cruel to string up the criminal at the yardarm at once. He (Mr. Williams) was sorry to say that flogging had also of late increased in the navy. In 1852 the number of men punished was 578, and they received 17,570 lashes; whereas in 1858, 997 men received 32,420 lashes. In the army the flogging was inflicted to a certain extent in an open manner, for, though in some cases the barracks might be closed, still the news spread to the whole neighbourhood around, and this circumstance operated as a check on the punishment in the army. In the navy, however, the flogging was kept quite close. If a stranger not belonging to the navy happened to be aboard ship when flogging was about to be inflicted he was ordered ashore, so that he could not be a witness to the punishment. In 1858 there were inflicted in the army 23,000 fewer lashes than in the navy. The present Admiralty had followed the example of the Duke of Cambridge with respect to regulations as to flogging, and he trusted that some effect would be experienced in the diminution of the punishment, if it was not, as he trusted it would be, abolished altogether. It appeared to him most extraordinary and unaccountable that the greatest number of punishments in the navy was inflicted for drunkenness. It seemed a marvel to him how men could get drunk on board ship, where there was no beershop or grogshop. He was told that this result was accomplished by one man selling his grog to another, and then the extra quantity got in the head and made the man drunk. It only required ordinary common sense either in the officers or the Admiralty to put a stop to that practice. If a man did not wish to drink his grog, let him be paid the full value of it instead; but let him be punished if he received it and then sold it to another. In the navy a certain number of sailors messed together, with a sort of head man over them—at least such used to be the case—and it would put an end to the system of drunkenness if that head man had authority to prevent the grog being drunk by any but the person to whom it was served. Then more than half of the flogging in the navy would cease. A dreadful case had occurred within the last three months. A sailor had been found guilty by a court-martial of insubordination approaching to mutiny, his offence consisting in having, when in a state of drunkenness, put his head out of the porthole of the ship to which he belonged, and called out, "Lads, do what they did on board the *Liffey*, and roll shot about." He had also done something to the boatswain. Such was his crime, and for it he was ordered to receive fifty lashes. Now, if he had been sober when he had made use of the words imputed to him, there could be no doubt that he would have deserved punishment; but it was clear that the poor creature was drunk at the time. The scene which occurred at the punishment was described in a local print of very moderate politics, the *Plymouth Journal*, which stated that when the boatswain, who had been insulted by the culprit, was seen preparing to give him the first dozen lashes, the excitement of the dockyard labourers was intense; and the affair ended in a fight between them and the authorities of the *Cæsar*, to which the man belonged. It had been stated that the first American frigate which took one of our frigates of larger force in the late war was manned almost entirely by English deserters, all of whom had been flogged; and that these men all the time loved their country as much as ever, but that they had been so disgusted by the barbarities of the service, that there were no lengths to which they were not prepared to go in order to show their hatred of the system. The principal offences for which sailors were flogged were drunkenness, absence without leave, insubordination, dirtiness, neglect of duty, telling untruths, theft, smoking at a man's post, fighting, &c. Was it right that a brave fellow should have his back flayed and his flesh torn from his bones for such offences? Why, it was one of the greatest qualities a seaman could possess to be always ready for a fight. Was it to be endured that men to whom the country owed so much of its greatness should be subjected to such treatment because old gentlemen with high naval titles had no ideas but such as were in vogue fifty years ago, when their ships were manned by means of the press-gang? He was persuaded that flogging was the cause why such difficulty was found in manning the navy, and that if it were abolished, they would have the choice of the best men in the merchant service. For several years past he had moved for a series of returns relating to this subject, and he now proposed to add to them a new feature, which was the name of the captain of each ship in which men were flogged. He would tell the House why he did this. For two years the noble and gallant Officer (Lord C. Paget) had commanded in the *Princess Royal.* Notwithstanding the high state of discipline and efficiency to which he brought the crew, he had never flogged a man. Well, he was succeeded by a captain who flogged 53 of his men, on whom he inflicted no fewer than 2,700 lashes. Having stated that fact in the House, he (Mr. Williams) received a letter from a gallant Admiral assuring him that he must have made some mistake, for no man had a higher character for humanity than Captain Baillie, who was then commanding the ship. Accordingly, he (Mr. Williams) made further inquiries, and at length he ascertained that the captain who had flogged 53 men was one who came between the noble Lord and Captain Baillie. To prevent mistakes of that kind, which might be very prejudicial to the characters of meritorious officers, he (Mr. Williams) should propose the addition he had named. Men were sometimes ordered to be flogged for drunkenness by officers who themselves were guilty of the same offence. This year more than £500,000 had been expended in bounties, and it was stated that the Government had obtained 10,000 men, it did not appear that more than 1,500 of them were able seamen. Let them only abolish flogging and he had no doubt that they would get without difficulty as many of the sort they wanted as they pleased. The hon. Gentleman concluded by moving for the following Returns:—

"Return of the number of men flogged in the Army and Militia in the year 1859, specifying the offence, the regiments, the place of station, the time, the sentence, and the number of lashes inflicted on each man (in continuation of Parliamentary Paper, No. 519, of Session 1858); also, Return of the number of persons flogged in the Navy in the year 1859, specifying the name of the ships and of the commanding officers, the offence, the sentence, and the number of lashes inflicted on each person, stating whether by order of Court Martial or the Commanding Officer (in continuation of Parliamentary Paper, No. 41, of Session 1, 1859)."

MR. BRISTOW, in seconding the Motion, said, that both the War Office and the Admiralty had recently issued excellent regulations on the subject, but he wished to see flogging altogether abolished. It was a cruel punishment and formed one of the most prominent anomalies which existed between our civil and our military jurisprudence. The ordinary tribunals of the country inflicted the same penalty for the same offence, whoever the culprit might be; but in the army and navy there was one law for officers and another for men. If at a time like the present, when they were endeavouring to make the army and navy efficient, and, if possible, to popularize them —if at such a time the returns quoted by his hon. Friend be true, he would ask was that the means to obtain the increased number of men asked for, for both services? Another paradox in the system was this—What was there in the character of an Englishman so degraded that this punishment must be inflicted upon him, while there was no such thing as flogging in the French army? He remembered last year asking a French officer, who had held a distinguished position in the Crimea, if there was any flogging in the French army, and that officer's reply was, "Neither the French men nor the French soldiers are brutes." The time was come when this punishment, degrading alike to the person who ordered it, the person who administered it, and the person who received it, should be entirely done away with.

COLONEL NORTH asked the hon. Member for Lambeth whether he had ascertained the truth of the statements he had made to the House? [MR. W. WILLIAMS: Yes.] He recollected as far back as 1855 or 1856 the hon. Member made a most serious charge against the commanding officer and the officers of the 26th Regiment. But the hon. Member made the statement in so clumsy a manner that he (Colonel North) had no hesitation in getting up and denying it from beginning to end. The following day he (Colonel North) had received a letter from the commanding officer of the 26th, stating that every word of the statement was incorrect. On the present occasion the hon. Gentleman had made use of the name of Colonel Talbot, of the Artillery, who commanded the parade on the occasion referred to, and he (Colonel

North) wished to ask the hon. Gentleman if he had taken the trouble to ascertain whether it was in the power of Colonel Talbot to remit a single one of the lashes? Why, possibly, he had no more power to do so than the hon. Member for Lambeth himself. Under these circumstances it was perfectly intolerable that a person should get up and brand an officer with cruelty and discreditable conduct without first ascertaining whether that officer had power to remit the sentence or not. The only person who had power, under ordinary circumstances, to remit the punishment in the absence of the officer who had confirmed the sentence was the surgeon of the regiment. A more painful duty could not devolve on any officer than to be obliged to superintend a punishment parade; but he should have a mean opinion of one who shirked the duty if it fell to his lot. The hon. Member had year after year complained of flogging in the army and navy. If the hon. Member, or any other civilian who joined in his complaints, could devise a punishment which, while it was severe, would keep the soldier only a short time away from his duty, he would be hailed with the greatest gratitude by the whole army and navy. What was wanted was a punishment that would not throw extra duty on the well-behaved soldier. He had known many men who did not care for being three months in confinement; and while they were there, who was doing their work? Why, the good soldier, who ought to be protected by the officers instead of having the duties of his disorderly comrades thrust upon him in addition to his own. The hon. Seconder of the Motion had stated that in the French army there was no flogging. Did he inquire how crimes were punished in that army? If he had done so he would have found that where we flog the French shoot. Would the English public like a man to be shot for knocking down a non-commissioned officer? Do not then talk about our treating men as brutes, when the French shot where we flogged. In Berlin soldiers were punished by being placed in a room six feet by four, with a series of re-entering angles, so that it was impossible for him to stand. The punishment was, in fact, so severe, that they were obliged to take the culprits into the guardhouse at night. But would that be tolerated in England? The officers of the army and navy had to curb the natural passions of men. A civilian might get as drunk as he liked for a 5*s*. fine; but what would be the state of the navy and army if drunkenness were allowed in those services? Discipline must be maintained in the army, drunkenness checked, and orderly behaviour enforced; if it were not, the hon. Member for Lambeth would be one of the first to complain.

Mr. Alderman SALOMONS said, he could corroborate the statement of the hon. Member for Lambeth in regard to the flogging at Woolwich. He thought it was not enough to condemn military men for flogging men for slight offences, but this House ought also to bear its share of the blame for having given them authority to do so.

Lord CLARENCE PAGET said, he had no objection to the Returns desired by the hon. Member, provided he would leave out the names of the officers who were obliged to inflict corporal punishment. [Mr. W. Williams: Oh, no!] As his hon. and gallant Friend had stated, it was one of the most painful duties that officers could perform to superintend the infliction of that dreadful corporal punishment. But, as the service was at present constituted, it was one that, he was bound to say, could not be immediately and wholly abolished. During the past year the heads of the two services had endeavoured, by introducing a system of classification, to lessen gradually this disgraceful punishment, and it was a proof of the anxiety of the officers to prevent flogging as much as possible, that out of the whole Channel Fleet only three per cent of the men had been put into the second class—that is to say, the class which was liable to corporal punishment without the sentence of a court-martial. His hon. Friend the Member for Lambeth had of late been in the habit of quoting him as an officer who did not flog. He could assure his hon. Friend that he was not the man to shrink from flogging if he thought it absolutely necessary. He had had the good fortune to have very excellent officers with him, and likewise very good crews, and had consequently been able to get rid of much of it in his ships. But he must positively state that the hon. Member for Lambeth was very much mistaken if he supposed that he (Lord C. Paget) should not flog a man to-morrow if he thought it absolutely necessary. His hon. Friend had quoted returns of the entries of seamen into the navy. He said we could not get good seamen; that out of the recent entries there was only a very small proportion of able seamen. He wished to correct his hon. Friend. They had entered within the last year upwards of 10,000 seamen; and out of that number there were upwards of 4,000 able seamen, showing that more than a third were ablebodied. He could not give a better proof to him than this, that we had the pick of the best seamen of the country. And to show that the navy was not in so unfortunate a condition as had been represented, he might state that out of the whole fleet there was only three per cent of desertions. This was most satisfactory, and showed that the fleet was not so unpopular at this moment as was asserted. He had stated to the hon. Member for Lambeth last year that the present articles of war were not at all in accordance with the feelings of the age, and that it was the intention of the Government to bring in a Bill to improve the naval code and discipline; and if the hon. Member would have patience he would see a Bill shortly introduced to that end. It would deal with all the matters that had been referred to by the hon. Member; and he hoped would prove satisfactory to the House. He trusted the hon. Member would consent to leave out the names of the officers, whose misfortune, and not whose fault, it had been that they had been compelled to inflict corporal punishment on any of their men.

Mr. ROEBUCK said, he thought the hon. and gallant Member (Colonel North) had spoken of the Motion in somewhat of an angry tone; but it appeared to him a wise and good thing to bring it forward. It was not directed in a spirit of animosity against the officers of the army and navy, who were acting under necessity. Those who, with himself and the hon. Member for Lambeth, held that the punishment of flogging should be done away with wished an inquiry into the matter. He was old enough to recollect when hanging was the universal punishment in England, and when nothing else could be done with a culprit. No classes of persons were so bent upon hanging as the Judges. And when they were told that certain philosophers and philanthropists were persuaded that men could be kept in the path of duty without hanging, they held up their hands and turned up their eyes at so preposterous an idea. But they had seen that those learned persons were utterly mistaken. In the same way the authorities of the army and navy might not be infallible. All that was asked was to inquire whether the certainty of other punishments would not have the same effect. It was not only the bad effect on the culprit, but the bad effect on those who stood round, and on the society in which it was perpetrated; and he, therefore, asked whether it was not the duty of persons in authority seriously to inquire whether they could not do away with this dire and degrading punishment? The noble Lord said he was about to bring in a Bill for a reform of the penal code of the navy, and he (Mr. Roebuck) trusted that in the reformed code there would be found a clause for the abolition of the lash. He was sorry to see the noble Lord shake his head in negation of that hope, but he would tell him that unless there was a diminution of these dreadful punishments, his reform would be no reform at all; because he was sure no man after being flogged was an equal man to what he was before, and he would never believe that a soldier or sailor was the same man in the defence of his country and the honour of his flag after being degraded before his fellows by this dire punishment. They were told that it was absolutely requisite to flog boys at school; and there were people now so obtuse as to believe that their children were improved by being flogged. He was quite sure that the infliction of flogging in our public and other schools was one of the most mischievous things which could be done to any body of children, and that, if it were abolished in schools, it would not continue in the army and navy. To tell him that they could not guide a child without flogging was like saying there were no other means of making a good soldier. The noble Lord said it had been his good fortune to command ships in which there were officers and crews among whom it was unnecessary to inflict this punishment. It was the officer, his conduct, and his manner of guiding the men which determined the conduct of the men, and wherever they found a ship or a regiment where flogging was rife they might be sure the colonel or captain was unworthy of command. A great soldier, who, unfortunately, had lately departed, told him that flogging in an army before the enemy in the field was a thing to leave in the hands of the commanding officer; but he added, "Depend upon it that a good commanding officer will seldom have to inflict that punishment." It was the irascible, ignorant, incapable man who resorted to flogging, and in his impotence to govern inflicted pain on the bodies of those over whose minds he could obtain no influence. He said that its infliction was not only a disgrace to the British army, but clearly pointed out the incompetency of the officers who encouraged it in practice.

Mr. BUXTON said, that he heartily concurred in the observations of the hon. Member who had just addressed the House. Indeed, he had placed a notice on the Paper of his intention to move a Substantive Resolution, to the effect: "That the punishment of flogging in the Army and Navy is impolitic, and ought to be abolished." But it would hardly be convenient to have two debates in the same Session on the same subject, and therefore he trusted the division on the Motion of the hon. Member for Lambeth would be taken as an expression of the opinion of the House. Having given the subject great attention and thought, he was persuaded that it would be sound policy on the part of the authorities to altogether abolish the use of the lash. He only regretted that the question had not been mooted by some naval or military officer, which would have weighed more with the country. But there was no doubt that a large number of naval and military officers were anxious for the abolition of flogging; and, on the other hand, they need not be discouraged at meeting with a most determined opposition on the part of the military authorities; for it was impossible not to remember that scarcely one reform in the management of the army had sprung from the military authorities themselves, until it had been thrust upon them from without. To whom, for instance, did we owe a reduction in the number of lashes from 1,000 to 50? To whom did we owe the introduction of regimental libraries and reading-rooms? To whom did we owe the Enfield rifle itself? To whom did we owe the sanitary measures, which, however, had still to be carried out? To whom did we owe the abolition of the stock and the tight dresses of our soldiers? We owed all these reforms, whether already carried out, or about to be carried out, not to the military authorities, but to the press and public opinion of this country. He did not think, then, that civilians need be very much terrified by their own rashness, if they ventured to press still further reforms upon those who seemed to need so much spurring. When the new orders were issued from the Horse Guards and the Admiralty last autumn, he thought the matter was put upon a perfectly satisfactory footing; but prolonged inquiry and investigation had made him feel that the reform adopted by the authorities, though an undoubted improvement, yet would be far, indeed, from abolishing this mode of punishment, or getting rid of the serious evils which it engendered. He saw that by those orders, there were still, as regarded the army, no less than ten offences, five of them being infractions of discipline, the first commission of which would degrade the offender into the second class; and, once there, he would be liable to corporal punishment for that or for any other of those ten offences. In the navy every man, whether in the first class or in the second, would still be liable to be flogged. The main difference made by the new orders would be this—that while the men in the first class could only be flogged after a trial by a court martial, those in the second could be flogged at the will and pleasure of the captain for any one of eight offences. The only wonder to him was, that these restrictions should not have been adopted long ago, without waiting for an outburst of public opinion. It seemed to him almost incredible that our countrymen should hitherto have been liable to this terrible punishment for a first offence, at the caprice of a naval captain; knowing, as they did, how natural it was for the tempers of seafaring men to be quickened by the excitement and vexation incident to their profession. While we maintained a naval and military force of little less than 300,000 men, there would inevitably be a large amount of theft, and frequent cases of intoxication on duty, and so forth; and for any second or subsequent offence, there would still be inflicted corporal punishment. If flogging was to be maintained, then undoubtedly the limits imposed by the new orders were most just and reasonable. But when it was alleged by the advocates of the lash that these just and reasonable restrictions would virtually put an end to flogging, he wished to know how, in that case, they defended the great excess of flogging which there had been in former years. If the moment they adopted a just and reasonable system flogging vanished, was not the inevitable inference that the flogging hitherto had been unjust and unreasonable? There could be no more severe condemnation of the use of the lash hitherto. However, as far as they went, every one must approve these restrictions; but he thought no mere restrictions would suffice, and that not only common humanity, but common sense, demanded the total abolition of the cat-o'-nine tails. It was to the common sense rather than to the humanity of the House, that he wished to appeal that night. And now let the House note this—that the distinctions drawn by the new orders, excellent in themselves, would have no effect whatever in getting rid of the obvious and extreme impolicy of this punishment in this respect, that it degraded the army and navy in the eyes of the working class of this country. He could hardly believe that the military authorities were aware how strong the feeling was in the working class, that if a man goes for a soldier or a sailor, he may become liable to a flogging, and how powerfully that feeling operated in repelling the working men from the service of the Queen. They were for ever hearing of the difficulty of obtaining recruits. The right hon. Gentleman, the Secretary of War, told them last year it was no good to vote a larger number of men, because they might vote them, but the Government could not get them. An immense bounty was offered to any man who would enter our army or navy. We kept up the militia at immense and vast expense, mainly on the ground that it helped to feed the regular army with men. We had had a Commission during the last autumn to inquire into the best mode of manning the navy; but the noble Lord who had just spoken, had told them the other night that the result appeared to be that the navy cannot be manned. He had spoken of the difficulty of filling the naval reserve, and stated that the men were afraid of being kidnapped into the service. But there was not a shipowner who could not obtain hands to man his ship for any part of the world. There was not a scavenger, there was not a chimney-sweep in any town of the United Kingdom, who could not obtain all the help he needed. But there was one employment which the working men despised, there was one employer from whose service they shrunk, and that service was the service of the Queen. Now, to serve Her Majesty, to defend their country, to share in the pomp and glory of war, ought to be an honourable and a popular employment. On the contrary, it was regarded with aversion by the better portion of the working class. Any decent working man looked upon it as a calamity if his son went soldiering. No doubt there were other reasons, just because there were other stupidities in the treatment of the soldier; but the main reason was the consciousness that possibly some day he might become liable to have this degrading punishment inflicted upon him. And he must say that this feeling had been justified by the facts of the case, and especially as regards the navy. Why, in the last three years, on n average, no less than 1,160 men have undergone this punishment, and the average number of lashes had been 37,586. And, although the seaman might perhaps be under such a captain as that of the *Agamemnon*, who contrived to keep order among 807 men without a lash; or of the *Royal George*, who, out of 879 men, had flogged but one; on the other hand, he might be under the captain of the *Lyra*, who flogged sixteen men out of seventy-eight; or of the *Swallow*, who flogged eight men out of only forty-five. We might be sure of this, that the new orders would do absolutely nothing to dispel the feeling he had referred to, so long as flogging was allowed at all. Let the advocates of the lash distinctly prove that it was necessary—that without it order and discipline could not be preserved—and then he admitted that this incidental evil, serious though it be, must be put up with for the sake of the still greater good. But it did seem to him that the impolicy in this respect of the use of the lash was so great that nothing could justify its maintenance except such a clear and proved necessity. The same conclusion which was forced upon them by the impolicy of corporal punishment was forced upon them no less by its inhumanity. The plain truth was, that flogging was a punishment of so barbarous a character that ere long it must be inevitably sent by the feelings of a Christian and humane country to the same limbo to which had been consigned those ancient instruments of torture, and those horrid penalties for treason, which used to be defended upon the very same ground as the lash is now. He thought we ought to know what it was we were talking about. He might disgust, perhaps he would even horrify the feelings of the House, but if there was anything in the world that he despised, it was that squeamish humanity which shrunk from hearing of suffering, while it would not move a finger to remove it. He should, therefore, take the liberty to read a description of this mode of punishment, written by a sufferer himself. He might premise that not only did the cat-o'-nine-tails spread out and actually inflict nine separate blows, unless—to quote the words of one of his informants—unless they became clotted together by the blood—but each tail was two or three times the thickness of ordinary whipcord, and each tail had several hard knots tied upon it. At any rate, so terrible was the effect, that he remembered that a relative of his, writing to him soon after he joined the army an account of a flogging he witnessed, said that numbers of the men in the ranks actually fainted away with horror at the sight they were compelled to witness, and he had since heard that that was no uncommon occurrence. The description he wished to read was from the autobiography of Mr. Somerville, formerly a private in the Scotch Greys, who had been sentenced to receive 200 lashes. After describing how nooses were placed round his wrists and his ancles, he went on to say:—

> "The sergeant-major, who stood behind with a book and pencil to count each lash, gave the command, 'Farrier Simpson you will do your duty.' The manner of doing that duty is to swing the cat twice round the head, give a stroke, draw the tails of the cat through the fingers of the left hand, to rid them of slush, flesh, or blood; again swing the instrument twice round the head slowly, and so forth. Simpson took the cat, as ordered, at least, I believe so; I did not see him, but I felt an astounding sensation between the shoulders, which went to the toenails in one direction, my finger nails in another, and stung me to the heart as if a knife had gone through my body. The sergeant-major called in a loud voice, 'One.' I felt it would be kind of Simpson not to strike me on the same place again. He came on a second time, a few inches lower, and then I thought the former stroke was sweet and agreeable compared with this one. When the third fell I felt my flesh quiver in every nerve, from the scalp of my head to my toenails. The time between each stroke seemed so long as to be agonizing, and yet the next came too soon. It was lower down, and felt to be the severest. At '25' the serjeant-major said 'Halt!' Simpson stood back, and a young trumpeter took his cat and began. He gave me some dreadful cuts about the ribs, first on one side and then on the other. Some one bade him hit higher, I do not know whom. He then gave them upon the blistered and swollen places, where Simpson had been practising."

He went on to describe the increasing torments caused by the descent of the lash as his back became more and more and more mangled; and at length, he said,—

> "I felt as if I could yield and beg forgiveness, but the next moment the coward thought was rebuked within me, and banished."

After a hundred lashes had been inflicted, he was taken down. And mark this, that these atrocious cruelties were inflicted by sentence of court martial, the sole charge against Somerville being, that he had refused to remount a furious horse when ordered to do so by the riding-master, though he had reason to suspect that he was really punished on political grounds. He must, however, remind the House that this flogging was much less terrible than many, because it was inflicted in warm weather. In cold weather it is said to be a still more fearful punishment. He had in his hand an account of the flogging of a poor fellow who afterwards shot himself. That flogging took place on a bitter cold morning, "when," the writer says,

> "The mere exposure of a man's naked body was of itself a severe punishment. When the victim was tied, or rather hung up, by the hands, his back, from the effect of previous floggings and the intense cold, looked quite black and blue. On the first lash, the blood spirted out some yards, and after he had received fifty, his back, from the neck to the waist, was one stream of blood."

He could scarcely imagine that any one would deny that such a punishment as the one described was, as he said before, a barbarous punishment. He would refrain from expressing his feeling that it was a disgrace to this country; that it was a disgrace to the officers who ordered it; that it was a disgrace and a degradation to that body of men upon any one of whom it might some day be inflicted. He could not hope that those who heard him would go with him so far as that, but of this he was confident, that every hon. Gentleman present, even if he did not look upon it with horror, yet at least would regard it with regret. He was not so absurd as to imagine that they, the enemies of the lash, had a monopoly of humanity. He was quite sure that every one would feel as much as he did, that to strip a man half naked, tie him up by his hands and legs, and then lash him with a whip till the skin was torn off his shoulders, and the blood streamed down, was a punishment at once so degrading and so terrible, that it could only be justified by a real and strong necessity. Assuredly they should all rejoice in resolving that the lash should never again descend upon a British soldier, provided only that its abolition would not be followed by that relaxation of discipline which would, he owned, be fatal to the well-being of the army and navy. But if so, it was obvious that the *onus probandi* lies not on the opponents of the lash, but on its advocates. They might fairly claim from them clear, full, and conclusive proof that the lash was essential; that its use was a real necessity; that without it order and discipline could not be maintained. The *à priori* assumption in the mind of any right-thinking man must be against the use of such torture: prove its necessity, and they would hold their peace; show that without it those services must fall into disorder or demoralisation, and they would say no more; but if they failed to do so, if they could not—and he thought it would be seen that they could not prove anything of the kind—then, he said, no more was needed; the case for the lash fell to the ground. The fact that flogging was not necessary—that we could do as well without as with it—that its abolition needed not be followed by any relaxation of discipline or order, was demonstrated, not by mere theoretical reasoning, but by actual experience of the most striking kind. He supposed that no one would doubt that of all the Continental armies the French army was the one most distinguished for its discipline, as well as for its valour; in fact that, except our own, it was the most powerful military instrument in the world. But in the French army, in war, as well as in peace, the lash was unknown. Again, it was acknowledged by military authorities, that no army displays more perfect order and good conduct in campaigning, as well as in quarters, than the army of Prussia. He knew that on one occasion the Duke of Wellington was asked which Continental army he would rather command, and his reply was, the Prussian, and expressly because it was so peculiarly manageable. But in the Prussian army the lash was unknown. Again, he found in accounts of the Peninsular war it was incidentally mentioned that the German Legion showed remarkably good order and discipline; on the other hand, he found that it went through the Peninsular war without the use of the lash. To his mind the force of these examples was overwhelming. They offered a demonstration from which no escape was possible; that the highest order and the highest discipline could be kept up without the use of the cat-o'-nine-tails; in other words, tried by the test by which it must stand or fall—the lash stood condemned. What rendered this conclusion still more emphatic was, that in the armies of Austria and of Russia the use of the lash was incessant and terrible; and he doubted whether the result, as seen in the last few years, could be deemed altogether satisfactory. Turn from the Continent to England itself, and they were taught the very same lesson. Thirty years ago, flogging went on in the British army to an extent which he could not have formed an idea of if he had not investigated the subject—to an extent which, in his opinion, was scandalous and wicked. At length the country interfered, and imposed a limit on the use of the lash. The military authorities then, as probably now, declared that it would be impossible to maintain discipline. Public opinion compelled them to impose that limit, and what was the result? So far from the army having deteriorated in character, he found it the universal opinion that it never stood higher in character than it did at the present moment. The same with regard to our navy. There had been an immense reduction, and again, he asked, what was the result? Why, in those old times—those good old times—as the advocates of the lash must think them, we had two general mutinies of whole fleets besides a number of terrible mutinies on board single ships; whereas in our own time mutiny was unknown. To be sure, he might be reminded of the case of the *Princess Royal*. But it certainly was a most remarkable coincidence (if a mere coincidence it be) that only last Session the attention of the House was called to the atrocious amount of flogging that had taken place on board the *Princess Royal* under Captain Giffard. It was certainly remarkable that the same ship which had been made notorious by a mutiny, had a short time before been made notorious for the 2,100 odd lashes which had been inflicted on the crew in a single year. Now it was impossible to imagine how these facts could be got over, except, indeed, by the discreditable allegation that our army and navy contained a larger proportion of scoundrels than those of other lands. For his part, he thought that the system was radically wrong if they retained in the Queen's service a single known scoundrel. He held that those services would never stand on a sound footing till it was thought a privilege by any working man to get into them, and a sufficient penalty for any infraction of discipline to be driven from them; but waiving that, he should like to ask those who assert, as he had often heard naval and military men assert, in talking this question over with them, that there were a number of blackguards in every ship and every regiment who could only be kept under by the lash. He should like to ask them this question:—"How came it that last year there were sixty-seven regiments?—how came it that last year there were forty-three ships, containing nearly 6,000 men, whose commanding officers practically repudiated the use of the lash?" Could they want a stronger demonstration of the fact that the lash was not necessary, when they found it flung aside as useless in so great a proportion of regiments and of ships of war? He challenged those who would be against him that night to invalidate these facts; but, if not, to admit his conclusion—the conclusion that the lash could not be supported on the plea of its necessity. But now was it surprising to find that abstinence from a degrading and brutal punishment had not been followed by more crime, but by less crime, not by worse order and worse discipline, but by better order and by higher discipline? Why, every one who had looked into the subject of the treatment of criminals must be aware that the very same lesson which experience teaches so decisively with regard to the cat had been taught again, again, and again, with regard to all punishments of that violent and degrading kind. It had been the great blunder which short-sighted rulers in every age had made, and which had been attended with invariable failure, to suppose that it was by fierce and appalling punishments that crime is best prevented. He should have supposed that of all the dead dogmas in the world, no dogma had been so effectually disposed of. He knew not what truth in social science had been established by a larger induction of facts than the truth that it was not by cruel punishments, but that it was by those punishments which carry with them the public feeling, that men are best kept in subjection. In short, that it was the first essential of wise government that it should be gentle as well as just—not treating even criminals as brutes, but as men—not crushing and trampling under foot those who break its laws, but even in its penalties acknowledging the reverence that is due to every human being. At first sight of course it was natural to imagine men would shrink most from an offence which would involve some fearful penalty, and that was so when the penalty did not go beyond public opinion; but the moment the penalty begins to shock the feelings of humanity it ceased to be as effectual as a milder punishment in the suppression of crime, and for this plain reason, that then public opinion passed over from the law and from those who administer the law to the side of the criminal; he is looked upon as harshly used, and even those who might be interested in detecting and exposing his crime, and all others as well, take a kind of merit to themselves in concealing the crime and sheltering the crime; not only so, but the hearts of the authorities are apt to be touched. In the case of flogging, it was a common occurrence, when the man was tied up to receive his punishment, for the commanding officer to relent and let him off; with that he was far from quarrelling; but the effect of all this was to prevent that certainty of punishment which, as every one knew, was the true preventive of crime. He might seem to speak too theoretically, but the House must remember that upon this theoretical principle was based that great revolution in our criminal law which Romilly and Mackintosh advocated, and which Sir Robert Peel carried into effect. That vast reform in our criminal law which swept 231 offences from the category of capital crimes was advocated and carried out expressly upon that principle, that crime is best prevented by punishments that are in unison with the humane feelings of society. All he wanted was, that the principle which permeates our civil criminal code should no longer be repudiated from our military code, just as if human nature were changed by wearing a uniform. In another respect he had found in his researches into this subject very strong reasons for believing that not only is flogging less effectual in the maintenance of order than a less savage punishment would have been, but, it was actually itself chargeable with producing no small amount of crime, and on this ground, that in nine cases out of ten, the man who had been flogged feels himself so utterly disgraced and degraded by it in his own eyes and in those of his comrades, that thenceforward he makes no effort to gain a good character. His self-esteem was destroyed, and no one was so likely to rush into the commission of acts of drunken violence and other infractions of discipline, as the man who had undergone this punishment. He would only add one word as to the last refuge of the advocates of the lash—the doctrine that it should be maintained, even if not necessary, because it was so convenient a punishment. No doubt a flogging was soon over. But after all the man was disabled, often for many days—sometimes even for weeks, as in the case of a man flogged last autumn at Woolwich. Moreover, it involved a punishment parade, at which the regiment, or the ship's company have to be present, to their great loss of time and inconvenience, so that it had not much of that poor merit of convenience. But more than this, he would never allow that a punishment was really and truly convenient, which offends public opinion; which repels men from the Queen's service; which ruins the man on whom it is inflicted; which is not more effectual than a milder punishment would be; and which, finally, in its cruel and brutal character, was contrary to the spirit of our mild and merciful religion.

MR. SIDNEY HERBERT: It seems to me that in this discussion we are not proceeding according to any very logical or philosophical method; and I am not sure that we have not been confounding one kind of punishment with all punishment whatever. We have, living in the midst of us, a caste—men cut off to a great extent from the communications and from the sympathies which exist in civil life; and if this be the case to some extent in all armies, it is certainly so in a much greater degree in England, where the armed class passes the greater part of its existence abroad, and the ties which connect its members with the ordinary avocations of civil life are broken at a very early period. In this country, moreover, we have a great jealousy of the military power. In other nations the military element overrides the civil in a striking manner. It does so in Austria, perhaps more than anywhere in the world; it does so in Prussia, and in France likewise in no slight degree. But in those countries how do they obtain their army? It is, after all, an average specimen of the ordinary civil classes from which it is drawn. By means of the conscription they drew into the ranks the respectable and steady, the wild and lawless, just as they come, and in the same proportions which exist in civil life. We do nothing of the kind. We have no conscription. The steady and the industriously-disposed know nothing of the army, they do not enter it. Those we get are the young, the heedless, the thoughtless, the wild. (Mr. W. WILLIAMS: Hear, hear!) Yes, Sir, and you surely would not remedy that defect by having recourse to compulsory service? Well, having got this population together, you have to adapt them to military organization, and for that purpose you must exercise over them a strong authority. Now, there justly exists in this country, and I trust there always will exist, the greatest jealousy of the military power. If there be any case of military outrage—if it be even a common assault committed by a man in a red coat—you have much more animadversion, jealousy, and alarm than if it were committed by a civilian. It is necessary, therefore, by some means to compensate for this, and to exercise over a body of men more difficult than any other to control a stronger power than exists over civilians. Now observe I am not an advocate for corporal punishment as it has been carried on. But the stories we have heard on this subject are not of yesterday, but are derived from a period when punishment was inflicted with such brutal ferocity that the public mind was justly disgusted, and the public feeling has outlived these punishments. The hon. and learned Gentleman (Mr. Roebuck) has treated this question in a philosophic spirit, and has argued the whole question of corporal punishment. I do not, however, agree with him in what he has said with regard to the punishment of boys. It was the Spartan system of discipline, and as in this country, when mature we take strong exercise, are used to strong labour, drink strong wine, so in youth we want strong repressive discipline. Our English nature is a strong nature and a turbulent nature, and in all ages and among all classes has required a stronger code than nations of a quieter and more pliable disposition. It has been stated that Sir William Napier was against flogging, but he thought it necessary in war. I cannot allude to Sir William Napier without taking this opportunity of expressing my regret for the loss of the last of that band of heroes of all of whom, save perhaps one, he was the most distinguished by pen and sword, and who so illustrated the great name he bore. Sir W. Napier had a bias against authority from the generosity of his nature, and a bias against what he considered the prejudices of his day; and yet he recognized the necessity of this punishment in war, because war, after all, is a moment when men are devils let loose, and when they require the strongest effort of authority to repress and keep them within the limits of order and obedience. But how do you treat civilians in this respect? The hon. Gentleman (Mr. Buxton) says you have here a punishment which you do not inflict upon civilians. Is that so? I applied to the Home Office for information on the state and practice of the law on this subject. I do not say that it is wrong to flog civilians and right to flog soldiers; only when we are told that we have a different punishment for civilians and soldiers I think it right to tell you how you treat civilians. I have here a list of Acts of Parliament inflicting the punishment of flogging for certain offences. There is the 7 & 8 *Geo.* IV., c. 28, s. 8. Perhaps you will say that is rather ancient. There are the 7 & 8 *Geo.* IV., c. 29, and the 9th *Geo.* IV., c. 31. There is also the 5 & 6 *Vict.*, c. 51, for the punishment of outrages against the Queen. There is, I think another Act, which was passed after the destruction of a vase in the British Museum, and which imposes the punishment of flogging for the wilful destruction of works of art. I think, too, I remember a very strong pressure being put upon my noble Friend (Viscount Palmerston), when he was Home Secretary, to introduce flogging for brutal assaults on wives. After all, then, this is not a punishment unknown to civilians, or peculiar to military life. The results may be stated generally that, as the law now stands, for a great majority of felonies not capital, male prisoners, convicted by a jury, whatever may be their age, are liable to be publicly as well as privately whipped not more than three times for the offence committed. It may be said that these laws are obsolete, and are not put in practice. But I asked what was the number of floggings inflicted upon civilians in the course of the year. I find in England and Wales that the number of males sentenced to be whipped by Courts of Assize or Quarter Sessions in the year 1858, was 83. The hon. Gentleman may say that these were mostly boys. That is quite true, but it is also true that these offenders of twenty years and above, were 22 in number. I have also a return of the number of males sentenced to be whipped on summary convictions by justices in the year 1858. The number was not less than 502, of which 472 were under the Juvenile Offenders Act. The rest were not so, and the offences were under Wilful Damage Acts, Vagrant Acts, Railway Acts, and for other offences. I do not say this is right, but it is the fact; and you have, therefore, no right to argue that a severe, exceptional, and intolerable punishment is inflicted upon soldiers which is not inflicted on civilians. I say that with an army composed in the peculiar manner I have described, it is necessary to have more summary, severe, and deterring punishments than among other classes. I have described the class of men with which you are compelled to recruit your army under a system of voluntary enlistment. You trust them necessarily with deadly weapons. But what is the effect of the system of military discipline on those subject to it? They are more disciplined, and, therefore, more dangerous when they act together than civilians. I have received a letter which I will read to the House, omitting the date and place for reasons which will be obvious as I read. The writer, who is a magistrate at the head of the police in an important town, says:—

> "I beg leave to suggest to you that in Parliamentary debates and other public discussions, a very important topic in reference to the army has never been properly noticed. It has only been considered as a military institution costing a great sum, and performing great services; but there is no doubt that the army has done much for society as a reformatory institution, and I am convinced that an inquiry in the police departments of the empire would produce results equally extraordinary and satisfactory. I believe that —— is one of the principal recruiting districts, and although we constantly see loose, idle, drunken, and dishonest characters coming before us for military attestation we scarcely ever find them, after a period of service, relapsing into their former habits. The county and city of —— regiments of militia, at their first embodiment, almost emptied —— of the description of persons to which I allude."

If the colonels of these regiments were present, it might be painful to them if I mentioned the name for them to know the materials of which they have had to make soldiers. The writer goes on to say:—

> "On their return after the peace I saw scarcely one of them who had not been greatly reformed, and there are many of them now pursuing an industrious and creditable course. I hope, sir, that you will not consider this note an intrusion, and that you will allow me to assure you that I address you from a motive of public utility."

That is a reflection which has often occurred to me. First, as to the materials of which our army is composed; and secondly, the results that the discipline, of which corporal punishment is a portion, but a very small portion, produces. I have not taken an active part in the establishment of reformatories. For children and boys a little older they may, no doubt, do good. With regard to adult criminals, although I am not disposed to go so far as the gentleman who said he would walk sixteen miles to see a reformed convict, I do not believe in the reformation of adults unless they can be withdrawn from the scene of their temptations. I have seen in our own walks of life persons of bad character and disposition, and I have never seen any one of them reform that I can recollect. That this system of discipline has succeeded in improving the materials of which your army is composed cannot be denied. Last year the hon. Gentleman (Mr. W. Williams) alluded to the increased amount of corporal punishment disclosed by these Returns. I do not deny that the increase has been greater than it ought to have been. The hon. Gentleman to my mind, however, has not put the case quite fairly. He says there were so many floggings in 1847, and so many in 1858. It should be recollected that the army is very nearly double what it was at the former period, but still the per-centage has also greatly increased, and in a very alarming manner. I have inquired into the cause of this increase. If you trace a period when you make great efforts to increase the army, you will find that many of the recruits are such as are described by this magistrate—idle, drunken, and dissolute—and you will have at such periods a great deal of crime and insubordination, and, consequently, a great deal of punishment. It is at the same time satisfactory in one respect to find that the great crime for which this punishment is inflicted is that of desertion. One effect of the increased bounty given last year was to lead to a good deal of desertion for re-enlistment in other regiments. In consequence of this, corporal punishment had been applied, and it had proved a check. Now let me say a word on a case that has been alluded to in this debate—the case of Somerville. He was a man of great ability and talent; he wrote remarkably well, and in after life raised himself to a good social position. He was not however degraded by having undergone that punishment, for, as I have said, in after life he raised himself to a good social position, and lived, I am told, to think that within limits corporal punishment is necessary in the army. Let me say a word of the recent case at Woolwich. I think it was a bad one, but in the description of that case there was very considerable exaggeration. Writers for the press must paint vividly, in order to produce an effect at a distance; it is the prevailing fault of our modern literature. The case, however, excited some discussion and comment, the Commander-in-Chief was not in England at the time; he arrived two days aferwards. I immediately called his attention to it. The Duke of Cambridge at once ordered an inquiry into the case, and the result was that the officers conducting the punishment were severely reprimanded in public. Another result of the inquiry was the issuing of the general order that has been before referred to. I think we shall find that the amelioration of military law, with regard to the punishment of military offences, has always followed at a certain interval the amelioration of the law with respect to the punishment of crimes committed by civilians, and I think it ought so to follow that improvement; for in the army an extraordinary degree of discipline must necessarily be maintained. Now, the general order of November last, specifies the military offences for which the soldier was previously liable to corporal punishment; they were, "absence from parade, drunkenness, riotous conduct, absence without leave from tatoo, preferring frivolous complaints, disrespect to non-commissioned officers, striking a comrade, absence without leave, as defined by the 51st Article of War, escaping from confinement, insubordination, making away with necessaries, falsely imputing improper conduct to a superior, and sleeping on post, depending on the circumstances and nature of the service." By the late general order a man cannot now be flogged for any of these crimes. The respectable, well-conducted, and steady soldier—and there are thousands such in the army—may now feel, as he ought to feel, a complete immunity from corporal punishment, except for aggravated mutiny, which, by any and every means, must be repressed. But well-conducted men ought to feel confident of an immunity from a degrading punishment, and by this order they have that security. A soldier cannot be flogged, unless by previous misconduct and the commission of grave offences he has placed himself in a second class, and so made himself liable to it. But even when reduced to this second class, he cannot be flogged for these specified offences, merely because he is in this class. The offences for which a man, reduced to the second class, is liable to corporal punishment are: desertion, mutinous conduct, aggravated cases of insubordination and violence, drunkenness on duty or on the line of march, embezzling public money, stealing from a comrade, designedly maiming, repeated acts of making away with necessaries, arms, &c., and other disgraceful acts, showing vicious propensities. After being reduced to the second class, a man, on repeating these last offences, is liable to be flogged. Yet even when thus reduced "uninterrupted good conduct for a year will again restore the soldier from the second to the first class, as proving a desire for reformation and amendment." The general order further says:—

> "Though thus classified, it does not follow that all men under the second class are to be condemned to corporal punishment. Each case is to be decided upon its own merits, and corporal punishment as much avoided as possible; but a man who by misconduct has placed himself in the second class is liable thereafter to corporal punishment, whereas the man in the first class is not liable to such punishment, except in the case of aggravated mutinous conduct, when severity must at once be resorted to to repress more serious mischief resulting from such conduct. His Royal Highness trusts that the above classification will greatly simplify to the officers of the army the method of dealing with crime: will deter the evil-disposed from committing offences, justly subjecting them to severe punishment, which, though necessary to maintain discipline, should be restricted as much as possible; and will give confidence to the good soldier by securing to him, on entering Her Majesty's service, an immunity from degrading punishment, which immunity it will be in his power to preserve to the day when his engagement shall expire."

Now, that is a just and humane order, an order that does credit to the Commander-in-Chief. The hon. Member (Mr. Buxton) says, in these matters we must not trust to military men, because everything that has been done for the mitigation of military punishments has originated with civilians, not with officers of the army. There is a certain degree of truth in that; yet it happens that in this case it was the Duke of Wellington who reduced the infliction of corporal punishment to fifty lashes. And, in justice to a deceased friend of mine—the late Lord Hardinge—I must contradict, as I have often contradicted in this House, the assertion that every improvement in the army has proceeded from civilians, and not from military men. So far from public opinion having forced the Miniè rifle upon Lord Hardinge, it is a fact that Lord Hardinge's own efforts led to its introduction into the army. He was far a-head of the public in this respect. As regards the Motion, the hon. Member may, as far as I am concerned, have the Return he asks for. I am anxious the public should know what the exact state of the army is with regard to military punishments. It is very difficult to say what is the degree of severity of any punishment. All punishments are painful. We have heard harrowing descriptions of floggings; but in the novel of *Never Too Late to Mend* you may read a description of solitary imprisonment infinitely more terrible than the descriptions of the infliction of corporal punishment. What would be severe to one man would not be so severe to another; the degree of severity must depend very much on the peculiar nature or constitution of the individual on whom punishment is inflicted. That applies even more to the mind than the body. I know that the Commander-in-Chief is as much alive as any man to the necessity of resorting to other modes of punishment than flogging; he is most sincere and earnest in his intention; and I hope the House and the country will be willing to leave the question in hands so well able to deal with it without shaking the discipline of the army.

MR. EDWIN JAMES said, he thought the cause of humanity was indebted to the hon. Member for Lambeth for bringing forward this question, and the House must feel indebted to the right hon. Gentleman for his speech. In it he had alluded to the punishments inflicted for civilian crime, but he thought the right hon. Gentleman could hardly point to a single instance in the last ten years of any Judge ordering an adult to be flogged, though the punishment was occasionally inflicted on boys who had been previously convicted. He had also alluded to its infliction for any attack on the person of the Sovereign, or the destruction of public property; but it was for the purpose of making those offences infamous by a degrading penalty. On the other hand, it was still retained in the army for many offences which in civil life would not be considered very serious. With regard to desertion he believed that flogging was the great cause of that offence. In the case in which a man died at Hounslow after the punishment an action for libel was brought by the colonel of the regiment, and it was proved on the trial that six men fainted on the ground during the infliction; and of those six men four afterwards deserted. The only effect of the present system was to prevent men from enlisting, and to cause others frequently to desert from the service. If his hon. Friend went to a division he would support him, but he thought it unjust that men of honour and probity should be invidiously held up to public reprobation for discharging what was only their duty, and therefore he hoped that his. hon. Friend would not insist on that part of his Motion which would have this injurious effect.

Sir CHARLES NAPIER said, that as a naval officer he could not omit expressing his opinion on the subject before the House. He was the first naval officer in that House who pointed out the horrible barbarity of our articles of war, and insisted on a change, especially as regarded the navy. He had always held that it was illegal to inflict punishment by flogging on a man, except after trial by a court-martial, and he was the first who succeeded in putting an end to flogging round the fleet. But the question was, whether it was possible altogether to abolish corporal punishment? He did not see how it was possible to preserve discipline in a ship where there were hundreds of men without having the power to inflict flogging. How, for example, could they punish men who, when the ship was caught in a squall, were found below, when they should have been on watch on deck? And how without flogging would they put down mutiny? He hated corporal punishment. He believed it was worse for the man who inflicted it than for the man who bore the punishment. Still he believed it to be occasionally necessary, but he would have it inflicted only after trial by court-martial; and he would have it provided that the captain should never be present at the punishment, as he, having the power to remit the sentence, was regarded by the men as a brute when he looked on and did not do so. He hoped the Admiralty would before this Session was over prepare a new system of naval discipline, and that they would provide some description of punishment which would have the effect of checking the practice of breaking leave, so common among the men. At present no captain could depend upon his men coming back at the time specified when leave was given to them, and this was so subversive of discipline that it ought to be vigorously checked.

Captain LEICESTER VERNON said, he was very loth to continue the debate, but he hoped the House would excuse a few practical observations from a practical man on this subject. Those who belonged to the service were very glad when gentlemen not connected with it let in a little daylight upon subjects of this kind; but he wished to impress upon the House that those who belonged to the service were not naturally cruel men—that they were quite as humane as others—and that they would be exceedingly happy if some other description of punishment than flogging could be found to keep in order the description of men who to a great extent composed the army and navy. He need hardly inform the House that those who went to sea or who followed the drum were not the best part of the community, but were men who hung loosely on society, and those men into whose hands arms were put had to be controlled by necessary discipline. The fear and dread of punishment made soldiers good, just as it did civilians. The soldier was a very different man, when once he became a soldier, from any other person. He (Captain L. Vernon) had seen a man shot in the West Indies for doing that for which any hon. Member of that House who was a magistrate would have fined a civilian only 10*s.* in this country. But why was the man in question so dealt with? Because, the regiment to which he belonged being in a state approaching to mutiny, he struck the adjutant in the presence of his colonel. After the execution had taken place, General Sir Lionel Smith, the officer in command, assembled the regiment and addressed them. The General was an old man, and he (Captain L. Vernon) remembered what he said on the occasion as if it were but yesterday. Addressing the troops, he said,—" It is a hard thing for an old man like myself to send such a young man as that so soon out of the world; but, although I am an old man, I am not an old woman, and so long as Her Majesty intrusts me with the command of one of her regiments, I will insist on the maintenance of discipline." What happened in another regiment? A regiment, composed of the sweepings of our gaols, was hurried away to Sierra Leone. It had not been long there until it fell to pieces; for the men mutinied and killed half their officers. All that was the effect of want of discipline. The punishments in other services were much more severe than in ours. He did not want a recourse to severe punishments, but he wished to see discipline maintained, for without that our army would not be worth sixpence.

Mr. WYLD said, there were numbers of young men belonging to respectable families in all parts of the country, too poor to enter any of the professions, who would gladly avail themselves of employment in the army and navy but for the circumstance that a degrading system of punishment obtained in both services. It was a strange anomaly that, while the men in the army and navy were now being supplied with libraries and other facilities for education, the degrading punishment of the lash was still resorted to. He felt confident, if that punishment were abolished, that neither of the services would lack recruits from the best portions of the middle and working classes.

Mr. FREELAND said, he would join earnestly in the appeal which had been made to the hon. Member for Lambeth to omit from the latter portion of his Motion, relating to the navy, the names of the commanding officers. The settlement of the question of flogging must depend on the power and progress of public opinion; but that public opinion would be weakened and retarded if an attempt were made to concentrate it on individuals instead of directing it against the system itself. If the hon. Member, however, should refuse to comply, he should, though reluctantly, vote against the Motion.

Mr. W. WILLIAMS said, the hon. and gallant Member for Oxfordshire (Colonel North) had been entirely misinformed in the statement he had made relative to him (Mr. Williams). As to the request of the noble Lord (Lord C. Paget) that he should leave out the names of the commanding officers, he (Mr. Williams) held that the Return would be of no value without them.

Address for Return relative to flogging in the Army and Militia *agreed* to.

Motion made, and Question proposed,—

"That there be laid before this House, a Return of the number of Persons flogged in the Navy in the year 1859, specifying the name of the ships, and of the commanding officers, the offence, the sentence, and the number of lashes inflicted on each person, stating whether by order of Court Martial or the Commanding Officer (in continuation of Parliamentary Paper, No. 41, of Session 1, 1859)."

Lord CLARENCE PAGET said, he would now move, by way of Amendment, that the names of the commanding officers be omitted.

Amendment proposed, to leave out the words "and of the commanding officers."

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 46, Noes 124; Majority 78.

List of the Ayes.

Adam, W. P.
Alcock, T.
Angerstein, W.
Arnott, Sir J.
Ayrton, A. S.
Baines, E.
Baxter, W. E.
Black, A.

Buxton, C.
Caird, J.
Coningham, W.
Crossley, F.
Dalglish, R.
Davey, R.
Dillwyn, L. L.
Douglas, Sir C.
Duff, M. E. G.
Goldsmid, Sir F. H.
Greene, J.
Gurney, S.
Hodgkinson, G.
Jackson, W.
King, hon. P. J. L.
Lawson, W.
Locke, John
MacEvoy, E.
Maguire, J. F.
Martin, J.
Mellor, J.
Mitchell, T. A.
Morris, D.
Noble, J. W.
Norris, J. T.
Pease, H.
Pollard-Urquhart, W.
Rothschild, Baron L. de
Roupell, W.
Salt, Titus
Scholefield, W.
Shelley, Sir J. V.
Sturt, N.
Sullivan, M.
Sykes, Col. W. H.
Trelawny, Sir J. S.
Whalley, G. H.
Wyld, J.

TELLERS.
Williams, W.
Bristow, A. R.

List of the Noes.

Agar-Ellis, hon. L. G. F.
Antrobus, E.
Atherton, W.
Bagwell, J.
Baring, A. H.
Baring, T.
Baring, T. G.
Beaumont, W. B.
Beecroft, G. S.
Bond, J. W. M'G.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bridges, Sir B. W.
Browne, Lord J. T.
Bruce, Major C.
Buller, J. W.
Burke, Sir T. J.
Byng, hon. G.
Calthorpe, hn. F. H. W. G.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Visct.
Cave, S.
Clifford, C. C.
Clinton, Lord R.
Clive, G.
Collier, R. P.
Collins, T.
Crawford, R. W.
Davie, Col. F.
Dawson, R. P.
Dunbar, Sir W.
Dunkellin, Lord
Esmonde, J.
Evans, T. W.
Finlay, A. S.
Fortescue, C. S.
Freeland, H. W.
Gard, R. S.
Gavin, Major
Gordon, C. W.
Gower, hon. F. L.
Grey, rt. hon. Sir G.
Gurdon, B.
Hanbury, R.
Hankey, T.
Henley, Lord
Hennessy, J. P.
Herbert, rt. hon. S.
Hervey, Lord A.
Holland, E.
Hope, G. W.
Horsfall, T. B.
Ingham, R.
Ingram, H.
James, E.
Jermyn, Earl
Kendall, N.
Kennard, R. W.
Kingscote, Col.
Kinnaird, hon. A. F.
Lacon, Sir E.
Laing, S.
Langton, W. H. G.
Liddell, hon. H. G.
Locke, Joseph
Longfield, R.
Lowe, rt. hon. R.
Lyall, G.
Lygon, hon. F.
Lysley, W. J.
Mackie, J.
Matheson, A.
Merry, J.
Mildmay, H. F.
Mowbray, rt. hon. J. R.
Newdegate, C. N.
Nicol, W.
North, Col.
Northcote, Sir S. H.
O'Brien, P.
Onslow, G.
Paget, Lord C.
Palmerston, Visct.
Parker, Major W.
Peel, Sir R.
Peto, Sir S. M.
Powys, P. L.
Pritchard, J.
Pugh, D., (Carmarthen
Puller, C. W. G.
Quinn, P.
Ricardo, O.
Ridley, G.
Robertson, D.
Salomons, Mr. A.
Salt, Thomas
Selwyn, C. J.

Seymour, Sir M.
Sibthorp, Major
Smyth, Col.
Somes, J.
Stirling, W.
Steuart, A.
Stuart, Col.
Tempest, Lord A. V.
Turner, J. A.
Vandeleur, Col.
Vansittart, W.
Vernon, L. V.
Villiers, rt. hon. C. P.
Walcott, Admiral
Walpole, rt. hon. S. H.
Walter, J.
Warre, J. A.
Watlington, J. W. P.
Way, A. E.
Wemyss, J. H. E.
Western, S.
Westhead, J. P. B.
Whitbread, S.
Wickham, H. W.
Winnington, Sir T. E.
Wyndham, hon. H.

TELLERS.
Knatchbull-Hugessen, E
Brand, hon. H. B.

Main Question, as amended, put and *agreed to.*

CIVIL SERVICE APPOINTMENTS.

COMMITTEE MOVED FOR.

MR. HENNESSY said, that in rising to move the appointment of a Select Committee to inquire into the present state of appointments to the Civil Service, with a view to ascertain if greater facilities could not be afforded to properly qualified persons, he felt the Motion was a very important one, but at that late hour he would not do more than call the attention of the House and the Government to its main issues. The present state of the Civil Service examinations was felt to be unsatisfactory, and in some respects they were now in a worse position than they were before the examinations were instituted. Before that system was introduced there were general complaints against the mode in which their patronage was exercised by the Government in respect to appointments in the Civil Service, and the annoyance which every Member of the House suffered from the system. The House of Commons had on two separate occasions laid down the principle that in all cases admissions to that service should be decided by the result of a competitive examination. That principle he believed was one but very partially carried out, for in almost every case of admission there was only one candidate examined. It was with a view of remedying that state of things, and of affording young men who possessed good abilities, but who could command no patronage, a legitimate means of gratifying their ambition, that he made the present Motion; and he trusted to get together a body of gentlemen who would carry out the principle of throwing open the Civil Service to free and unlimited competition, as he believed that nothing would give so great a stimulus to education throughout the country as the recognition of such a principle.

Motion made, and Question proposed,—

> "That a Select Committee be appointed, to inquire into the present mode of nominating and examining Candidates for junor appointments in the Civil Service, with a view to ascertaining whether greater facility may not be afforded for the admission of properly qualified persons."

MR. STEUART said, he wished to second the Motion, because he had been twice prevented, by unavoidable circumstances, from asking a question of the Government on this very subject. He believed the answer he would have elicited would have rendered this Motion unnecessary; but he thought this was a proper step, though he was not without hope that the answer of the Government to this Motion would render even this step unnecessary.

MR. O'BRIEN said, the question was one that well deserved the attention of the House. The manner in which the Civil Service examinations were conducted was, in his opinion, generally complained of by the country, and he should therefore support the Motion. He had no doubt that the Committee, if appointed, would arrive at a principle by which the right men would be appointed to situations.

MR. LAING said, that in resisting the Motion he hoped it would be understood that the Government did so upon the ground that they did not think the time had yet arrived when an inquiry of this kind could be entered upon with any hope of a satisfactory result. The hon. Gentleman had very fairly stated the object of his Motion, which was in effect to throw the appointments in the Civil Service open to unlimited competition, but he (Mr. Laing) thought it would be premature to appoint a Committee before sufficient experience of the working of the system of competition had been obtained. It would be opening a most difficult question, and one that could only be usefully dealt with by proceeding experimentally, and by cautiously feeling their way. The only practical instance which they yet had of the complete working of competitive examination in the Civil Service was in China, and that was hardly a test by which the merits of the system could be fully judged. He admitted there were many arguments in favour of a perfect competitive system; and, were the abolition of patronage on the part of the Government, which was a real annoyance to many of its members, the only question to be considered, there would be no difficulty. The day had long gone by when the existence of a Government could depend on the distribution of its patronage. But there were more important considerations involved. One of the characteristics of Englishmen which distinguished them from foreigners was that they were more enterprising and self-relying, and less inclined to seek public appointments than the same class of persons abroad; and it was a question what would be the effect upon the national character caused by the *élite* of our youth being led to look forward at an early period of life for admission into snug situations in the Customs or Excise with fixed salaries, rather than trusting to their own energies for success in the world. That was one of the important considerations which made it necessary to proceed cautiously, and to be guided by the results of experience. That experience they had not yet had, and the whole question was unsettled. The system of competitive examinations was only at the commencement; the Civil Service Commission had only just extended its operations, and it was the opinion of the Commissioners — Sir J. Lefevre and Sir E. Ryan, to whom the country was much indebted for their valuable services —that the time had not yet arrived to judge of the results of the system. He, therefore, hoped the hon. Gentleman would be satisfied with the statement he had made, and would not press his Motion upon the present occasion.

SIR STAFFORD NORTHCOTE said, that he agreed with the hon. Gentleman the Secretary to the Treasury that it would be better to postpone the Motion for the present. He thought, however, that the result of an inquiry by a Committee would result in a more complete examination of the whole subject, and a more complete digest of all questions relating to appointments in the Civil Service, and a modified form of unlimited competition. There were three points connected with the improvement of the Civil Service. One was the adoption of a good mode of selecting candidates, another was the distribution of employment among candidates according to capacity, and thirdly a proper system of promotion in the various offices. The experience at present gained did not lead him to think that all those requisites had been combined, and to throw open the whole service without establishing a distinct character for each class would lead to the result that men who were fit for one class would offer themselves for another. If the established departments were thrown open to supplementary clerks, they would find that young men would enter as supplementary clerks, who, from their education and position in society, would look forward to rising to the highest posts in the service. That had been the case at present. Young men had obtained appointments as supplementary clerks who really looked forward for other employment. The whole subject required consideration, but he would advise his hon. Friend, after the statement of the Secretary to the Treasury, not to press his Motion at present.

MR. MAGUIRE said, he hoped the hon. Member for King's County (Mr. Hennessy) would not be induced by the bland, seductive suggestion of the Secretary to the Treasury to withdraw his Motion. There was a marvellous similarity between the answer given by the hon. Gentleman (Mr. Laing) to-night and that given by the present Home Secretary in April, 1856, when a similar Motion was made, but, although four years had since elapsed, nothing had been done. The Motion did not seek to bring about a precipitate change, but simply proposed to inquire into the mode of working of the present system, which, in his opinion, was highly unsatisfactory, and whether it was the proper time to take away the scraps of patronage which the Treasury now possessed. The competitive system had been tried in the Indian service, and no injury had resulted from it. He would say, let the test of the candidates be what it might, they should throw open competition to the world. He had been urged by a person named Donovan, whom he knew well as a respectable man with a large family, to procure for one of his sons a nomination to compete for a vacancy in a public office, but he had found it as difficult to get this young man's named placed on the list of competitors as it formerly would have been to procure the appointment itself. He had been eight years a Member of that House, and never asked a favour; he was therefore independent of both sides. On the occasion to which he referred he had been put off in a shuffling manner; but he clearly saw that if he had made the application a matter of personal obligation, implying that he himself would be found pliable as opportunity offered, no difficulty would have occurred. That, however, would not suit him, and he was obliged to recommend the applicant to a more regular supporter of the Government. Such a system, he maintained, was alike degrading to the Government and to independent Members of that House, as well as most prejudicial to the public service. The fact was that the Secretary of the Treasury watched this patronage in peculiar times and emergencies, and if his hon. Friend did not divide the House on this Question, he would not do justice to his convictions.

Viscount PALMERSTON: I think the question evidently raised by this Motion and the speech now made is not a question to be submitted to a Committee, but a question of principle, which, in the first instance, ought to be left to the discretion of the Government; and if that discretion be not exercised in accordance with the opinion of this House, it will then be for the House to express its own opinion. The object of the Motion, as I understand it, is not to inquire whether the system of examination for the Civil Service is properly conducted—not to examine whether the Commissioners charged with the execution of this duty perform it in a manner satisfactory to the public; but the question which it raises is, whether we should adopt as a general principle that anybody who pleases is to come and write his name down in an office, saying he claims to be examined for the next vacancy in it, or whether that system in principle is to continue under which the heads of the different offices are responsible for selecting proper persons subject to examination for the vacancies that may arise. I differ entirely, as at present informed, and as far as my judgment goes, from the hon. Gentleman who spoke last; and my opinion is, that the present system is most consistent with the public interest—namely, that those who are at the heads of the different departments should make a selection of the young men who are to be examined—by competition, I admit—for the vacancies that may from time to time arise. I shall be told that is because the Government desire to retain the patronage which office gives them. I concur with my hon. Friend the Secretary to the Treasury (Mr. Laing) in the opinion that so far as patronage has to be considered with the view of maintaining a Government, it is next to valueless. Governments must stand on the general opinion which this House may entertain of their merits, and any Government that fancies it can rest in security on gaining one hon. Member or another by petty appointments to clerkships in different departments of the public service will be destined, within a very short period, to fall to the ground. It is not on that ground at all that I object to this Motion, but it is, in the first place, because I do not think that in a country like this it is desirable that all the young men intending to provide for themselves in future life should turn themselves entirely to getting employment from the Government. I think such a system would have a tendency to lower the feelings of the rising generation. That is the case, I know, in some countries abroad, where every man considers that his only chance in life is to obtain employment under the Government. I think such a system tends to break down the independent spirit which ought to prevail among the youth of the country. And the inconvenience would be obvious, because, while every young man would write his name down, or get his friends to write his name down, with a view to examination for any vacancy that might occur, a very small portion only would succeed; those who did not succeed would be disappointed; and, not having turned their thoughts to a more independent mode of action, would be thrown out of employment in which they might have gained creditable and honourable support and distinction. Then, again, the inconvenience suggested by the hon. Gentleman opposite (Sir S. Northcote) would arise. The administration of this country is divided into a great number of departments. The young men who think their habits and attainments calculated to fit them for a particular department would be writing their names down for a department which, after all, would not be the one for which they were best qualified, and you would get good men as candidates for an inferior department, and inferior men as candidates for a superior department. My opinion is, therefore, different from that of the hon. Member opposite. I do not think it would be for the advantage of the country generally that the present system should be changed. In the inferior departments, at all events, the discretion should not be taken from the heads of departments of selecting those whom they think fit to appoint for competition. I do not mean to say that there may not be some of the higher departments in which, perhaps, the other principle might be employed, but the case of the Indian service is totally different from the Civil Service at home, which is more divided into different departments, while in the Indian service they all work in one stream, and are afterwards distributed to higher departments, according to the wants of the service. I quite concur in the principle that the system of examination—I should say competitive examination, is very much calculated for the public service, and has been productive of very great advantage. It may be true, as I have often heard it alleged, that, in consequence of the tendency which always must prevail in a system of examination to put the standard higher and higher, a certain number of young men have been rejected who would have been very good clerks; but the public gain this advantage, that no young man is appointed who is not perfectly fit for the situation he obtains. I quite agree that the standard examination is not so advantageous as the competitive examination, because the tendency of the standard examination generally is to sink down to a *minimum*, whereas the tendency of the competitive examination is to raise itself up to the *maximum*. It has been objected, I know, that some of the questions put by the Commissioners to young men who are candidates for situations at the bottom of an office, involve attainments quite unnecessary for the duties they would have to perform. That is true, but the answer given by the Commissioners is also satisfactory. They say we have three or four young men to be examined for public employment. If the examination merely went to this point—what was necessary to qualify the young men for the duties they would have immediately to perform — there would be a great difficulty in determining the comparative ability and merit of the different candidates; but it would be necessary to add to those questions, that would satisfy the mind that they were fit for the duties immediately required, others of a higher class, in order to see which of the young men has the greatest range of information, and which was most likely to be fit for the higher duties to which he might soon be expected to rise. Consequently, much of the criticism one hears in private quarters, and sees sometimes in the public papers, on those questions being put falls to the ground when you consider that the object is to sift from a certain number of young men, those most competent by natural ability and acquired information, not to fit them only for the lower duties they will be called on immediately to discharge, but also for the higher duties which they may soon be called to fulfil. It may be very fitting and satisfactory to the House at some future period, perhaps next year, to appoint a Committee to ascertain whether the system of examination is or is not conducted in a manner best calculated for the interests of the public service, and so far as I am concerned, I should have no objection to the appointment of such a Committee. But it is due to these Commissioners, who have performed this useful service to the public, to say that I believe they have conducted these examinations on a principle well calculated to secure the good of the public service. I am quite sure that they would feel nothing but satisfaction in a Committee being at a future but no distant time appointed by this House to inquire into the course they have pursued, and I am satisfied, as far as my information goes, that the result of that inquiry would be satisfactory to the public, and honourable to the Commissioners by whom the system has been conducted.

Mr. ROEBUCK: The noble Lord mistakes the object of this Motion. It is not to ascertain whether the existing mode of examination for the Civil Service is a good one or a bad one, but to ascertain what that existing mode really is. When we know what it is that actually takes place it will be time enough to inquire whether it be good or bad. I do not understand then why we should wait till another year. We can learn what we really want to know now just as well as a twelvemonth hence. The noble Lord is, therefore, rather precipitate in arguing about the consequences before they happen. I have no doubt that when the world authoritatively knows the facts of the case, it will be seen that this so-called competitive examination and doing away with patronage is all a pretence. That is what I want to fix upon the system. This House has already determined that there shall be an open competitive examination; but your mode of carrying out its resolution is illusory. There is no free competition. When we have this conclusively established before a Committee, we may hope to see a pressure put upon this House that will cause an alteration of the system. At present this is the manner in which it works:—Suppose A. B., one of my constituents, comes to me and says, "I have a son whom I want to compete for a situation in the Home

Office. Do you think you can get his name put down for me?" I answer, "I have no doubt that I shall be able to do so." I go to the Home Office, and because I am a Member of Parliament I get what I ask for. But that is not open competition. Suppose that man was not one of my constituents; suppose he was a person of no importance in the borough or county in which he lived, and yet had a large family of children, one of whom wished to compete for a public appointment; if he did not know a Member of Parliament or some one of influence, why he would have no more chance of admission to this competition than I now have of competing for the seat of the Great Mogul. The hon. Gentleman the Secretary to the Treasury used a very curious argument. He says this proposal would cause the attention of all the enterprising young men in England to be directed to official positions; that it would, in fact, draw the best minds of the community to such stations. So the result to which his argument brings us is that we now have second-rate men in office, and I quite believe him. What we want by open competition is to have first-rate men in office. By a competitive system we have obtained first-rate men for India. And what harm can possibly arise from this inquiry? The hon. Gentleman says the subject is not ripe for inquiry. What! is it not ripe for ascertaining what the present practice is?—for, remember, that is the real question before us. We wish, in fact, to lay bare what you now do, that the world may know what your system of competition is, which I denounce here as an absolute sham, covered up under a stale pretence.

MR. CLAY said, he presumed the Motion was made in the expectation that the Committee might recommend some other system of nominating candidates than that which now existed. The noble Lord, however, seemed to imagine there was no medium between the present mode and throwing the Treasury doors open to every young man between sixteen and twenty-five who demanded to be examined. The latter plan would be quite impracticable. Some test, whether in the form of a preliminary examination, a schoolmaster's certificate, or otherwise, would surely be required. These, however, were precisely the points that needed investigation, and he thought the labours of the Committee would be exceedingly useful, whether it sat this year or the next. The noble Lord seemed to entertain great fear of the mischief that would follow from an immediate inquiry; but he (Mr. Clay) did not, and therefore he should support the Motion.

COLONEL SYKES suggested that the system of competition practised in the various departments of the Indian service might be very advantageously applied to the admission of civil appointments in England. The standard of examination for Indian appointments was very high, and it obviated the inconvenience of too great a number of candidates. The object of all these competitive examinations was to enable those who came successfully out of them to obtain advancement in life. He should support the Motion.

MR. COLLINS said, he trusted the hon. Member would divide the House upon his Motion. He had been applied to a few years ago to aid the son of a Yorkshire magistrate in procuring an appointment. He was bandied about from one person to another, and was told that the Treasury nomination-list was full. He was afterwards informed that he might get the young man's name placed upon the right hon. Member for Wells's private list, but, of course, he heard nothing more on the matter. It was a gross injustice that the influence of a great person should be necessary to secure that chance of competing for the service of his country which was the birth-right of every free born Englishman.

MR. RIDLEY said, he thought if the best men were engaged for the public service by open competitive examination it would be necessary to pay them higher salaries, and thus the expenses of the civil service would be much increased. Railway companies and private firms remunerated their ablest servants at a liberal rate. It would be better for the country and more convenient for the Members of that House if the public patronage were taken out of the hands of Members of Parliament.

MR. HENNESSY said that his object was inquiry, and in accordance with what appeared to be the general wish, he should carry his Motion to a division.

VISCOUNT PALMERSTON said, that if the hon. Gentleman's only object was, as had been stated by the hon. and learned Member for Sheffield (Mr. Roebuck), to ascertain what the present system of examination really was [Several hon. MEMBERS: The system of nomination]— he should have no objection to the Motion, provided the object stated were more minutely defined.

Question put, and *agreed to.*

RECREATION AND IMPROVEMENT OF THE PEOPLE.

COMMITTEE MOVED FOR.

Sir JOHN TRELAWNY said, he had waived that part of his Motion on this subject which involved any allusion to the Lord's-day, and to the Resolution in its altered shape he believed that no opposition would be raised. His object was to obtain for the people the advantages of the expense already incurred in reference to such institutions as the British Museum and the National Gallery. If these places were open at stated hours on week-day evenings, as was the case now at Kensington, working men would be won from other pursuits highly injurious to their morals, and great benefit would result to the community. He should not, however, enter upon the general question, but would simply move—

> "That a Select Committee be appointed to inquire whether it is in the power of Parliament to provide, or of this House to recommend, further facilities for promoting the healthful recreation and improvement of the people, by placing Institutions supported by general taxation, within reach of the largest section of the Taxpayers, at hours on week-days when, by the ordinary custom of trade, such persons are free from toil."

Sir CHARLES DOUGLAS seconded the Motion.

Mr. KINNAIRD said, he was glad the hon. Baronet had thought fit, in deference to the general feeling of the House, to modify his Motion on this subject. As it now stood, he (Mr. Kinnaird) should have great pleasure in co-operating with the hon. Member in any measure calculated to place the means of healthful and innocent recreation within the reach of the working classes, and so to benefit the whole community.

Mr. R. HANBURY said, he also wished to express his satisfaction at the course which the hon. Baronet had pursued in reference to the Motion. He would at the same time suggest that the early payment of wages by employers would greatly facilitate the efforts of our artisan population, and others to enjoy the advantages now sought for on their behalf.

Motion *agreed to;* Select Committee *appointed.*

Viscount Palmerston

RELIGIOUS WORSHIP BILL.

LEAVE. FIRST READING.

Mr. LOCKE KING moved for leave to bring in a Bill to further secure the liberty of religious worship. As the law now stood any number of members in the Church of England could meet in a private house for the celebration of religious worship, according to the rites and ceremonies of the Church of England, except the most important of all—namely, the clergymen; and the object of the Bill was to remove that exception. If encouraged by the House he was ready to extend the operation of the Bill to include any locality whatever, but that point he proposed to settle in Committee.

Mr. LYGON said, he wished to inquire whether this Bill, dealing with religious worship, ought not to have been introduced, in the first instance, in a Committee of the Whole House.

Mr. SPEAKER replied in the negative.

Leave given.

Bill for further securing the liberty of Religious Worship *ordered* to be brought in by Mr. Locke King and Mr. Horsfall.

Bill *presented,* and read 1°.

TREATIES OF GUARANTEE.

ADDRESS MOVED.

Mr. KINGLAKE moved an Address, praying that in completion of the papers called "Treaties of Guarantee," there might be laid before that House extracts of the treaties by which Her Majesty was engaged to maintain in force any stipulations concerning the frontiers of France. The reason for his Motion was that the gentleman who had drawn up the previous return had omitted to insert those treaties by which England bound herself that certain States should be kept separate from other States. He thought that the return for which he had moved would tend to remove acrimony from the discussions between this country and France as to the annexation of Savoy, because it would show the Emperor that this country was not acting upon any whimsical idea or invidious feeling, but in conformity with solemn treaties. It would be right for him to give the House an idea of the papers which it would be necessary to produce. The definitive treaty between France and each of the other allied Powers, signed at Paris in 1815; the treaty of alliance and friendship between England and Austria, and a similar treaty between England and Russia, and England and Prussia.

MR. KINNAIRD seconded the Motion.

Motion *agreed to.*

Address "that there be laid before this House, in completion of the Papers called 'Treaties of Guarantee,' Extracts of the Treaties by which Her Majesty is engaged to maintain in force any stipulations concerning the Frontiers of France."

The House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, February 17, 1860.

MINUTES.] PUBLIC BILLS.—2ª Saint Mary in Rydal Marriages Validity.

COMMON LAW COMMISSION.—REPORT.

THE LORD CHANCELLOR laid upon the table of the House the third and last Report of the Commissioners appointed to inquire into Process, Practice, and System of Pleading in the Superior Courts of Common Law at Westminster. The noble and learned Lord then proceeded to state that he could not refrain from availing himself of that opportunity of expressing the high sense which he entertained of the services rendered to the cause of law reform by those four Commissioners—Lord Chief Justice Cockburn, Mr. Baron Martin, Mr. Justice Willes, and Mr. Walton, the Remembrancer of the Court of Exchequer.

LORD BROUGHAM entirely agreed in the testimony borne by his noble and learned Friend to the great merits and services of these learned Commissioners. He hoped the present Report would be followed by results as beneficial as had ensued from their last Report.

CHINA.—THE INSTRUCTIONS TO MR. BRUCE.

THE EARL OF DERBY: I have been requested by my noble Friend the Earl of Malmesbury, who is not now present, to state that two or three nights ago, in consequence of what had fallen, in "another place," from the noble Lord the Secretary of State for Foreign Affairs, he thought it necessary to place upon your Lordships' books a notice of his intention to make a statement on Tuesday next respecting the instructions given to Mr. Bruce. I am desired by my noble Friend to say that since that time he has received a private communication from the noble Lord which is perfectly satisfactory to him, and it will therefore not be necessary for him to trouble your Lordships with any explanation on the matter.

ANNEXATION OF SAVOY TO FRANCE.

QUESTION.

THE MARQUESS OF NORMANBY: I wish to put a question to my noble Friend (Earl Granville) in consequence of a communication which I understand was made in "another place" last night with reference to the proposed annexation of Savoy and Nice to France. What I wish to ask my noble Friend is, whether in the existing state of the negotiations between this country and France on this subject—if negotiations be still pending—he thinks it desirable, for the promotion of the objects we all have in view, that another opportunity should be given to this House to pronounce an opinion on this question, and especially that we may hear some explanation from the Government as to the share they are alleged in some quarters to have had in producing the present state of things? I allude to what was stated in the course of the discussion the other night—though the Government did not appear to have any official record on the subject—that in the course of last autumn Count Walewski told Lord Cowley that the revival of this question of the annexation of Savoy was a consequence of the active intervention of England in the affairs of Central Italy, with a view to what she considered a solution of the difficulties that existed. I merely refer to that as a ground why I think it is right we should have an opportunity of again considering the subject. If I understand from my noble Friend that in the present state of the negotiations he thinks it is better that we should not renew the discussion, I will give no notice for any future day, only expressing the hope that the Government will not enter into any engagements that may bind this country in future with reference to this question without first taking the opinion of Parliament.

EARL GRANVILLE: The question, of which my noble Friend gave me private notice, was that it was his intention to ask whether Her Majesty's Government had received any further intelligence with respect to the proposed annexation of Savoy to France. I have to inform him that the

Government have received information from the Government of France that, in the case of the annexation of Central Italy to Sardinia, the French Government is of opinion that it will be necessary to have some increase of territory on the side of Savoy; but this was accompanied with a declaration that the annexation would not be made without the consent of the people of Savoy, nor without consulting the great Powers. With regard to the question which my noble Friend has put, I have had no opportunity of consulting my colleagues as to whether it would be desirable that such a discussion as he points out should take place at present, or whether, as the negotiations are still going on, it should be deferred. It appears to me, however, that the opinion of this House has already been so strongly expressed on the subject that I see no advantage whatever in renewing the discussion.

LORD BROUGHAM said, he believed that there was no doubt whatever that a new discussion of the subject could not by any possibility leave the matter in a more satisfactory state than that in which it at present stood, or show more clearly to foreign countries how unanimous and how strong was the opinion of that House against the proposed annexation.

THE MARQUESS OF NORMANBY said, that after the statement of his noble Friend he would not give notice for any discussion on a future day; but his understanding was, that no new line would be adopted by the Government without its being brought under the consideration of Parliament.

ENDOWED SCHOOLS BILL.

COMMITTEE.

On the Order of the Day for the House to go into Committee on this Bill.

LORD ST. LEONARDS said, that before the House went into Committee he wished to say a few words on the principle of the measure. The preamble of the Bill told them that its object was to remove or modify existing restrictions upon the Government and teaching of these schools. He would address a few words to their Lordships upon each of these topics. The improvement in the government, he apprehended, was to admit the children of Dissenters of all classes into endowed schools, which were instituted for the purpose of giving education in connection with the Church of England. It was now asked by this Bill that these schools might be opened generally to Dissenters by what was called a "conscience clause," but which in this Bill might rather be called a Dissenters' clause. Independently of the first clause, there was a subsequent clause which stated what was to be the course of action with regard to schools which were wholly maintained by voluntary subscriptions. Why, this would let in nearly all the national schools in England, and would entirely alter the base on which education was given in these schools. When a child was admitted into one of these schools he was not asked whether he belonged to the Church of England, or to a Dissenting denomination. He was not compelled to attend a Sunday school, nor was the child of a Dissenter prevented attending chapel with his parent. The children of Dissenters, therefore, were admitted into these schools without any shock to the consciences of their parents. [Lord CRANWORTH made an observation.] My noble and learned Friend says the Bill is not intended to apply to national schools, whether endowed or not. Do I understand that this Bill is entirely confined to endowed grammar schools? [Lord CRANWORTH: Yes!] That was a different thing. And now what was the machinery of the Bill? It provided that the Attorney General or any person interested in any of these endowments might apply to the Court of Chancery by summons to show cause why a "conscience clause" should not be inserted in the scheme for the government of such institution. It was impossible to say as the Bill now stood who might or who might not apply to the Court. Now what might happen? In all the endowed schools of England they would be having in every parish, applications to the Court to admit this conscience clause with a new scheme. The Bill particularly provided that the orders of the Court of Chancery should be subject to appeal in like manner as other orders were. The consequence would be that in every parish they would have litigation, and not only would the cases be brought before one of the Chancery Courts but they would be taken by appeal to the Lords Justices and to that House, and as the costs might be paid out of the endowment money, these endowments would be swallowed up in costs. When the question of church rates was before the House and the Dissenters complained that they were suffering under a grievance, inasmuch as they had not only to maintain their own places of worship but those of the Established Church also, he for one was willing to redress that grievance; but when he found that they declared that the removal of their own grievances would not satisfy them, and that they demanded that church rates should be abolished, and that Churchmen themselves desirous of maintaining the church should not be allowed to do so, he then said that such a demand was wholly unreasonable and could not be complied with. So here if the Dissenters asked to have their children educated in these endowed schools that was a question that demanded grave consideration; but when he found that, according to the preamble, their object was to improve and to alter both the government and the education of these schools—when he found that they demanded to have a portion of the government of these schools—then he asked if they had any ground for the demand. He contended that clearly they had not. But, observe, there was a sort of mockery of an intention to do homage to the intentions of the founder, and it was said that the intentions of the founder, where they could be ascertained, should have full operation. The admission of the Dissenters by a conscience clause was all that they could possibly ask, and he had shown a disposition, when he had the power, of admitting Dissenters into these schools. When he had the honour of holding the Great Seal, a case came before him in which he, as visitor for the Crown, allowed the Dissenters to have the benefit of an endowment, and he introduced a clause into the scheme to that effect; and he would to-morrow, if he had similar powers, exercise them in the same manner. But the object of this Bill was not only to give to the Dissenters the benefit of endowments never intended for them, but to give them the power and privilege of directing and controlling the mode and character of the teaching in these schools. If they looked to the Dissenters' Chapel Bill they would find that twenty-five years of possession was considered a limitation in order to admit Dissenters to the rights which they might consider they had. It gave to them the benefit of the time during which they had enjoyed the foundation. No doubt possession for a quarter of a century would give some colourable claim, and some such limitation might be inserted in this Bill. Then if they looked to the Charitable Trusts Act, which was passed a few years ago, they would find that it contained a clause that nothing contained in the Bill should affect church property. That showed the care that he took in making provisions respecting these endowments. For these reasons, as at present advised, he thought it his duty to oppose this Bill. He had indeed originally intended to oppose going into Committee at all; but seeing the numerous attendance of right rev. Prelates who took a great interest in this measure, he would not persist in that intention.

House in Committee.

Clause 1 postponed.

Clause 2, Judge of Court of Chancery may issue summons to show cause why a "Conscience Clause" should not be inserted in scheme.

THE ARCHBISHOP OF CANTERBURY said, he was opposed to this clause, as he feared its effect would be to raise litigation in many parishes where at present there is no dissatisfaction. He was quite ready to admit the children of Nonconformists to the benefits of those schools, and so to grant them all which under the change of circumstances they might justly claim. But he could not admit that the Nonconformists should have a share in the government of the Schools, nor could he consent that the doctrines of the Church of England should be set aside in favour of other doctrines which might be variable, inconsistent doctrines, according to the views of the Trustees for the time being. He desired to preserve the foundation as it stood at present, and has always stood; whilst he allowed individual parents to enjoy all the advantages of the school, without any sacrifice to which their consciences may be opposed. He trusted that this proposal would meet with general concurrence as fair and equitable, reserving to one party what they have a right to maintain, and giving to the other party as much as they could reasonably require. He therefore proposed as an Amendment, that:—

> "It shall be lawful for all Trustees of Endowed Schools, from Time to Time, as they shall see fit, to make such Orders, as, whilst they shall not interfere with the religious Teaching of the other Scholars as now fixed by Statute or other legal Requirements shall provide for admitting to the Benefits of the School, the Children of Parents not in communion with the Church, Sect, or Denomination, according to the Doctrines or Formularies of which religious Instruction is to be afforded under the Endowment of the said schools."

LORD CRANWORTH said, if the effect of the Amendment proposed by the most rev. Prelate would be to enable Dissenters to send their children to receive their education in endowed schools, he should prefer the Amendment to the original clause: but as he was persuaded that for the purposes proposed it would have no effect whatever, but would leave the evil just as before, he could not accept the Amendment. In discussing this question much depended upon the point of view from which it was treated The point from which he viewed it was that it was most important and most desirable to induce Dissenters as much as possible, to send their children to the endowed schools. If he were proposing to take anything from the Church of England he could understand that he should incur the reprobation of the right rev. Bench. But what he asked took nothing from the Church—according to an illustration as old as Cicero—if I let a man light his candle at mine I have still as much light as before. He could see no injury the Church would derive from the admission of the children of Dissenters to these schools, but on the contrary, believed it would rather derive benefit. Some persons were apprehensive lest the presence of children whose parents did not conform to the doctrines of the Church, might tend to weaken the attachment of the other pupils to that Church; but he thought it more probable, by joining in the same studies and sharing the same amusements with their fellow pupils, members of the Church of England, the children of Nonconformists might be induced, in after life, to modify their dissent, if not to become churchmen. He regarded the admission of Dissenters' children to these schools as an advantage to all, and not least to the Church itself. There was another consideration which, though addressed to less noble motives, ought yet to be taken into account. He had been reminded that in many endowed schools there was a capitation fee paid by all the scholars, and therefore an increase in the number of pupils would be an increase of the school funds. That was very desirable in itself, but it would operate beneficially in another way. In many schools the emoluments of the master were made to depend to some extent upon the number of pupils in his school, and nothing could be a greater stimulant to zeal and activity on his part than the knowledge that he had the whole community from whence to attract pupils. It appeared to him therefore that the introduction of Dissenters into these schools was a thing eminently to be desired. But the clause proposed by the most rev. Prelate merely declared that it should be lawful for a majority of the trustees to let such children in. Now, in ninety-nine out of one hundred cases the majority of these trustees were Churchmen; some of them, no doubt, had a strong feeling against any such provision—indeed, the petitions which had been presented to their Lordships' House against any such provision showed how strong the feeling was, so that if it were left to them to exclude whom they pleased, the benefit as regarded Dissenters might be altogether an illusory one. He therefore thought that the clause as it stood was better than the proposed substitute. His noble and learned Friend (Lord St. Leonards) on the other hand, proposed that Dissenting children should be admitted to endowed schools only where they had enjoyed a prescriptive right of admission for the last twenty-five years. Of course, if their Lordships wished, with this exception, to exclude Dissenting children, the clause was properly framed to accomplish that object; but, for his part, he could not see why any class of the community should be shut out from the privilege of a good education because they had not enjoyed it during the last quarter of a century. It was true that such a limitation had been inserted in the Dissenters' Chapels Bill. There the question was what doctrine ought to be inculcated in each particular chapel in the kingdom, and it was absolutely necessary to cut the knot by providing that if certain doctrines had been taught in a chapel for a certain time they should be deemed rightly taught. But what had that to do with the principle of admitting Dissenters to endowed schools? There was no reason why, if excluded heretofore, they should be excluded now. When the Court of Chancery believed it was empowered to allow Dissenting children to share in these privileges, the Judges never asked whether any prescriptive right existed; it was then the invariable rule to let Dissenters in, the feeling of the Court being that, if the schools had been established now, instead of in the reign of Edward VI., the founders would have excluded no one from the benefits conferred there. The Judges were evidently of opinion that the law as it was now interpreted was a harsh law. Perhaps it would be a relief if it were possible in the Bill to dispense altogether with the machinery of the Court of Chancery; but the right of Dissenters to enter these schools could only be settled by some general enactment applicable to every case, or by authorizing some tribunal to say whether such admission was or was not expedient. On this subject the measure contained *ipsissimis verbis*, the clause which came from the Select Committee of the House of Commons of last year, and was sanctioned there by Sir Hugh Cairns, the present Attorney General, Sir James Graham, Sir John Pakington, and other high authorities.

Earl GRANVILLE seeing that the most reverend Prelate had expressed his desire to act liberally towards the Dissenters, and that the noble and learned Lord thought it would be a relief if the interference of the Court of Chancery could be dispensed with, suggested that the clause should be reframed, with a view to meet the views of both parties.

The Bishop of LONDON said, that the right rev. Bench had no objection to a modification, providing the new phraseology was satisfactory. He wished to state, on behalf of himself and his right reverend Brethren, that the noble and learned Lord had mistaken the spirit and feeling of the Bishops if he supposed that they had the slightest objection to persons not of the Church of England receiving the benefit of education in these schools. What they were anxious to maintain was, that in these institutions, which had existed for centuries, and in which the pure doctrines of the Church of England had always been taught, there should be no deviation from this teaching with regard to the children of members of the Church. But if the benefit of the ordinary education of the people could be extended to others, it should be done in the best possible manner. That evening he had presented a petition from a school of which he was a visitor—the school of Highgate, founded by Sir Roger Cholmondeley, formerly Lord Chief Justice of the Court of King's Bench, with the assistance of Bishop Grindal, of London, and which had gone on ever since as a Church of England school. But, with that liberality which had, he thought, generally characterized Church of England schools, Dissenters had been admitted to the benefit of that school. It was his belief, then, that by leaving it to the trustees to make such arrangements as they might think best for the children of Dissenters, it would be done better than by the introduction of what were called "conscience clauses". These provisions rested on the fallacy that all the religious instruction given to the children was given when they were repeating the Church catechism and the Thirty-nine Articles; and of the "conscience clauses" were admitted it would be still competent for any Church of England master, if he chose to do so, to inculcate on the children of Dissenters instructions as distasteful to their feelings as the Articles or the catechism. The great King Edward's School at Birmingham had not been a school for the education of children of members of the Church of England only. Dissenters had always been admitted, and, included in that designation, many children of Jews. From such examples he concluded that trustees would endeavour to make the education more wisely comprehensive without than with the "conscience clauses," and that therefore the Amendment of the most rev. Prelate was in reality the more liberal proposition, which, moreover, if it were adopted, great litigation and a cumbrous procedure would be got rid of.

Earl GREY said, it appeared that there was no real difference of opinion in the House. They all desired that the children of Dissenters should be admitted to the endowed schools, consistently with a due regard to the just rights of the Church of England education. It also seemed to him that a general desire existed to omit the clauses of the Court of Chancery. All the House had to do, then, was, to omit one or two words from the clause, so as to make it in effect declare that "all trustees of endowed schools shall from time to time make such rules and orders, &c."—thus pointing out distinctly that it was their duty to draw up the necessary rules.

The LORD CHANCELLOR was sure his noble and learned Friend who introduced the Bill would rejoice with him in seeing what was now likely to be accomplished. All that was desired was that the children of Dissenters should have the opportunity of availing themselves of these schools, as in all probability they would be permitted to do, were the founders now instituting the endowments. He thought it better that the forming of the necessary rules should be left to the trustees, under such directions for the guidance of their judgment as the House might provide; for after all the improvements in the Court of Chancery, he thought it better avoided, as it could not be approached without considerable expense, and there was no knowing when one would get out of it. Let the matter be left by the Bill to the trustees, but with some directions for their guidance.

Lord LYTTELTON suggested that the Bill ought to be referred to a Select Committee, for assuredly if exact directions were not framed for the guidance of trustees throughout the country there would be much discrepancy in their proceedings.

Lord BROUGHAM felt the greatest possible satisfaction, indeed the utmost gratification at the course which this discussion had taken. The proposition of the most rev. Primate was extremely liberal; and the suggestion of the right rev. Prelate (the Bishop of London) well adapted to carry it into effect. It was of the utmost importance that the basis of this measure, which was to be found in the present clause, should be carried with as little dissent among their Lordships as possible, so that it should appear to be the general wish of both sides of the House to remove, as far as possible, the differences between Churchmen and Dissenters, both as to the children attending the schools and as to the trustees having their management. A little concession on either side would be highly expedient for the purpose of securing unanimity in that general principle. But he could not agree to any such concession as would leave the whole matter entirely in the hands of the trustees, without any compulsion, and much less without any direction, to take the step or not, and if they took it, to take it with such modifications and conditions as they might themselves choose. He thought that some such suggestion as that of his noble Friend on the cross benches (Earl Grey) would furnish a solution of the difficulty, but he should propose to add that no compulsory direction should be given when by deed, will, or other instrument, there was an exclusion of any particular sect. He could by no means go along with the view that the Court of Chancery had taken of this particular subject with reference to the admission of Dissenters by assuming that where there was no express direction given, an endowed school should be held as established for the promotion of education according to the doctrines of the Church of England, and consequently closed against Dissenters. But what had we done even in cases where the founders had indicated their intentions in the plainest possible language? Had the intentions of the founders been scrupulously executed, and their regulations observed? On the contrary, we had frequently taken the thing into our own hands, altered the course prescribed, and confiscated the funds to our own use. This was the case in the reign of Edward VI., where all property, real and personal, and which was intended for "superstitious uses," was confiscated. It was doubtful whether at this hour there was an Act of Parliament perpetually and entirely prohibiting superstitious uses or gifts. The statute of Henry VIII. only proscribed these uses for twenty years, and the statute of Edward VI. was entirely retrospective. Acting on the principle that these uses were illegal, the Court of Chancery had refused to execute the trusts and condemned them as being superstitious; and when they discovered that the intention of the founder was charitable, but the use was superstitious, the trust fund had gone to the Crown, and the Court of Chancery had directed the disposal of the property. Sir W. Grant expressed it thus.—We considered that the author of the instrument intended charity, but we required that he should be charitable in our own way, and not only applied this fund, whether real or personal, to purposes not within his intentions, but in direct opposition to those intentions. This had even been carried so far that in a multitude of cases the charity had been appropriated in a direction absolutely adverse to the intentions of the founder. So that if a Roman Catholic bequeathed property for performing mass or other ceremony, his very object was frustrated, and the children educated according to Protestant principles and in abhorrence of the Roman Catholic faith. He would therefore suggest some modifications in the Bill to prevent any interference with the declared intentions of the founder. What he desired was that in all cases where there was no positive prohibition of Dissenters or exclusive preference of Churchmen, endowed schools should be thrown open. It was not a small matter with which their Lordships were dealing. There was, happily, an enormous number of endowed schools—upwards of 4,000, and he was gratified to find that since 1833 the number of children attending those schools had increased from 180,000 to 360,000. He believed that the peace of the country and of the Church would be materially aided by the course which their Lordships were now recommended to take. There was no hostility on the part of Dissenters personally to the Church. If there was, he should be the last man to partake of that hostility. The Church of England he held to be distinguished by all the good qualities which could give stability or do honour to an ecclesiastical establishment. It was as learned as the Romish, as evangelical and pure as the Calvinist Church, while it had over both the high advantage in a limited monarchy of being friendly in its constitution to the cause of moderate freedom, equally adverse as that cause was to the ordinary despotism of some countries and to the popular tyranny of others. Above all, it surpassed other churches in tolerance. He well remembered hearing his learned and excellent Friend, the late Dr. Shepherd, of Liverpool, himself a conscientious Dissenter, rebuking a member of his own sect who had made an attack upon the Church of England. "Not a word more against the Church of England," said the doctor; "for rely upon it, that though we differ from her and renounce the regiment of bishops as much as the Presbyterians of Scotland themselves, we never shall have so wise, so peaceable, and so great a neighbour."

LORD CHELMSFORD had felt inclined to support the clause proposed by the right rev. Prelate, because he considered that it conceded everything that Dissenters ought to have. He preferred the permissive form in which the clause originally stood to the shape of compulsion which it had now assumed; but as it was not opposed by the right reverend Bench, it was impossible for him to resist it, because he knew they would be supported by the majority of the House. If, however, the 7th clause, with reference to the admission of Dissenters as trustees, was inserted, it might so happen that Dissenters might come into authority, and they would of course take care that the law as set forth in this section should be set in motion, and the consequence would be that the Church of England would in time be stripped possibly of her entire authority over these schools. If the 7th clause was omitted he would have no objection to support the Bill.

THE BISHOP OF OXFORD said, that if this clause were made imperative in the simplicity in which it was now proposed, it would render impossible the foundation of schools of a purely Church of England character—a result which none of their Lordships could desire; and it would therefore be necessary to insert words to prevent its having such an operation. For instance, there was a school in his own diocese founded by trustees, and which particularly provided that the training and teaching should be that of the Church of England, and no other. Would it be consistent with ordinary justice to compel such trust to be altered? His right reverend Colleagues had intimated, that for the sake of unanimity, if the House were favourable to the clause, they would accept it; for they felt that the great object to be had at heart was to preserve the managing power of Church of England schools in Church of England men. If without injuring the interests of children of the Church of England, they could extend the benefit of all these schools to our Dissenting brethren, he had not the slightest wish to exclude them, but on the contrary, desired to see them admitted, provided all such guards and regulations were introduced as to prevent concessions defeating the primary objects of these schools—that of training the children on Church of England principles. What they felt to be the one only security for it was that the trustees who were to have the management should be members of the Church of England. The clause, he thought, would be far better permissive than imperative. In all cases where it was carried into effect without injuring the primary character of the schools, the permissive clause would be sufficient. The permissive clause, he thought, would accomplish all that was desired. If that clause were made imperative, and if the trustee clause were not carried, he should be prepared to vote against the whole Bill on the third reading.

LORD STANLEY OF ALDERLEY thought it probable that, if the children of Dissenters were allowed to come to the Church of England schools, a large portion of them might become members of that church. They would not be likely, at all events, to become its bitter antagonists. He was glad to observe the spirit in which the Bill had been received by the Episcopal Bench, and he had no doubt that his noble and learned Friend (Lord Cranworth) would not object to insert in the Bill a clause to exempt from the operation of his Bll, schools which by special endowment were founded for the benefit of children of the Church of England.

THE LORD CHANCELLOR was understood to suggest that the second clause should not be struck out, but that, according to the provisions of Sir Hugh Cairns' Bill, its operation should be regulated by the usage of twenty-five years. If during twenty-five years the endowments had been enjoyed by Dissenters, although their admission had not been provided by the founder, then their right should not be disturbed.

THE EARL OF DERBY could not but think it was rather strange, after notice had been given of a very important alteration in the Bill, to be proposed by the most rev. Prelate (the Archbishop of Canterbury) that at the very commencement of the debate, when their Lordships were beginning to discuss a proposition which he believed would meet with the general concurrence of the House, they should suddenly be startled by being informed that the right rev. Bench agreed to a principle entirely different from that of which the right rev. Prelate had given notice. If it were the opinion of the right rev. Bench generally that it was consistent with policy and the interests of the Church of England that it should be compulsory on all managers of Church of England schools to admit Dissenters in those schools—perhaps even to the exclusion of the children of Churchmen themselves—if it were the opinion of the right rev. Bench that such an alteration in the existing state of the law was distinctly called for and desirable, he (the Earl of Derby) thought it would hardly be the duty of laymen, on whatever side of the House they might sit, to dispute the question, or contend for the maintenance of the principle which appeared to have been thought unnecessary by those who ought to have the greatest weight in such matters. He had come down to the House disposed cordially to support the proposition made by the most rev. Prelate, which appeared to him to remove a grievance of which Dissenters fairly complained. So far he was perfectly willing to go; but it was not without doubt and hesitation that he could bring himself to acquiesce in making it imperative upon all trustees to admit Dissenters in their schools under all circumstances, and give them equally with Churchmen an absolute right to claim such admission. But if Dissenters were to be admitted to such an absolute right that was an additional reason why in Church of England schools, the managers should be members of the Church of England.

THE BISHOP OF ST. DAVID'S hoped their Lordships would not suppose that the proposal of the right rev. Prelate (the Bishop of London) proceeded from any unanimous opinion or any preconcerted agreement in its favour on the part of the right rev. Bench. No such agreement existed, for none of his right rev. Brethren had been consulted by the right rev. Prelate, and it was merely a suggestion of the moment. The only consideration which would induce him to vote for the proposal was his desire that they should come to some general understanding on the subject; but speaking for himself only, he should have considerable reluctance to accept such an arrangement. He decidedly preferred the permissive clause to the imperative proposition of his noble and learned Friend, and he believed it would be a great and substantial boon to the Dissenters.

EARL GRANVILLE thought it would be highly desirable that their Lordships should decide clause by clause rather than discuss the whole measure; remembering, after all, there were several other stages of the Bill in which noble Lords who had acted under a wrong impression would have an opportunity of rectifying their mistake.

THE BISHOP OF LONDON said, it appeared that the statement he had made had been in one respect stronger than he had intended. What he had meant to state was, that he understood his right rev. Friends were agreed, and their Lordships generally were agreed for the purpose of settling this important question, to accept the Amendment proposed by the noble Earl (Earl Grey).

LORD STRATFORD DE REDCLIFFE had spent a large portion of his life in a country where religious dissensions prevailed to a very lamentable degree. He had witnessed the disadvantages resulting from these differences when they were maintained in a spirit of acrimony, and he could not but concur in the deep gratification expressed by a noble and learned Lord opposite (Lord Brougham) at the prospect which he entertained of a favourable settlement of the important question before the House. He hoped that this was the precursor of still greater manifestations of liberality worthy of the Church to which they belonged, and which, if exercised with judgment and prudence, could not fail to promote the interests of religion. He hoped that the Amendment proposed by the noble Earl would be accepted by the House. and then the other propositions could be considered in their turn. It would be a subject of deep regret if the present opportunity of doing away with a great cause of religious acrimony were allowed to pass away without being taken advantage of by the House, and that by a unanimous vote.

LORD CHELMSFORD intimated that he would move the rejection of the 7th clause when they came to it.

THE BISHOP OF LINCOLN thought, that the object which they ought to seek to attain was, that they should maintain the principle on which schools were founded, without being exclusive; that the governing body should be confined to the religion enjoined by the founder, but that the greatest liberality should be manifested in extending the advantages of the schools to children of every denomination. He would vote for the Amendment first proposed.

On Question, resolved in the *negative.*

Clause struck out.

Clause proposed.

"It shall be lawful for all Trustees of Endowed Schools from Time to Time, and they shall be bound, to make such Orders as, while they shall not interfere with the religious Teaching of the other scholars as now fixed by Statute or other legal requirement, shall provide for admitting to the benefits of the School the Children of Parents not in communion with the Church, Sect, or Denomination according to the Doctrines or Formularies of which religious Instruction is to be afforded under the Endowment of the said Schools; Provided that in the Will or Wills, Deed or Deeds, or other Instrument or Instruments regulating such Endowment, nothing be contained expressly requiring the Children educated under such Endowment to learn or to be instructed according to the Doctrines or Formularies of such Church, Sect, or Denomination."

Clause *agreed to.*

Clauses 3, 4, 5, and 6 struck out.

Clause 7, (Unless otherwise expressed in Will or Deed, Trustee not ineligible on account of his Religion).

LORD CRANWORTH said, that the effect of this clause was simply to declare that Dissenters were not ineligible as trustees. The Bill in the other House of Parliament contained a clause to the effect that if it had been the practice to elect Dissenters for the last twenty-five years such practice might continue, but not otherwise. He thought that utterly indefensible; and what he simply suggested was, to declare in general terms, that Dissenters should not be ineligible, but that they should be put on the same footing as of necessity a great many important schools in the kingdom were now put as the law now stood. At present the government of certain endowed schools was vested in the Corporation or in the Companies of London, of which many of the members were Dissenters. If Dissenters were not, under this Bill, to be eligible as trustees of endowed schools, how could their Lordships stop short and leave in their present post those Dissenters who were now trustees. The question was, whether they would now settle this question once for all, or leave it to be raised again in some other and more inconvenient form. He was sure that the Dissenters would be grateful to them for the clause which had been proposed by the most rev. Prelate; but if they were to say that Dissenters were not to be eligible as trustees, he feared they would, to a certain extent, still leave a grievance to be redressed. In fact, it seemed to follow logically from what they had done that they ought to admit Dissenters to protect the rights which this clause had conferred on them. There was another point well worthy the consideration of their Lordships. There was a time when Dissenters were excluded from the exercise of a great number of public functions; among others, from those connected with municipal corporations. But how were we now to ascertain whether a man was a Dissenter or not? He trusted it would never be said that no man was to be eligible as a trustee who, as was provided by the now happily repealed Test and Corporation Acts, had not taken the sacrament of the Lords' Supper according to the rites of the Church of England within the year. That was intelligible; but he trusted none of their Lordships wished to revert to that most objectionable test. How, he repeated, were we now to ascertain whether a man was a Dissenter? Was it to be by common reputation? Did the going occasionally to a Dissenting place of worship make a man a Dissenter? He contended that there was no adequate means of deciding such a question; and if their Lordships began to legislate as to who was or was not a Dissenter they would enter upon an endless discussion.

LORD CHELMSFORD said, he was not going to discuss the question of the twenty-five years' prescription. The case had entirely changed during the discussion, and he now thought, notwithstanding the arguments of his noble and learned Friend, that it would be extremely desirable to omit the clause altogether, and not to allow Dissenters to be trustees under any circumstances. Observe how his noble and learned Friend followed up one concession by demanding another. His noble and learned Friend had drawn a logical deduction that, having conceded to the children of Dissenters the right of admission to endowed schools, they were bound now to admit Dissenters as trustees of those schools, in order to protect the rights and privileges which had just been conceded to them. That might be logical, but it seemed a dangerous invasion. He (Lord Chelmsford) thought, on the contrary, that, having made large and liberal concessions, they were bound to protect the schools against the possibility of Dissenters becoming the governing body and interfering with the religious instruction prescribed by the founders of these schools. The noble and learned Lord proposed that no one should be ineligible for the office of trustee unless there was an express declaration in the foundation deed that the trustees should be members of a particular church or sect; but the fact was that, as regarded the great majority of endowed schools, there was nothing expressly limiting the office of trustee to members of the Church of England, but the fact of the school being one in which the doctrines of that Church were taught was sufficient to mark its character. He should move the omission of the clause without proposing any substitute.

The Duke of NEWCASTLE reminded the noble and learned Lord that his noble and learned Friend (Lord Cranworth), in introducing this clause, was merely following in the steps of the Solicitor General of the late Government.

Lord CHELMSFORD said, that the first Bill was introduced by Mr. Dillwyn, and was referred to a Select Committee, of which the late Solicitor General was a member. In introducing the second Bill, his hon. and learned Friend acted merely as the instrument of the Committee, and was not himself responsible for the clause.

The Duke of NEWCASTLE said, however that might be, he was anxious that no party spirit should be shown with regard to this Bill. He felt the more strongly on this point, as he had been acting for the last two years as the chairman of a Commission on the subject of education, and he could assure their Lordships that if there was one thing more than another that struck him in the course of the investigation, it was, that with the great bulk of the population attending schools in this country what was called the religious difficulty did not exist; and he had come to the conclusion—and, he believed, he might say for his colleagues, though they had come to no formal resolution on the subject—that if the sectarian differences of clergymen and ministers of religious denominations could be kept out from the question of schools the religious harmony would be almost co-extensive with the attendance in schools. A most admirable example of the moderation and liberality which was so desirable had been shown that evening by the right reverend Bench, and he was confident the Dissenters would deeply feel and strongly appreciate it. It was a pity that that spirit should be marred by subsequent differences, and therefore he would suggest to his noble and learned Friend that this clause had better be omitted, and that the Bill should be made to stand on the clause agreed to by the right rev. Bench.

Lord STANLEY of ALDERLEY deprecated the unqualified rejection of the clause. If the exclusion of Dissenters from the office of trustee was to be maintained, how was it proposed to deal with those cases such as the Bradford Charity, where Dissenters had already been appointed trustees? If it was decided to be against the wish of the founders to appoint Dissenters, was it intended to disqualify Lord Panmure and Lord Aberdeen from the offices they now filled as governors of the Charterhouse? He should regret extremely that any course should be adopted which would not only exclude Dissenters for the future, but would deprive those gentlemen who had been already selected for the office by their fellow townsmen, and had performed the duties to the satisfaction of all parties.

Lord BROUGHAM said, that although it might be that Sir Hugh Cairns was only a Member of the Committee of the other House, and had nothing personally to do with the clause, yet he found on a Bill which bore Sir Hugh Cairns' name on the back a clause to the effect that where Dissenters had been admitted to the office of trustee for a space of twenty-five years the right should continue. The clause under consideration was the same except that it omitted the necessity for twenty-five years' usage. That Bill, also, effectually admitted the children of Dissenters to all these schools unless they were excluded by the endowment deed. He should greatly regret if Dissenters were not to be admitted as trustees, from which office they were excluded, not by legislation, but by the effect of a recently-pronounced legal decision. The law, till that decision was come to in Chancery some time ago, admitted Dissenters. That was now held to be contrary to the presumption of law. It was laid down that if no sect was mentioned in an educational endowment, the Church of England must be presumed to be intended; and the effect had been just that of an Act of Parliament to repeal the previously existing law. The noble and learned Lord near him (Lord Chelmsford) was much alarmed at the prospect of Dissenters becoming first trustees of endowed schools, and then by and by increasing to a majority, and then overruling the Churchmen and taking possession of the direction of the education of the country; but he overlooked the discontent and disappointment which would be felt by the Dissenters, by that great body of religionists scattered all over the country, large in numbers, and eminent in wealth, and talents, and endowments, by the rejection of this clause—a discontent and a disappointment much greater than the comfort arising from the concession offered by the most reverend Primate the Archbishop of Canterbury. The evil in one case would be great and pressing, and present; in the other, it would be inconsiderable and distant. But his noble and learned Friend indulged in the habit not uncommon with alarmists at reform and every kind of progress of using his telescope at both ends; and, having seen at one look a remote object magnified and brought near, he next applied the other end to the near objects, and thus made them appear remote and insignificant. The distant and small peril he made appear near and great, while the near and great peril he made look insignificant and remote. It was well for him that he had not taken the same liberties with his glass while he was the ornament of another profession. If he had on his quarter deck found his telescope the wrong way, when our enemy's vessel was near, he would have made no preparation for defence, and their Lordships would have been deprived of his presence in their House.

LORD ABINGER said, the House had been told that having conceded a clause to the Dissenters, they, as a body, would feel worse off than they would have been had the concession not been made; and this question he would be glad to discuss after that of church rates had been settled. Was the concession intended to conciliate? In his experience he had never found any good result from an attempt to conciliate a decided enemy, and he could not help regarding Dissenters as decided enemies to the Church. In a free country every man's commerce with his God ought to be free; but Churchmen should be true to themselves, and not admit a preference to be given to scruples of conscience over plain duties, one of which consisted of a reasonable obedience to the law and a support of existing institutions.

LORD CRANWORTH said, he could not conceal from the House or from himself that he was placed in a very difficult position. He had been asked by a number of most respectable gentlemen who were Dissenters to take charge of this Bill, and he knew that they felt their exclusion from the school trusts to be a great grievance. Still, he should not have acceded to their request if he had not sympathised with their feelings, and if he had not been conscious that their sentiments were not wholly without foundation. At the same time, he was quite alive to the force of his noble Friend, the noble Duke's, remark, that a great concession had been made in the earlier clauses which had been passed. Those clauses would be regarded as a great boon, and might carry with them all which was desired, and he was unwilling that the grace of that boon should be lessened by any angry discussion upon other parts of the Bill. Doubting, therefore, whether he was taking a proper course, he would consent to the omission of the clause; but he should reserve to himself the right of reintroducing it in a modified form at the bringing up of the Report if he saw any prospect of his being able to carry it.

Clause struck out.

Clause 8 (Act not to apply to certain Institutions in Ireland) *agreed to.*

Other Amendments made.

Report of Amendments to be received on *Thursday* next.

House adjourned at a quarter past Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 17, 1860.

MINUTES.] PUBLIC BILLS.—1° Piers and Harbours; Settled Estates Act (1856) Amendment.
2° Consolidated Fund (£407,649); Municipal Corporation Mortgages, &c.; Valuation of Rateable Property (Ireland); Roman Catholic Charities.

AMENDMENT ON THE BUDGET.

NOTICE.

MR. DUCANE:—Sir, I beg to give notice that on Monday next, on the Motion that Mr. Speaker do leave the Chair for the purpose of going into Committee upon the Customs Acts, I shall move the following Resolution as an Amendment to the Motion :—

> "That this House, recognizing the necessity of providing for the increased expenditure of the coming financial year, is of opinion that it is not expedient to add to the existing deficiency by diminishing the ordinary revenue, and is not prepared to disappoint the just expectations of the country by reimposing the income tax at an unnecessarily high rate."

PRIZE MONEY IN INDIA.—QUESTION.

Sir EDWARD GROGAN said, he would beg to ask the Secretary of State for India, Whether the Prize Money captured by the Troops employed in quelling the late Mutiny in that Country is to be divided equally amongst all the Troops engaged without reference to district, or are there to be separate divisions of the Money for the relief of Lucknow under Lord Clyde (for which those engaged have hitherto received neither batta nor distinction), for the capture of that city, of Delhi, and of the sums realized in other places?

Sir CHARLES WOOD said, that all the troops in India during the mutiny, wherever employed, would certainly not receive prize money. The troops who captured Delhi would receive the prize money of that place; the troops who captured Lucknow would receive the prize money of that place; but the troops who captured no place and took no prize money would not receive prize money belonging to other troops.

STATE OF HUNGARY.—QUESTION.

Mr. LONG said, he would beg to ask the Secretary of State for Foreign Affairs if any special information on the State of Hungary has recently been received by the Government; and if so, whether there is any objection to that information being communicated to the House.

Lord JOHN RUSSELL said, that a great deal of information had been received from our Minister at Vienna with respect to the state of Hungary, but, as it referred to the internal government of another country, he considered that it would not be convenient to lay it before Parliament.

AMMUNITION FOR THE VOLUNTEER CORPS.—QUESTION.

Mr. WAY said, he would beg to ask the Secretary for War whether her Majesty's Government propose to make provision in the Army Estimates for supplying Ammunition to the different Corps of Rifle Volunteers; and whether Her Majesty's Government will place the Rifle Volunteers on the same footing in respect of Ammunition as the Volunteer Artillery.

Mr. SIDNEY HERBERT said, he would prefer to give an answer in a few days, when he should be prepared to make a statement upon the whole subject.

THE HOP DUTIES.—QUESTION.

Mr. MILDMAY said, he rose to ask Mr. Chancellor of the Exchequer, whether it is his intention to enforce the payment of the Duty on all home-grown Hops on the 1st day of January, or whether he will allow home-growers, by availing themselves of the proposed system of Inland Bonding, to share in the advantage enjoyed by the importers of foreign Hops, of not paying the Duty until the Hops are sold for consumption.

Mr. LAING said, his right hon. Friend the Chancellor of the Exchequer had stated in a letter which had appeared in the public papers the arrangements which he proposed with regard to hops:—namely, that the reduced duty on Foreign and English hops should not take effect until the 1st of January, 1861. As a considerable period was allowed the English hop-grower for payment of the duty, and as the duty was not paid usually until some time after the crop was gathered and sold, it was not probable that a longer interval would be enjoyed by the importer of foreign hops. He, therefore, did not think that any system of inland bonding would be extended to articles like hops.

Mr. DODSON said, he would also beg to ask Mr. Chancellor of the Exchequer whether the Resolution reducing the Excise Duty upon Hops to 14*s*. a cwt. will apply to the duty upon the crop of 1859, payable in May and November next; and if not, from what date it is intended that the corresponding Resolution reducing the Customs Duty on Foreign Hops should take effect?

Mr. LAING said, that the present Duty on Hops would apply to the whole of the crop of 1859, payable in May and November next; and as had been already stated, the reduced Duty both on English and Foreign Hops would only come into effect on the 1st of January, 1861.

TRAINING OF THE MILITIA.—QUESTION.

Major PARKER said, he would beg to ask the Secretary of State for War, if he is prepared to give an assurance that Regiments of Militia will not, unless the exigencies of the State require it, be called out for training during those periods of the year when the services of the men are most needed for agricultural purposes?

MR. SIDNEY HERBERT said, the Committee which sat on the subject of the Militia last year recommended that trainings in future should be as nearly as possible simultaneous, so as to prevent the passing of men from one corps to another, in order to get double bounty and training pay. The Government had determined, as far as possible, to act upon that recommendation. It was clear that in different portions of the country the time of harvest was different; he had, therefore, put himself into communication with the Lords-Lieutenant of counties; and, in all probability, regiments in the south of England would assemble in May, and regiments further north later. in order that the training should not occur at a time when labour was greatly required.

TIME BARGAINS.—QUESTION.

MR. ALDERMAN SALOMONS said, he would beg to ask Mr. Chancellor of the Exchequer if the proposed Penny Stamp on Brokers' Contract Notes will apply to all transactions in the Public Funds, and will it therefore legalize all such transactions?

MR. LAING said, it was intended to make the Penny Stamp applicable to time bargains, and to repeal the Act of George II., which he had no hesitation in saying was a relic of an obsolete system, and, if enforced, would be most prejudicial in its effect. It was now a dead-letter, except to cast an unmerited stigma on a respectable body of men, and to arm dishonest persons with the means of repudiating inconvenient contracts.

FORTIFICATIONS OF PLYMOUTH AND DEVONPORT.—QUESTION.

MR. PALK said, he wished to ask the Secretary of State for War, Whether the expenses of Fortifying Plymouth and Devonport are included in the Estimates that have been laid upon the Table?

MR. SIDNEY HERBERT said, that the Estimates on the Table contained a lump sum on the subject of fortifications, without specifying the particular places to which the money was to be applied. It was rather unusual; but the hon. Gentleman would have probably guessed that the reason was that the Report of the Commissioners on National Defences, in a complete form, was only placed in his hands on Saturday last. It was a matter of very grave and serious consideration, and he wished to have time to lay it before the Government, with the view to settle whatever plans it was expedient to adopt. Under those circumstances he had taken a lump sum. The continuance of all existing works was included, and at a later period he would state the course which the Government intended to take upon the whole subject.

EXCHEQUER BONDS.—QUESTION.

MR. DISRAELI said, apprehending that the House had not gathered from the Chancellor of the Exchequer the other evening to what period it was proposed to defer the payment of the £1,000,000 of Exchequer Bonds due in the course of the next financial year, he would beg to ask the Secretary of the Treasury to state the period.

MR. LAING said, that the last precedent for the renewal of Exchequer bonds was that set by the right hon. Gentleman himself, when Chancellor of the Exchequer, in 1858, when £2,000,000 of Exchequer bonds were renewed for three and a half and four and a half years. It was probable that a somewhat similar period might be taken in this instance; but until the financial arrangements submitted to the House were further advanced, Government was not in a position to state the exact date. But sufficient notice of the date would be given before any Vote was proposed on the subject.

On Motion that the House at its rising do adjourn till *Monday* next,

THE TREATY OF COMMERCE WITH FRANCE.—QUESTION.

MR. BENTINCK: The principal object I have in view in asking the question of which I have given notice on the Motion for adjournment is to obtain what we failed in obtaining on a previous occasion from the Government—namely, a clear, distinct, and straightforward answer. The subject is one of deep interest to the country, and in order that I may adhere strictly to the rules of the House it will, perhaps, be kind enough to allow me to put to it an hypothetical case. Allow me to suppose that on a very recent occasion some hon. Member of this House put the question I now propose to put to the noble Lord at the head of the administration to a distinguished Member of the present Government, and received an answer something to the following effect:—"That as to whether the rejection of the treaty would produce any disturbance in our friendly relations, why the hon. Gentleman and every other Member of the House is quite as capable of forming an opinion as we are; that any threat or intimation of that kind has been made is utterly untrue, but as to what effect any angry speeches in the House of Commons against France, followed by a rejection of the Treaty might have, hon. Members can judge for themselves." I confess, if I had been in the position of the hon. Member who I suppose as having put that question, I should have heard the answer with considerable surprise. In the first place, it appears somewhat singular that a distinguished Member of the Government, entrusted with the foreign relations of the country, should have failed to have told any other Member of Her Majesty's Government what, in his opinion, might be the result of the discussion of this most important question, and that the Government of which he is a Member should not have anticipated the possible result of such discussion, and were not prepared to say what in their opinion that result would be. I confess if I had received such an answer I should certainly, having failed to obtain a direct answer from one Member of the Government, have taken the course of applying to the head of that Government, in the hope of obtaining a more distinct reply. I will leave the House to judge how far I have drawn on my imagination in putting this supposititious case. In my opinion the whole thing lies in a nut-shell. We have been told that the Commercial Treaty with France was a treaty which had been ratified, subject to the sanction of the House of Commons. On this only one interpretation can be put, that we are left to deal with the subject unfettered by any other consideration than the expediency of the Treaty itself. It is true that nothing to the contrary has been said in the House, but we are constantly hearing whispers in the lobby that we should be very careful how we deal with any of the details of the treaty, because any rejection on our part of its details might disturb our amicable relations with France? If that is the real meaning of the noble Lord, I can only look upon it as a positive insult to the House and the country. I cannot, however, bring myself to believe that the Government have not anticipated that the Treaty may not be accepted by the House, and that it has foreseen and provided for all possible consequences. I wish, therefore, to ask the First Lord of the Treasury whether any understanding has been come to between the Governments of France and this country in the event of the Commercial Treaty not being sanctioned by Parliament?

VISCOUNT PALMERSTON: I will endeavour to give the hon. Gentleman as plain an answer to his question as I can; and it will be very simple, as might naturally be expected. The Treaty was concluded between the Governments of France and England, as appears by a distinct Article in the Treaty, subject to the approval of Parliament. We may, perhaps, have been too sanguine in our expectation of the success of a measure which we deemed to be of great importance to the public interest, both as regards the development of our own commercial resources and as regards the natural and, we trust, the sure consequences that will result from the cementing more closely and thoroughly a good understanding between the two nations; but, confiding in the good sense of this House and the country, and anticipating that their verdict would be in conformity with our judgment, our hope, and our expectation, it is needless to say that we have not deemed it to be our duty to provide by any understanding with France for the failure of our just expectations. My answer, therefore, is that no such understanding has been come to, because we did not anticipate a failure of the proposals which we have made. Although there may be those who, like the hon. Gentleman, disapprove the treaty—and we don't, of course, challenge or question the judgment which any person or set of persons may pass upon it—our sanguine expectation is that the judgment of the country and of Parliament in the aggregate will be in favour of our proposals. Perhaps, while I am on my legs, I may be permitted to state that, as we are to commence the discussion of the Budget on Monday, it would be most convenient for the public service and for the despatch of business if the debate were to be allowed to go on day by day without being postponed by the intervention of any other business, which would be likely to occupy the House for any time.

ARMS OF THE ARTILLERY RIFLE CORPS.—QUESTION.

LORD ELCHO, in rising to put a question to the Secretary of State for War relative to the arming of the Volunteer Artillery Corps, observed that his attention had been called to a circumstance which had occurred at Liverpool, which afforded a pretty good indication of the feeling entertained by the Volunteer Artillary Corps with respect to the question of the arms which they were to carry. When Colonel M'Murdo, who had been appointed inspector of the Volunteer Artillery Corps, proceeded some days since to Liverpool to inspect about 1,500 of the corps, the major commanding and the officer of an artillery corps consisting of 640 men, which had been raised there, had impressed upon him the absolute necessity of arming the volunteers with the rifled carbine, and not with the old musket. It appeared that a majority of the force had joined on the express understanding that the artillery corps would be armed with the carbine and bayonet, and under those circumstances it was not to be expected that they should march through the streets of Liverpool armed with an antiquated Roman sword? The thing was utterly ridiculous. The major had also reported to the inspector that unless the men were properly armed he anticipated the utmost difficulty in keeping the corps together. He (Lord Elcho) should have thought nothing of this had it been an isolated case, but the fact was there were the same complaints in every volunteer artillery corps. The Government had intimated that volunteers raised in sea-board counties should be formed into Volunteer Artillery Corps, but he thought that it would be found impossible to do so unless they consented to issue a proper description of arms. With that view he begged to ask the Secretary of State whether there was any intention on the part of the Government to arm the Volunteer Artillery Corps with the carbine and bayonet?

THE INDIAN ARMY—WOOLWICH AND SANDHURST.—QUESTION.

MR. HASSARD said, he would beg to ask the Secretary of State for War, Whether as the Army of India has now been brought under the immediate administration of the Crown, it is his intention to permit Officers of the Indian Army to send their sons to Woolwich and Sandhurst upon the same terms as to payment as those upon which Officers of Her Majesty's other Forces are permitted to send their sons to those establishments?

DEFENCES OF THE COUNTRY.

QUESTION.

MR. ELLICE (Coventry) said, he was desirous of putting to the Secretary of State the question of which he had given notice, with reference to the discussion on the Budget on Monday, Whether the Army Estimates comprise the whole sum to be asked for the Defences of the Country for the ensuing year, or when an Estimate for any additional sum is to be laid upon the table? The Budget which had been submitted to the House was of a somewhat ambitious character, and dealt largely with the internal and external condition of the country. The right hon. Gentleman the Chancellor of the Exchequer had gilt the pill with all that consummate art and ability of which he was master; but it was essential that Parliament, in examining the prescription, should have before them all the elements which could enable them to form a decision. The right hon. Gentleman was about to make extensive remissions of what had been hitherto regarded as the permanent revenue of the country, and to repeal some taxes which were very objectionable in themselves and had become odious to large portions of the community. He had not the least objection to the abolition of these duties, providing a substitute were forthcoming to repair the wide breaches thus made in the permanent income of the nation; but the resources which were brought to bear for this purpose were of so adventitious and accidental a character—as, for instance, the taking up of the credit on the malt duties, and the sum of money which had come in once for all from Spain — that before concurring in the proposals of the right hon. Gentleman he was anxious to know what other expenses it was probable the country would be called on to incur in the course of the year. They had been asked to vote a sum of £500,000 on account of the Chinese expedition. The war with that country he looked upon as unjust and unfortunate, and he believed that it would prove to be a great mistake; but, right or wrong, they were bound to meet the expenditure, and the experience which he had acquired from former undertakings of a similar character led him to the belief that the sum which was to be voted on this account would prove altogether inadequate. Under such circumstances he felt he was perfectly justified in putting the question of which he had given notice. For if they were about to take away a large portion of the permanent income of the country and to repair the loss by accidental and adventitious means, and if in addition they had the prospect of a large aggravation of their expenses in the East, the whole case as to the expenses of the year ought to be put before the House. In answer to the hon. Member for Stroud, who was the great advocate of an extensive system of fortifications, the right hon. Gentleman the Secretary for War had last Session stated that owing to the recent period at which the Commission of Inquiry had made their Report, he was not prepared to state what course the Government might think it right to adopt. What he now wished to inquire was, not what the Government were disposed to recommend, or the amount which it was probable would eventually be required, but whether it was likely that in the present Session any considerable sum of money would be asked for on account of those plans. On the subject of the expenses themselves he expressed no opinion whatever, but as regarded the military Estimates which had been laid on the table it was impossible to speak without deep lamentation and regret, and he trusted that they would afford a lesson to the younger Members of the House. It might be possible, after careful examination, to effect some slight reduction in their amount; but the great bulk would still remain, and he supposed that they must make up their minds to meet it. It was therefore of the utmost importance that the country should be dealt with openly and honestly, and be made acquainted with the entire amount of the Bill. It was simply in a financial point of view, and in order to the clearer understanding of the discussion upon the Budget on Monday night, that he would now ask the right hon. Gentleman whether the Army Estimates contained the entire sum which would be required for the defence of the country during the ensuing year?

PRACTICE GROUNDS FOR VOLUNTEER CORPS.

Mr. WYLD said, he would beg to ask the Secretary of State for War if it is the intention of the Government to provide grounds for the target practice of the Volunteer Rifle Corps? According to the present regulations, the different corps were required to provide their own practice grounds, which should in no case be less than 200 yards in extent, and it was found that in reality a much more extensive range was required. The difficulties in their way, especially in populous localities, were so great that, unless some assistance were afforded by the Government, he believed it would require considerable time before these corps acquired that efficiency which was so very desirable.

Mr. SIDNEY HERBERT said, he would answer the questions as far as he could in the order in which they had been put to him. In reference to the question put by the noble Lord (Lord Elcho), he could only say that if the volunteer artillary corps wished to extract from the Government rifle carbines of the best description the Government would not be able to comply with the demand, because there was not yet a sufficient supply for the regular forces; but if the corps would accept carbines of an inferior description, the Government would be very happy to place them at their disposal. With respect to the question put by the hon. Gentleman below him (Mr. Wyld) he had to state that it was not the intention of the Government to purchase practising grounds for the use of volunteer corps. If Government were to undertake to perform any such duty as to provide ranges for rifle corps, the cost to the country would be something enormous. Where volunteer corps, having strong local influence and strong local connections, could hire or buy, perhaps obtain gratuitously, ground for such a purpose, it should be done; for if the Government came into the market there was a peculiar tendency in the value of property to rise in consequence, and of this he had had so much experience that he should be very much dissatisfied at any attempt to extend the practice. As to the question of the hon. Gentleman opposite (Mr. Hassard), he was sorry he could not give him an answer that would be satisfactory. The College at Sandhurst was not financially in a very satisfactory state at present, and an extension of the privileges of that institution to the sons of Indian officers at the present rates would only tend to involve the college in further embarrassment. It must be recollected that the officers of the local army of the Indian Government received higher pay, and their widows obtained higher pensions, than was the case with officers in the Queen's service, though the latter had a counterbalancing advantage in the right of sending their sons to Sandhurst. An officer in the Queen's army received £127 half-pay, and he paid £40 a year for the expenses of his son at Sandhurst, leaving a balance of £87; but an Indian officer received £365, and had to pay £100 for his son, instead of £40, leaving a balance of £265. That established at once a very great difference. However, he did not wish to preclude himself from dealing with this question in the future. To the question of the right hon. Gentleman (Mr. Ellice) whether the Army Estimates upon the table contained all the sums which it was likely Covernment would require for the military purposes of the year, he answered, in the first place, "No," because there was a Vote that would have to be taken for the disembodied militia of upwards of £500,000; but if the right hon. Gentleman referred to any Supplementary Estimate, in addition to those before the House, he (Mr. Sidney Herbert), would guard himself first by saying that subsequent to the Estimates of last year two Supplementary Estimates were proposed; but he would say that the Government had no expectation of being called on to ask the House to vote any additional sums over and above those already before them. He agreed with the right hon. Gentleman that the Estimates were large enough in all conscience. He should have to explain that evening what were the causes of this great—he might almost say—lamentable increase; but regretting that increase as strongly as any one, he should shrink from his duty if he did not avow that these sums were necessary in the peculiar circumstances of the country, but he repeated that there was no intention of asking for any additional sum. It was true there were items for fortifications in the present Estimates of no very inconsiderable amount, but as the Commission on this subject had given in their Report it would become his duty as Secretary for War to form his opinion on the course best to be pursued; and if, having come to a conclusion as to what was necessary, he could persuade the Administration to adopt his plans, and they could obtain the assent of the House of Commons, well and good; but he repeated that they had laid on the table of the House the exact sum which they had reason to believe Parliament would be called on to vote for this year. With regard to the sum taken for China, it must be remembered that the Vote of credit asked was about £1,350,000, part of which would be applied in the present financial year, and the remainder be thrown upon the next.

CONSOLIDATION OF THE STATUTES.

QUESTION.

MR. COLLIER said, he wished to ask the Attorney General, Whether it is the intention of Her Majesty's Government to take any measures for the consolidation of the whole of the Statute Law?

THE ATTORNEY GENERAL said, at the close of the last Session the House had declined to continue the Statute Law Commission—a decision in which he was not unwilling to concur. He immediately, with the approbation of the Lord Chancellor, took steps for arranging a plan with a view to the consolidation of the statutes. He secured the services of three gentlemen—two of whom were to undertake the Civil, and one the Criminal Statute Law. In this latter work considerable progress had been made, and they were greatly indebted to the labours of the late Government, and especially to his right hon. Friend the Member for the University of Dublin. With regard to the Civil Law Statutes it appeared to him most desirable that, in the first place, they should ascertain with accuracy of what the Statute Law of England now consisted, and after some delay, he had been able to obtain the consent of the Government to the employment of two gentlemen, under the superintendence of the Lord Chancellor, who had been directed to form what might be called an index of the Statute Law as it stood; in this also considerable progress had been made, some of the labours of the old Statute Law Commission having been adopted. It was intended to bring into one comprehensive index all the statutes that had expired, become obsolete, or had been rescinded, partially or entirely. The result would be to reduce the statute-book to a very few volumes. He proposed, then, to have the statutes arranged in a general way, under particular heads, and he hoped to be able with the consent of the House, during the present Session, to pass a preliminary measure for the purpose of sweeping away from the statute-book all that, on an accurate examination, should turn out to be no longer part of the statute law. The gentlemen employed, under the superintendence of the Lord Chancellor and the law officers, were proceeding with an expurgated edition of the statutes. They would be arranged under convenient divisions, each statute printed so as to bear on the face of it, in foot-notes, evidence of the manner in which it was affected or operated upon by subsequent statutes not expressly repealed, and in that way he trusted, proceeding regularly from the present reign backward, he would be enabled, in a very short time, to lay before the House a reduced and expurgated edition of the statutes. The House must be aware that the very small staff placed at the command of the Lord Chancellor and the law officers would forbid the hope of any great expedition. The whole sum devoted to this great work was not to exceed £3,000 a year; the limited nature of the supply would therefore render it impossible to make as much progress as might otherwise be expected. With regard to the criminal law, matters were more fortunate, for more had been done with it. Probably the hon. and learned Member was aware that Bills consolidating the Criminal Law had already been brought into the other House of Parliament; they were laid on the table, and he durst say would, in a very short time, come down to the House of Commons. He trusted that the whole subject of the consolidation of the statutes would be committed to a Board. A Resolution in favour of that proposal had already passed the House. He had had the honour of submitting a plan for carrying that Resolution into effect, which was favourably considered. The consolidation of the statutes, after the expurgated edition was completed, would be very much facilitated; but he thought the consolidation should be committed to a Board composed of more members than the small number of gentlemen who were now able to give their time to it.

Mr. WHITESIDE said, the question of the hon. and learned Member for Plymouth was whether the whole statute law was about to be consolidated. He (Mr. Whiteside) thought if they began in that wholesale way they would get little done. It was much better to proceed gradually in the matter, taking the statutes that related to one branch of the law first, and when they had consolidated them to proceed *seriatim* until the whole work of consolidation was completed. It should also be recollected that the Board would have no power to change or ameliorate the law, and he wished to call the attention of the Attorney General to Bills for the Abolition of the Punishment of Death and the Consolidation of the Statute Law of England and Ireland, which had been laid before the late Government, and had met with their approval. These measures should be brought forward on the responsibility of the Government. It was decided by the late Government that the first subject for consolidation should be the criminal statute law, and after that the commercial and then the real property statute law; because if they got the criminal and commercial law and the laws relating to landed property consolidated, they would have that portion of the statute law simplified which concerned men in the ordinary affairs of life.

SMALL-POX IN LONDON.—QUESTION.

Mr. DARBY GRIFFITH said, he rose to call the attention of the Secretary of State for the Home Department to the recent increase of Small-Pox and to the liability of the propagation of infectious diseases by the use of Street Cabs in conveying such cases to Hospitals and other places, and to ask whether it would not be desirable that Government should introduce some legislative provision for the establishment of Carriages for the exclusive use of the sick, and for the prohibition of the employment of Street Cabs for the above purpose within the Metropolitan district. There could be no difficulty in finding the proper machinery for carrying out his suggestion. There were several Boards in London, any one of which might take charge of it—the Poor Law Board, the Police Commissioners, the Medical Department of the Privy Council, and the Metropolitan Board of Works. The parish of St. James had already a carriage appropriated to the conveyance of the sick to the hospital, and there was no difficulty in confining its use to that class. The carriage could always be horsed from the nearest stand—by hiring the cab and horse, and harnessing the horse to the sick carriage, leaving the cab in the proper charge—and the cabman could receive extra payment. To show how much small-pox was spreading, and how largely the conveyance of cases in street cabs tended to spread the infection, he might mention the case of a town within ten miles of London where a street cab had brought from the metropolis a person labouring under small-pox, and that single case had affected the whole town, so that the epidemic was raging in the whole locality. He would therefore ask the question that he had placed on the paper.

MR. CLIVE said, he quite agreed with the hon. Gentleman as to the danger involved in the present practice. He had no doubt that it would be extremely easy to prohibit the carrying of sick persons in cabs. The difficulty would be in finding a substitute for those vehicles. It could hardly be expected that the Government should undertake the conveyance of all the sick persons in the kingdom. It would be quite possible for parishes to make provision for that purpose, but until some such arrangement were made it would be hardly right to suppress the existing mode of conveyance. The police authorities had, however, ordered some model cabs to be provided for the conveyance of such sick persons as were under their control.

RECORDS, &c., AT THE INDIA-HOUSE.

QUESTION.

COLONEL SYKES said, he rose to ask the Secretary of State for India what foundation there is for a report that the business of the India Office is to be transferred to apartments in the Victoria Hotel, Westminster; that a portion of the manuscript Records at the India Office are to be destroyed; and that the Museum and Library are to be dispersed; and in case of their being any truth in the above report, to ask what arrangements are contemplated to enable the East India Company to conduct their affairs. It had been rumoured that apartments had been taken at the Victoria Hotel, Westminster, for the purpose of transferring the business of the India Office there for a term of three years, at a rental of £6,000 per annum. The idea of the Government of India being transferred to lodgings at an hotel seemed hardly consistent with its dignity, and that £6,000 a year was to be paid for these lodgings seemed odder still. But that was not all. Under the roof of the present India House were arranged a vast number of manuscript records, comprising 200,000 folio volumes, which had with great labour and pains been racked, indexed, and classified in so methodical a manner that any paper that was required might be obtained in less than five minutes. These documents had to be referred to every hour by the different departments, and the greatest inconvenience and confusion must obviously result if they were transferred to the temporary lodgings of the Government. At the India House there was also a museum, comprising an epitome of India in all its phases of climate, soil, minerals, raw materials, arts, manufactures, social characteristics and races; and there was not a manufacturing town in the kingdom which did not take an interest in that collection. This museum had been open to the public twice a week for only two years, and yet it had been visited by 150,000 persons. It was, therefore, most important that the collection should be kept together as a whole, and not broken up and dispersed in a variety of places. The British Museum could not exhibit one-half of its present treasures; and there could, therefore, be no use in sending the contents of this Indian Museum to be deposited in the underground store-rooms of that overstocked institution. Besides this museum there was a library of Oriental manuscripts at the India House, which were consulted by learned men from all parts of Europe. No greater act of Vandalism could be conceived than the breaking up of such a collection. The legal question might also be raised whether all these treasures were not the property of the East India Company, as they had been acquired, not from territorial revenue, but from the Company's commercial assets. Moreover, the cost of their removal to the temporal accommodation to be obtained by the Government, pending the controversy as to the best style of architecture for our public offices, would be enormous as well as destructive, and though the prospects of Indian finance had decidedly brightened, there was not any margin for unnecessary outlay. The Secretary for India was solely responsible to the House for the good Government of India in every department of the State except in that of finance; but in that his authority only ran concurrently with his Council; he trusted, therefore, that the right hon. Baronet would be able to assure the House that the proposed outlay had been carefully considered. The hon. and gallant Member concluded by putting his question.

MR. CRAWFORD said, he rose to express a hope that the rumour referred to by the hon. and gallant Member was without foundation. In any new arrangements the Government ought to pay some regard to the convenience of those persons carrying on business in the City who had frequent transactions to conduct with the Indian Department. It would be a great impediment to the operations of bankers, stockbrokers, and East India agents if they had to go to and from the West-end to manage their affairs.

Sir CHARLES WOOD said, he was not surprised that his hon. and gallant Friend who had long taken so great an interest in Indian matters had put this question to him. The House would, however, remember that the removal of the Indian Department to the West-end of the town was not now an open question. That removal had been decided upon long ago, and the only question at present was as to the time at which it should be carried into effect. The present arrangement led to great public inconvenience, on account of the time wasted in moving backwards and forwards, a distance of more than three miles, between Westminster and the India House. It was not a mere matter of personal but of public convenience, that the offices of the India Department should be near Downing Street; and he was sure the noble Lord who preceded him in office would confirm that statement. The benefit of the Indian Council would be entirely lost unless the Secretary of State was in constant communication with the members of it; and that could only be effected, during the sitting of Parliament, by removing it to the West-end. As it might be some time before the vexed question of style in regard to the new offices was settled and the buildings erected, a portion of the new Hotel in Victoria Street had been hired for the temporary accommodation of the Indian Department, which would probably be removed there in June. There was no intention, so far as he was aware, of dispersing the library. As to the East India Company, by June adequate accommodation would be provided for the discharge of the not very onerous duties they had to perform. The removal of the India Office might possibly cause some slight inconvenience to mercantile men at the east end of the town, but everything would be done to lessen that inconvenience as much as possible. A portion of the business of the Company, such as the transfer of India stock, might, he thought, be transferred to the Bank of England. With regard to the records, there was a very considerable number of them; in many instances there being not only duplicates and triplicates, but quadruplicates and quintriplicates of the same documents. Acting on the Report of a Committee he had appointed to examine them, he intended to destroy a large quantity of them having reference to ships of the East India Company, which were not of the slightest use. Those of any value the hon. and gallant Member might depend upon it would be preserved.

FOUNDLING CHILDREN IN IRELAND.

QUESTION.

Mr. GREGORY said, he would beg to ask the Chief Secretary for Ireland if it is the intention of the Government to bring in a Bill this Session which shall provide for the religious registration of foundling children, and if so, when it is likely to be introduced?

Mr. CARDWELL said, that in conjunction with the Irish Poor Law Commissioners he had considered the present state of the law in Ireland on the subject referred to by the hon. Member, and he could not but admit that it was very unsatisfactory and required amendment. In bringing in the Poor Law and Medical Charities Act, however, which would occur at an early period, he should have a proposal to make to the House in regard to this matter.

FORGERY OF TRADE MARKS.

QUESTION.

Mr. ROEBUCK said, he wished to call attention to the fact that the trade marks which our manufacturers placed upon their wares were fraudulently imitated by foreign manufacturers, who brought discredit upon British productions by passing off spurious and inferior articles as such. He understood that negotiations had been entered into with foreign Powers for the purpose of devising means to prevent the forgery of these trade marks, and he wished to ask the Secretary of State for Foreign Affairs whether any negotiations have been entered into, and if so, what was the state of them at the present moment?

Mr. MALINS remarked, that the practice of forging trade marks was by no means confined to foreigners, and that no greater adepts in that practice were to be found than those in our own country.

THE COMMERCIAL TREATY WITH FRANCE.—QUESTION.

Mr. STIRLING said, he rose to ask the Secretary of State for Foreign Affairs if he will make a statement to the House explaining why it is necessary or expedient that the fiscal arrangements between Great Britain and France, proposed in the Budget, should be made the subject of a Treaty, seeing that there exists no apparent constitutional obstacles to the adoption of those arrangements by the ordinary legislation of the two countries respectively; and whether any Correspondence bearing on this point exists between Her Majesty's Foreign Secretary and Earl Cowley and Mr. Cobden, or between any other official personages who took part in the late negotiations; and if such Correspondence can be laid upon the Table of the House? Until within the last few weeks it seemed to be generally admitted in that House that treaties of commerce formed part of an exploded system, which ought not to be revived. It was not expedient for this country, he had understood, to enter into such treaties, because it was almost hopeless to arrange our traffic in such a way that foreign States should not suppose we were bent only on some special advantage for ourselves, and because in the case of France the powerful Protectionist party in that country would say that their Government was bartering away the fruits of their toil and industry to give it to England. Such, at least, were the views expressed no later than last July by the noble Lord at the head of the Government (Viscount Palmerston) and the noble Lord the Secretary for Foreign Affairs (Lord John Russell). The words in which the noble Lords expressed themselves so strongly against commercial treaties were listened to with assent and approbation. They were called forth by a speech of the hon. Member for Birmingham, Mr. Bright, who seemed to advocate a commercial treaty with France. After the noble Lords had spoken, the hon. Member for Birmingham rose and explained that he was not an advocate of commercial treaties generally, that he had not advocated a commercial treaty on that occasion, that he had merely advised an independent repeal of the wine duties as likely to lead to good results, and that his opinions were strictly in accordance with those of his noble Friends. When they saw a Government, composed of and supported by statesmen who had done so much to disseminate the principle that commercial treaties were not desirable, acting in direct violation of the opinions they had expressed, he thought it right to ask why that which appeared to them to be wrong in July should appear to be right in December. He had endeavoured to make himself master of the question by listening to speeches and reading despatches which had been presented to the House. But neither in the Treaty itself nor in the very meagre correspondence between the noble Lord and the negotiators of the Treaty, nor in the elaborate and admirable speech of the Chancellor of the Exchequer, could he find the slightest allusion to this point. The only allusion, and it was a very passing one, was in the speech of the noble Lord at the head of the Government upon the Address. In that speech the noble Lord said that, in order to obtain such guarantees for the future as were essential (though in July the noble Lord thought that such guarantees ought never to be asked), owing to the peculiarity of the constitution of France, some form of convention was necessary. Having no other light to guide him, he went to the published constitution of France, but he confessed his researches had been wholly fruitless. He found by the constitution that all public measures proposed by the Emperor passed through a small Council of State nominated by himself, and then went down to the two Chambers. The Upper Chamber, or Senate, consisted of 150 members, all, except the cardinals, directly nominated by the Emperor himself, and, although they gave their services gratuitously, the Emperor had reserved power to endow any of them with a salary not exceeding 30,000 francs a year. Their sanction was required for every measure. The Second Chamber, or *Corps Législatif*, was elected by universal suffrage from a list of names supplied by the French Emperor. The most important function of that body was to discuss and vote on all measures laid before it, which were described as projects of law and questions of taxation. It was impossible, therefore, to see in the constitution of that country any reason why a reduction of duties might not have been made in France, as here, by the ordinary operation of legislation. The inferences to be drawn from that course not having being followed, and from recourse having been had to the extraordinary power which the Emperor undoubtedly possessed of making commercial treaties with the full force of law, were so obvious that he would not trouble the House by attempting to draw them, more especially as they were admirably drawn by the noble Lord the Secretary of State for Foreign Affairs on the 21st of July last. As great interest was taken in the subject, he ventured to put the question to the noble Lord of which he had given notice, believing that if the noble Lord had a satisfactory explanation he would be happy to give it.

LORD JOHN RUSSELL: With respect to the question of my hon. Friend the Member for Sheffield (Mr. Roebuck), I have to state that considerable pains have been taken in order to ascertain what can be done with respect to foreign trade marks. On reference to the Law Officers, it was found that the state of the law at present is very imperfect, and that no penalties attach for the forgery of trade marks in this country. It would therefore be obviously useless to ask foreign Powers to give our manufacturers protection in their country which we do not afford to their manufacturers in this. For this reason it has been thought necessary to frame a Bill, which will shortly be brought in by some member of the Government, to enact such punishment for forging trade marks as may be thought sufficient to prevent that offence. When that Bill has become law the Foreign Office will be able to negotiate with foreign Governments for the object which my hon. Friend has in view. With respect to the question of the hon. Gentleman who spoke last, I think he must see that it is a question of so large a nature that he can hardly expect me to answer him this evening. If he desired to put forward his remarks as arguments against a commercial treaty, it was in his option to do so. But I should be ill consulting the wishes of the House and the time which the House has to consider the Army Estimates if I allowed myself to be led into this discussion. I despair of convincing the hon. Gentleman, as he was not convinced by the arguments of my right hon. Friend the Chancellor of the Exchequer, but I promise him I will take a part in the discussion on Monday, when it appears the whole question of Protection and Free Trade is to be brought before us; and my argument with regard to treaties of commerce will be that when they delay Free Trade I shall be against them, but when they tend to promote and hasten the establishment of the principles of Free Trade I shall be in their favour. In fact, a treaty of commerce is but a means to an end. I was asked yesterday several questions relating to another important subject, to which attention has been very much directed—namely, the annexation of Savoy. I satisfied the questions which were put to me, but I think it right to add, for the information of the House, to the statement which I then made. Her Majesty's Ambassador in France, having addressed the Emperor on this subject, was assured that the Emperor of the French would not proceed to a final decision on this matter of Savoy without consulting the great Powers of Europe. The Emperor stated, moreover, that he should never think of annexing any part of Savoy unless the people of Savoy were desirous of that annexation. Our Ambassador afterwards was desired by the Emperor of the French to make this communication to Her Majesty's Government, and the same communication was subsequently repeated by M. Thouvenel, the Minister for Foreign Affairs in France. I do not know that I can state anything further on this subject, but it will appear from what I have stated that there must be further negotiations before any final decision be come to.

MR. DISRAELI: Sir, I am sorry to prolong a discussion of this kind, but the point on which I have to inquire is one of general and pressing interest, and cannot be postponed. It relates to the question to which the noble Lord has just adverted—the Treaty of Commerce. I believe I am only expressing the general feeling of the House when I say we want to know how the consideration of the Treaty with France will really be brought before the House. The House will recollect that in a former instance—in the case of the treaty of 1787—the minister, by command, brought down the treaty as the noble Lord (Lord J. Russell) did the other day, and immediately after gave notice that he would, on a certain day, move that it be taken into consideration. When that day arrived there was an exposition of the character of the treaty, and then the minister proceeded to move Resolutions which generally speaking embodied the articles. The House of Commons passed those Resolutions and addressed the Crown. The Resolutions were then sent to the House of Lords, which also passed them, and in a similar manner addressed the Crown. Both Houses having addressed the Crown, a gracious answer was received, and then the House of Commons proceeded, I think, to pass a Bill to carry the treaty into effect. I do not see, however, that the Government are now pursuing a similar course. It appears to me that if a similar course is not pursued the House of Commons will be deprived of its just privilege in a most important matter. The noble Lord, the Foreign Minister, has not given notice of his intention of calling on the House to consider the Treaty of Commerce, or to legislate for the purpose of carrying that treaty into effect. But on the contrary we hear that on Monday Resolutions in a Committee on the Customs' duties are to be moved by the Chancellor of the Exchequer. It may be said—and I beg that the House will observe this, for it is very important—that when you go into Committee on the Customs Acts you will be called upon to reduce duties the reduction of which is provided for in the Treaty, and that, therefore, the Resolutions for this reduction is a preliminary step in order to give the sanction of this House to that Treaty ; but if the House consider they will find that the means of observation and of criticism by the line chalked out by the Government are very partial and limited. The House can only give an opinion on points in which the Customs' duties are involved. There are most important Articles in the Treaty which by this means will never come under the consideration of the House except in a form and at a time which will render it very inconvenient for the House to discuss them. Take, for instance, the 13th Article of the Treaty, which has excited so much attention in reference to the duty on coal. That will not come before us when we go into Committee on the Customs' duties, because there is no duty on coal, either on its export or its import. Sir, I think that the House of Commons ought not in the year 1860 to be put in a worse position than it was in the year 1787. Again, take the third Article of the Treaty. That is an Article of an important character, referring to the differential duties on shipping ; but the House will have no opportunity of giving an opinion on that important Article by merely going into Committee on the Customs. What I would wish to know from the Government is,—what is the mode contemplated by the Government of enabling the House of Commons to give a full and constitutional consideration to this Commercial Treaty with France which is now placed on the table for our opinion—whether the noble Lord intends to pursue the same course in this instance as was pursued by Mr. Pitt in 1787 ?

MR. HORSMAN said, he was afraid that the House was being led into a most irregular course, which would before long involve it in great difficulty. There were certain preliminaries to going into Committee which ought not to be passed over. The noble Lord the Foreign Secretary seemed to have misapprehended the purport of the question of the hon. Member for Perthshire (Mr. Stirling.) The hon. Gentleman did not enter into the merits of the Treaty, but, after pointing out that we were about to make certain changes in our tariff which we could make without a treaty, and that the French Government were also about to make certain changes which their Legislative Chamber could make without a treaty, he went on to ask. "Why does the Government resort to a treaty to do that which they can do without a treaty ?" Reciprocity treaties were an obsolete, antiquated, condemned mode of doing business, and by no Gentleman in the House had they been more strongly condemned than very recently by the two noble Lords the principal members of the Cabinet. The noble Lord said it was too much to expect from him to go into the question to-night, but it was not too much to expect from the Chancellor of the Exchequer that he should have gone into it the other night. The first thing the Government ought to have said was,—"Before we go to consider the details of the treaty we think it our duty to inform the House why we take such an exceptionable and objectional course as to proceed by a treaty at all." This treaty gave the foreigner the power of intruding himself into our internal legislation. By it we surrendered our legislative independence ; we abandoned our commercial policy. [*Murmurs of dissent.*] Certainly he had always understood that the system of reciprocity and bartering for equivalents was what we gave up when free trade was adopted. At any rate, by the Treaty we abandoned the exclusive right of administering our own internal financial affairs, and what the Government ought to have said to the House was, "We ask you to take an exceptional and reactionary course, and it is our duty in the first instance to point out to you the overwhelming motive and necessity for it." That ought to have been done before going to the consideration of the Budget. The point raised in addition by the right hon. Gentleman opposite (Mr. Disraeli) was still more important. By the 20th Article this Treaty was not to be valid unless the 11th Article received the assent of Parliament. It was not that the withholding the sanction of Parliament from the 11th Article was to make the 11th Article invalid, but the whole Treaty. Another objection also had struck him. He should much like to hear the opinion of the law officers of the Crown as to whether in the course pursued Her Majesty had not been advised by Her Ministers to exceed the power of Her prerogative. By this clause she fettered the future action of Parliament in a matter of taxation. She assumed legislative powers, and She declared that in time to come no duty should be levied on a particular article of export. That he believed to be a stretch of the prerogative of the Crown, and an unconstitutional usurpation of the powers of the Legislature. He hoped the Government would say first in what mode they proposed to ask the consent of Parliament to the Treaty; and next, whether, in this Article, by inadvertence, no doubt, Her Majesty had not been advised by Her Ministers to assume a power which by the constitution does not belong to Her. He did not press for an answer at that moment, but he should do so on the following Monday.

Mr. AYRTON said, he thought the right hon. Gentleman opposite had done the House some service by the point which he had raised, because there was another important view of this Question which had not yet been noticed. By the suggested mode of proceeding what might be called the omissions in the Treaty could not be taken into consideration. How was the House to discuss such an important point as the liberty reserved to the French to keep on the duty on the export of raw silk to this country, while we engaged to levy no duty whatever on the manufactured goods exported from France to this country? There were other questions of omission which ought to be considered in connection with the Treaty, and some mode ought to be devised by which the whole policy of the Treaty might be brought before the House. An hon. Gentleman had given notice of a Motion with regard to the shipping interest; but the manner in which that notice had been framed was most inconvenient. The Question ought to be considered in connection with the whole policy of the Treaty. In looking at the Treaty the point to be considered was whether justice had been done to all the great interests of the country, and not whether it would redound to the benefit of one or two special interests. He hoped, therefore, that the Government would devise some means by which the opinion of the House could be distinctly pronounced on the policy of the Treaty as a whole. Before sitting down he wished to ask the Secretary to the Treasury a question in reference to the Budget. It was stated by the Chancellor of the Exchequer that the wine licenses would be granted to all keepers of eating-houses at certain rates. Now, as there was a large number of persons who had been licensed, and not eating-houses, he was anxious to know whether the keepers of those houses would be able to take out licences to sell wine, or whether it was intended to confine them to certain houses?

Mr. NEWDEGATE said, he had early called attention to the very anomalous course pursued by the Government in this matter. He felt that it was a stretch of Her Majesty's prerogative to undertake that that House should be pledged for years to come in respect to taxation. However, he thought a more serious question would arise when the House went into Committee on the Customs' duties. It was impossible not to see that the free discussion of the subject was very much impeded by the language held by the noble Lord the Foreign Secretary, who told the House that he really could not say whether, if these duties were not repealed, that circumstance would be considered offensive by the Emperor of the French, or not—the position of the House was certainly most embarrassing. For if the House were not to accept the system of free imports in England and the system of protection in France dictated by the Treaty, we should be perpetually reminded that we were likely to do something disagreeable to the Power over the way. The most anomalous thing of all was, that Parliament was asked to legislate for both countries, and that if it sanctioned this Treaty it would sanction a system of protection in France for ten years. He was old-fashioned enough to agree with the majority of the people of France and of America that raising revenue by Customs' duties was a very good form of taxation; he never would condemn Customs' duties, merely because they incidentally encourage native industry; but whether France chooses to adhere to that system or not was her own affair—not, he ventured to think, that of the House of Commons. His duty was to represent English constituency, and on that ground he thanked the right hon. Gentleman (the Member for Bucks) for having pointed out the fact that this matter could not be fully and freely discussed by the proposed mode of procedure.

Mr. LAING explained that if the Resolutions proposed by the Chancellor of the Exchequer were carried it would be competent for the occupier of any beershop by taking out a licence as an eating-house to obtain in addition a licence for selling wine. But it was right that he should state that a large number of representations on the subject of the Resolutions as to licences had been received, which would require a great deal of consideration and probably some modification would be introduced into those Resolutions, more especially as regarded police regulations and the hours of opening. He could only state at present that those modifications would be submitted to the House in a complete form, and that time would be given for their consideration before the House was asked to come to any decision whatever.

Sir HENRY WILLOUGHBY said, he wished to remind the noble Lord the Secretary for Foreign Affairs that he had omitted to answer one question which had been addressed to him by the hon. Member for Perthshire (Mr. Stirling)—namely, whether any correspondence bearing upon the foreign Treaty existed between Her Majesty's Foreign Secretary and Earl Cowley and Mr. Cobden, or between any other official personages who took part in the late negotiations, and whether such correspondence would be laid on the table of the House?

Lord HARRY VANE said, he was anxious to express his hope that Her Majesty's Government would take into consideration the recommendation which had been made to them, and would take such a course as would enable the whole subject of the Treaty to be submitted to the deliberation of the House. According to the method originally proposed such unquestionably would not have been the case; and he hoped that the evening would not close without some distinct intimation of the course which the Government were prepared to adopt. Allusion had been made by the right hon. Gentleman the Member for Buckinghamshire to the course which had been pursued in 1786, and on a question of such importance he thought it would be inexpedient to depart from the precedent which had thus been established. He differed in opinion from the right hon. Member for Stroud, for he held that all taxation must proceed from, or at least, be suggested by, the Crown, and that the House had no right to go into Committee of Supply or to vote taxes without such a recommendation. The Government were correct in advising her Majesty to enter into a treaty, but it required the subsequent sanction of both Houses of Parliament. He did not think the right hon. Gentleman (Mr. Horsman) would be able to sustain the position which he assumed. He would not detain them further than to state again that the Government ought to place before the House some definite course of proceeding.

Mr. E. P. BOUVERIE said, he was most unwilling to address the House, but he thought it worthy of consideration whether the suggestion of the right hon. Gentleman the Member for Buckinghamshire was sound or not. No one could for a moment doubt that it would be necessary for the House of Commons to pronounce their opinion, aye or no, upon the French Treaty; for it was expressly stated in the Treaty itself that its validity was conditional on its acceptance by the British Houses of Parliament. But the question really was as to the order in which they should proceed—whether they would consider the Treaty as a whole, and pronounce upon it either the approbation or disapprobation of the House, and subsequently pass to the consideration of domestic legislation with reference to it; or whether they would in the first instance enter upon domestic legislation, deciding the points which arose not with reference to France, but solely with regard to the interests of the people of this country; and having achieved this object, they would then proceed to consider whether the Treaty was sound or not. He apprehended that the fair and proper method for the House of Commons to pursue was to deliberate in the first instance on the changes which it was proposed to effect in certain duties in contemplation of the Treaty, and having decided, purely in accordance with British interests, whether the Government were right or wrong in having recommended these, they could then proceed to the consideration of the Treaty itself.

Lord JOHN MANNERS said, that while agreeing with the right hon. Gentleman (Mr. Bouverie), that it was of the utmost importance that the two questions to which he had referred should be discussed separately and distinctly he could not believe that the mode which the right hon. Gentleman had proposed was the convenient or even the constitutional course. Certainly, if he were right, Mr. Pitt was wrong; and with all respect, he must say that on such a point he would prefer the authority of the elder statesman. The right hon. Gentleman seemed to have misapprehended the answer given by the noble Lord to the question so well put by the hon. Member for Perthshire, and which was, in fact, a reply to some question which had occurred to his own mind, and which had never been put. The noble Lord (Lord John Russell) stated distinctly that it was his intention on Monday next, upon the question that Mr. Speaker do leave the Chair, to go into the whole question of the French Treaty, and to vindicate the whole of its contents. Surely, then, it was necessary for those who dissented from such a course of proceeding to make their remonstrances at once, and to say—as he was happy to have heard it said on both sides of the House—that such was not the proper and constitutional method of proceeding. He now understood from the cheers which the noble Lord had given to two or three hon. Gentlemen that he was not prepared to vindicate the Treaty on Monday next, but proposed that a separate occasion should be afforded to the House, in order that, in the proper and legitimate discharge of its duties, it should be able to express a deliberate opinion, aye or no, on the provisions of that Treaty. He must again thank his hon. Friend the Member for Perthshire for bringing forward this important question; and he begged to say that to that question Her Majesty's Government had not attempted to give the shadow of an answer.

Lord JOHN RUSSELL said, that the noble Lord opposite (Lord J. Manners) had no doubt unintentionally misrepresented him altogether. He had understood the hon. Member for Perthshire (Mr. Stirling) to ask why it was that when both countries by their legislative bodies, could have instituted changes in the duties which they relatively imposed, the Government had chosen to proceed by way of Commercial Treaty; and he replied, that when the debate was raised on Monday upon this whole question he would give the reasons why in this instance Her Majesty's Ministers had thought it advisable to enter into a Commercial Treaty. He did not say, as had been represented by the noble Lord opposite, that on that occasion he would be prepared to enter into the details of that commercial treaty. He would now give to one part of the general question an answer, which possibly he had before omitted to do—namely, that no such correspondence as had been referred to existed at the Foreign Office.

Mr. HARDY said, with a view of showing how completely and inseparably the Government had mixed up the Budget and the Commercial Treaty, he would with permission read a passage from a letter written by the noble Lord the Secretary for Foreign Affairs (Lord J. Russell) to Earl Cowley and Mr. Cobden. It was as follows:—

> "The effect of your instructions will be to place at your disposal a large sum belonging to the revenue from Customs, to be employed in removing, in most cases, wholly, and in all cases to a considerable extent, the charge of Customs' duty from very important productions of France. These productions are not in general articles of primary necessity, or of such universal use among the people of the United Kingdom as to entitle them on those grounds to the first attention of the Government. They are selected, then, for relief, in part indeed upon commercial grounds, but in part also because of the collateral effects which we anticipate from the conclusion of the Treaty."

If the House were to act in the manner that the Government now called on them to do—in an independent way and for the interests of England alone—they ought in the first instance to enter on the consideration of the Treaty, and afterwards to take up the discussion on the Budget.

Motion *agreed to*.

House at rising to adjourn till *Monday* next.

On Motion that Mr. Speaker do leave the Chair, for the House to go into Committee of Supply,

Viscount PALMERSTON: Sir, I take advantage of this Motion to answer the inquiry of the right hon. Gentleman opposite (Mr. Disraeli). It must be obvious to anybody who has read the Treaty, or to any one who reflects on the constitutional principle, that it is essential that the opinion of Parliament should be taken on the Treaty as a compact between the two countries. The only question is as to the order by which our proceedings should be governed. Now, I humbly think—considering that the Treaty involves a considerable number of changes in our Customs' regulations,—that if we had come down to the House, and at once and before any other proceeding had proposed a general Vote sanctioning the whole Treaty as it stands, we should have been met with the natural objection—"You call on us by one vote to give an opinion on a matter involving a great number of details; you are not dealing fairly with Parliament. Let us go through the whole matter point by point and step by step, and when we have arrived at a conclusion on all the separate parts, then give us an opportunity of expressing an opinion on the national engagement as a whole between the two countries." That, Sir, I apprehend, was the coure pursued by Mr. Pitt; that is the course we mean to pursue. We intend to take the sense of Parliament on the different matters dependent on that Treaty, in combination also with changes made on separate grounds in our other Customs and fiscal regulations. But undoubtedly it will be our duty—a duty from which we have no intention of shrinking—to give to the two Houses of Parliament an opportunity of stating their opinions plainly and directly—aye or no—in approbation or disapprobation of the Treaty. It will be our duty to give notice of the time most expedient for the public interest to take the discussion, and the House may be assured we have no intention of shrinking from that duty. My noble Friend has deprecated the premature discussion of the Treaty, and with all submission I must say, when the House is assembled to discuss the Army Estimates it is inconvenient to employ the time of the House in discussing a treaty which will probably be a subject of debate in the ensuing week. My noble Friend has been interrogated by several hon. Gentlemen after the time when the forms of the House permit him to be catechized; and I believe I myself am now in some degree departing from those forms in giving the information asked by the right hon. Gentleman.

MR. DISRAELI: The House will permit me to say that I have not yet received any answer from the noble Lord to the question I put to him. No Member of the House will suppose for a moment that this Treaty is to be carried into effect without the House having an opportunity of giving its sanction to it; but the question to which I wish to call the attention of the House is the mode and manner in which it shall receive that sanction. I understand from the noble Lord that the question whether the Treaty will be approved of by the House will be brought before us; but what I maintain is that it ought to be brought before us in the mode in which the Treaty of 1787 was brought before it by Mr. Pitt, so that upon each Article of the Treaty the House should have an opportunity of expressing its opinion. I do not agree to the conclusion at which the noble Lord has arrived as to the propriety of the course settled by the Government, because the House will have the opportunity of parting with a considerable portion of the revenue of the country, and afterwards have the opportunity of rejecting that Treaty on the hypothesis of passing which the destruction of the revenue was founded. I quite agree that nothing can be more proper than that we should have the subject, prefaced by a financial statement embracing the project of the Government with respect to the Commercial Treaty with France the financial prospects of the present year, and the policy of the Government so far as that policy is acted on by internal and external necessity; but it does not follow that because we have had such a statement we should immediately go into Committee upon the Customs Act. The House will remember that in 1787 the Prime Minister was also Chancellor of the Exchequer. When he moved that the Treaty should be taken into consideration he first of all gave a full exposition of the financial policy of the Government. The next step taken was to call upon the House to take the Treaty into consideration, thus giving the House an opportunity of expressing its opinion upon every Article of the Treaty. That, in my mind, was the proper and constitutional course; nor do I believe that any other course will be satisfactory to the country.

THE MILITIA.—QUESTION.

MR. PALK said, that in calling the attention of the House to the great expense incurred in raising and training a Regiment of Militia so as to make it fit for permanent duty, he would beg to ask the Secretary of State for War what arrangements he contemplates to fill up the vacancy in the numbers of the Army that will be occasioned by the disembodiment of the Militia Regiments? This was a question of great importance, especially at the present moment, when the affairs of foreign nations were in a state of great derangement, and nobody knew how soon our Militia might be required. Great as the talk about the power of England was, it should be remembered that the policy which one ministry pursued might be immediately reversed by the succeeding ministry, and they had no large standing army to carry into immediate effect the policy of the Government. A short time ago the country was frightened out of its propriety by a fear of invasion, and there were Volunteer Corps, Rifle Corps, and Artillery Corps raised all throughout the country. In addition to this they had the Militia—a force raised and commanded by the gentry of the country, who organized and drilled those regiments at great expense and inconvenience. When they were drilled, however, they were acknowledged to be a force that could be in every way depended upon, and if, instead of disembodying that force, as he regretted to hear was intended, they were to reorganize and put it on a permanent footing, it would form a reserve from which they might enlarge their army at any time by whole regiments and battalions. The Militia force was a force no Government ought to hastily get rid of. Was there anything in the state of foreign affairs which justified them in disbanding 12,000 of the Militia force they had in order to replace them by regiments coming home from India? If, when those regiments came home, they found their depôts in a perfect state of efficiency, there might be no objection to such a course: but no regiment coming home from abroad was in so perfect a state of discipline as the Militia. He would much rather keep up an embodied Militia as a permanent reserve, for the purpose of garrisoning the fortified places existing, and those which he hoped to see erected, than see the force disbanded, and their place supplied with troops coming home from India. If the Government would confine themselves in ordinary times, when there was no fear of an invasion, to a force of 10,000 men, enrolling them for five years' service these men would be glad after that period to enter into the line, and would prove a most valuable and experienced force. In this way they would avoid the objectionable practice of calling out a very large body of the Militia at once. It was generally supposed that the agricultural labourer was only required for getting in the harvest, but he was equally required for other purposes, such as draining, ploughing, and the hay harvest. If they had a permanent force of 10,000 Militia, the injury to agricultural interests, inflicted by the sudden calling out of the Militia, would be avoided. To what extent was the reduction to be carried? The Estimates gave the House no information upon the subject. No doubt the right hon. Gentleman would explain that, but he must excuse him for calling his attention to the matter. However peaceable might be our relations with France every minutiæ with regard to our army was deeply studied in that country. He would also refer the House to a statement of the accoutrements with which a French marine was furnished, as appeared on the occasion of a visit by Admiral Desforres to the fleet at Toulon. Amongst the rest each man was provided with a six-barrelled revolver, a hatchet, and grappling-iron. The Commercial Treaty did not seem to be going quite so smoothly as Government had perhaps at first supposed. It had been said in that House that the Government were so sanguine they should be able to pass this measure, and that it would re-unite the bonds of peace so strongly, that they had not thought it necessary to consider what the effect of its rejection would be on the minds of the French Emperor and the French people. That, however, was a most important ingredient in the case. The French people were not so accustomed to the inconsistencies of our Legislature as we were, and he thought it extremely possible that if the Treaty were not adopted by that House some feeling of irritation would be created in their minds. Entertaining that opinion, he thought it would be most dangerous and ill-advised to disembody one single regiment until this matter were settled. It would be most unwise to do anything that should diminish the defences of the country. Whatever the number of regiments to return from India, he should, at the present juncture, welcome their approach with the greatest satisfaction. Even with them, with the Militia, and all the volunteers that could be raised, there would not be a man too many. When a Ministry had difficult negotiations on hand, or a difficult policy to follow, the best force he could have was a large army well appointed.

SIR JAMES FERGUSSON said, he rose to express a hope that the right hon. Gentleman the Secretary of State for War would, in the statement he was about to make to the House, give them some information as to the intentions of the Government with regard to the militia. It was very important both to the country and to the army that they should have a large force of militia, whether embodied or disembodied; but he was afraid it would be found, when the Return of the hon. Member for Middlesex was produced, that the number of the militia bore a very small proportion to the nominal amount voted by Parliament. The number of absentees on the books of regiments had been found to be increasing at every annual training, and the force now available, in all probability, was not over 60 per cent of the Parliamentary Vote. He did not speak without a knowledge of the subject. In the militia regiment he had the honour to command there had been for two or three years an accumulation of absenteeism most annoying to officers and prejudicial to the public service. Had the War Office permitted them to strike off the absentees from that regiment two years ago, there would have been no difficulty in filling up the numbers. During the last two years there were but few fresh absentees, but they were cumbered with the names of those who were nominally members since the conclusion of the Crimean war, but had long since enlisted fraudulently in regiments of the line. The object of these fraudulent enlistments was to obtain the full bounty and allowance given to a recruit who was not a militiaman. In his opinion they would never be stopped until the difference in the allowances of a militiaman and a civilian entering the army was put an end to. He quite appreciated the motives of the Government in not striking off the names from the roll, because it would be impossible to avoid declaring the number of fraudulent enlistments. He hoped the Government would adopt such a course of calling out the militia regiments in turn as would at once prevent their training being a loss to agricultural labour, and at the same time retain for us a valuable body of men accustomed for years to military training. He did not wish to say one word which might be construed into speaking disrespectfully of the Volunteer Corps who had so gallantly come forward to enrol themselves in the service of their country; but he could not help drawing the attention of the Government to the fact that while they must always depend upon patriotic impulse for the volunteers, they had in the militia the old constitutional force of the country, from which they could at any time largely recruit their army.

Colonel DICKSON observed, that he was glad the subject had been brought forward, although he had not met with the support his Motion deserved when he introduced it. They had been on the previous night entertained with a graphic description of certain militia regiments. He did not mean to say that they were composed of the very best materials, because it was well known that the great mass of the militia were raised from the lowest dregs of society. He was not ashamed of that, because the fault lay with the rules of their military organization, which deterred any but the lowest classes from entering it. On the contrary, without taking any undue credit to themselves as officers for the discipline and treatment of the militia, when he considered the nature of the material upon which they operated, he thought that they ought to feel proud at the improvement which they had effected in the private character of the men themselves, as well as at the efficiency of the force. He did not object to the disembodiment of regiments which had been long embodied, but he deprecated any general disembodiment, or rather he objected to its being carried out in such a harsh and unfeeling manner. The case of the junior officers of militia thrown destitute on the world was a very hard one; and it was to be regretted that the Secretary of State for War should have met their claims the other night with the simple remark that he thought these young men had derived great advantage from having been two or three years in the service. The promises held out to them had been deliberately broken, and certainly their prospects had not been improved by their two or three years' militia experience. Then as to the injury to the public: he believed the French and other nations were as anxious to avoid hostilities as ourselves; but, from the questions constantly put in that house, it was clear there was a lurking suspicion in the public mind that the political horizon was not so clear as had been supposed. The Estimates to be asked for by the right hon. Gentleman reached £14,800,000, and with the Supplementary Estimates which would have to be considered, the total expense would reach nearly £15,500,000; and yet the whole number of disposable men of all ranks, exclusive of those in India, was only 143,000. Under those circumstances to disembody a large number of well-trained militia regiments was most unadvisable. There was a Vote of £300,000 for the embodied, and of £500,000 for the disembodied militia. How was that money to be spent? He believed that no Member in the House understood the way in which those Estimates were made up. The expense of the disembodied militia would not much exceed £150,000, which would leave £650,000 for the service of the embodied militia and for the training of the disembodied regiments. But he maintained that that training was thrown away. If we were to have a militia, it ought to be kept in a state in which, should its services be called upon at any moment, it would be found perfectly efficient. A certain number of the regiments should always be embodied, even though the embodiment of each regiment should last only for a short time. Then we might rely upon having, for every regiment that was embodied, six or seven others that would be ready in case of need. In short, he would ask, was the militia to be a service, or was it not? Were the officers to keep their regiments in order, though they were never likely to be wanted? or was the force to be treated as one to which they might be proud to belong? At least, let the militia not be disembodied without some slight recognition of the services of its deserving young officers.

SOLDIERS' BELTS AND BUCKLES.
QUESTION.

MR. DARBY GRIFFITH said, he rose, pursuant to notice, to call the attention of the House to the use which soldiers off duty are in the habit of making of their belts and buckles, which has been found by experience to be injurious to the safety of the public; and to ask the Secretary of State for War, Whether it is essential to any Military duty that soldiers off duty should wear equipments which are only necessary to support side-arms, the wearing of which has been long dispensed with on such occasions; and whether, therefore, the consideration of the public safety may not, in the absence of any military necessity, reasonably induce the military authorities to discontinue the practice of allowing soldiers to wear such belts and buckles when off duty; and to move an Address for Copy of any Correspondence or Return that may have occurred between the Police and the Military authorities on the use which soldiers off duty are in the habit of making of their belts and buckles? He wished to express a hope that this matter would receive the attention of the Government. Soldiers were pre-eminently the creatures of impulse, and the slightest relaxation of the rules of the service was injurious at all times. They ought in that respect to be treated as children, and be prevented from doing harm. One of the chief difficulties which the great Duke experienced was to restrain his troops from plundering, marauding, and excesses of that character. Like too many others of their countrymen, their predominent idea of recreation was getting drunk in low public-houses, and when intoxicated they were often led into acts of violence towards that community whom it was their special business to protect. The way in which they sometimes used their belts upon unoffending civilians had called forth the animadversion of the metropolitan police magistrates. It had been said, indeed, in answer to such complaints, that accidents would happen even in the best-regulated families, and that there was no reason why soldiers when off duty should not be allowed to wear these ornaments. If, however, they were to be indulged in such amusements with their heavy buckles and belts—in the use of which, by the way, practice was making them far too perfect — the same logic would require the authorities to restore them their side-arms, which had been taken from them on account of the dangerous nature of the diversions in which they had been employed. Indeed, the tunic belt was fast becoming a formidable substitute for the side-arm; and a severe blow could easily be dealt with that weapon by an expert hand which it would be extremely difficult to parry. It had from this reason the effect of intimidating the police, and thus was a serious injury to the public peace. In a case recently tried at Westminster Sessions, Mr. Bodkin, the assistant Judge, had remarked that soldiers' belts were weapons of a very dangerous description, and sentenced the offenders to a long term of imprisonment. In the neighbourhood of the Tower these outrages were less frequent, and the reason appeared to be that the soldiers, when they got leave from the Tower Barracks, betook themselves to the West-end, to the purlieus of St. Giles's or Westminster. It was remarkable that the soldiers of the Life Guards or the Blues were never found amongst those offenders —they were entirely confined to the Foot Guards. A writer in the newspapers, who signed himself "Old Practical," recommended that every man guilty of such an offence should be handed over to the tender mercies of his comrades, and made to run the gauntlet of their buckles. But why had the military authorities themselves hitherto shown no disposition to put down the practice? Recently, a sergeant had told a magistrate that a man who had been guilty of an outrage of this kind would be deprived of his belt for a year. Very well; but did not that show that the man would be just as well, when off duty, without his belt? If this matter were to be left entirely to the discretion of the officers, why not exempt the soldiers from responsibility to the civil law in every other respect, and allow them to conduct themselves in the streets as they thought proper. He imputed no blame to the military authorities, but brought forward the subject in the hope that effective measures might be taken for the prevention of an evil which prevailed to a considerable extent.

GENERAL UPTON said, he could not but express regret at the number of cases which had occurred of soldiers assaulting people with their belts. It was a great distress and disgrace, however, to a well-conducted soldier to be deprived of his belt; and he thought that the remarks of the public press upon this subject, coupled with the efforts of the officers would have the effect of preventing the recurrence of the outrages complained of. When they considered the number of the Guards quartered in the metropolis, and the small number of the offences charged, he thought it would be a hard thing to punish the many by discontinuing the permission to wear their belts and buckles off duty. He felt sure that if the matter was left in the hands of the Commander-in-Chief and the officers of the Guards, there would be very little occasion for the repetition of severe remarks.

CAPTAIN ANNESLEY observed, that in his opinion these offences were by no means more numerous among the Guards than among the men of other regiments. The reason why so much was said about the misdeeds of the Guards was that in the metropolis when one of them went out at night, got drunk, and did any mischief, he was brought up before the magistrates the next morning, and the whole story appeared in *The Times*. People read it and talked about it, and so the Guards got a bad name, whereas in a garrison town similar escapades might happen and never be heard anything of. It was hardly fair to represent the Guards as the black sheep of the service, for the truth was these assaults happened just as often in provincial towns as in the metropolis. He thought it would be going too far to take away the belts of the whole army because a few soldiers had misconducted themselves; and, besides, if that were done, a commanding officer would lose that means of punishing a man. At present if a man misconducted himself his belt was taken away, which was a marked punishment, and he should like to hear what better punishment could be substituted. There were more than 6,000 of the Guards, and the number of offences which had been complained of among them during the last two years had not reached thirty. The highest number in any battalion being sixteen only in a year, while in the others the numbers were as low as five, six, four, and three per annum, and in one none at all.

THE CHINA EXPEDITION.

QUESTION.

SIR HENRY WILLOUGHBY said, he wished to ask Her Majesty's Government if any estimate has been made of the expenses of the war with China, because nothing had so mischievous an effect on the purse of the country as wars in the East. The Affghan war cost from £15,000,000 to £18,000,000, and the Burmese war £3,000,000? He wished to know, also, whether any portion of the expense will fall on the Indian Revenue; and, out of what funds will the expense of transporting the Troops from India to China be defrayed?

SIR DE LACY EVANS said, the question of the hon. Baronet was of great importance. It was quite obvious that the sum of £500,000 referred to by the Chancellor of the Exchequer in his speech on Friday last would be quite inadequate to meet the costly preparations now being made for hostilities in China. He would venture to express his opinion that no glory could be obtained from a war with the Chinese. He lamented that it had been entered upon at all, and he attributed it to the injudicious selection of high officials. He understood that 20,000 British troops were to be sent, together with the siege artillery, and an immense bulk of stores. The cost of transport alone for so great a distance must be immense, and he therefore deemed the hon. Baronet quite justified in demanding an explicit and rational statement from the Government as to what would be the probable expense of this enormous expedition.

GENERAL PEEL said, he also wished for some explanation of the proposed expenditure of the China war. He understood the Chancellor of the Exchequer to have deducted from the revenue of this year £500,000 towards the expenses of the

China war. He wished to know whether all the regiments to be sent from India to China had been already transferred to the home establishment, and how the Native Indian troops were to be paid. The Estimates now before the House were for £14,800,000. The Chancellor of the Exchequer in his statement estimated the Army and Navy Estimates at £15,800,000 — the increase of £1,000,000 being £500,000 for the Chinese war, and £500,000 for the excess of expenditure over Army Votes for the year 1859-60. The £500,000 would not cover the expenditure already incurred in the Chinese war, and he should like to know whether the other £500,000 would be sufficient to meet the excess of expenditure, because, if there must be a Supplemental Estimate, the whole Budget would be upset. He had not the least idea that he exceeded his Estimate of 1858-59 by a single shilling, and yet he found it necessary to introduce a Supplemental Estimate. If that was the case in a year when there was no extraordinary expenditure, what must be the case when they were sending out so large a force to so distant a place as China? He never could understand how the men of the Native army who had been in China for the last two years had been paid. He had never made any provision for them. Nevertheless those men were sent out by the Governor General with the authority of the War Office. If then they had not been paid by the late Government, there must be a heavy charge in some shape or another upon the Indian Government which would come upon this country to repay the money. He also wished to know whether an agreement had been made with the Indian Government that the 22,000 men now sent to China, but who were chargeable on their establishment should not come on the home establishment during any portion of the coming financial year. If not, every one of those men when sent home would be an excess in the number of men actually voted.

EXPORT OF COAL.—QUESTION.

Colonel PERCY HERBERT said, he rose to ask for an explanation of the 11th Article of the Treaty of Commerce with France, which engaged Her Majesty not to prohibit the exportation of coal. The Article was framed with great simplicity of language, but evidently without any consideration of the possible contingency of war. It might be very suitable in their new Plenipotentiary, but those who did not believe in the immediate approach of the millennium might be allowed to object to it. The terms of the Article betrayed great carelessness on the part of the negotiators, and a certain amount of blame was also to be imputed to the Foreign Secretary who had ratified the Treaty. Still, as everybody knew that negotiation was not the *forte* of the noble Lord, some blame must also lie at the door of the noble Viscount at the head of the Government for not exercising that superintendence over his Foreign Secretary which the interests of the country demanded. Probably, for the sake of keeping peace in the Cabinet, the noble Viscount had allowed his Foreign Secretary more licence than was permitted to himself in a former Cabinet, when the situations of the two noble Lords were reversed. This Article, as he read it, bound us, even in the event of war being imminent with the French, to permit them, up to the very day of war being declared, to export as much coal as they wished for the purpose of making war against us. If we were at war with any other nation this Article bound us to allow France to take as much coal as she pleased from any of our ports and dispose of it as she pleased to the other belligerent. And in the event of war between France and any other country we were bound not to use our neutral rights, but to permit the export of coal to go on, so that our colliers might run the risk of being captured by the cruisers of either belligerent, and we should have to submit to the insult or be dragged *nolentes volentes* into the war. He hoped the noble Lord the Foreign Secretary would give the House his interpretation of the Article at once, and not delay it until his speech on the Budget, when so many questions, political, commercial, and financial, would have to be discussed that the insignificant question of our national defences might be forgotten, perhaps, altogether. If the noble Lord did not give any explanation, or if the explanation were unsatisfactory, he should feel it his duty to submit a Resolution on the subject.

Lord JOHN RUSSELL: The objection taken by the hon. Gentleman to a certain part of the Commercial Treaty does not refer to commercial interests or trade regulations, but to its effect on our political relations with France. I believe that that Article, which has certainly met with a great deal of comment, was inserted in the Treaty without any political view. Our negotiators took no political view of the question, and the French Government have declared—indeed I feel assured—that they had no political view in agreeing to it. The hon. Gentleman, perhaps, is not aware that it is our general policy not to impose export duties. On this particular article Sir R. Peel proposed an export duty, in which I supported him, and it met with the concurrence of this House, but it excited such great discontent in the country, as being opposed to the principles of trade, that in the following year he remitted it. Our general policy, therefore, is in favour of not imposing export duties and not preventing the export of coal. The hon. Gentleman, I suppose, would wish to have a power reserved of prohibiting the export of coal to France, either while it is exported to other countries, or else a general prohibition. But a general prohibition would be opposed to the interests of a large number of our countrymen; and the export of coal increases so much from year to year that no Minister would be able to carry such a proposition. Well, if you cannot have a general prohibition, to make a special prohibition in the case of France might be held of itself to be a symptom of hostile relations with that country—an indication of your intention to go to war before any long time; and you would give France the right of asking what your intentions were, and whether you meant to go to war with her or not. In fact, apart from all questions of the Treaty, you could hardly venture on such a measure unless you meant to place yourselves in a hostile position towards France. But the hon. Gentleman will say that if that is the general policy of this country it is still unnecessary to make your exports a subject of treaty. But, perhaps, he is not aware that stipulations with regard to exports do not first appear in this Treaty which he says Earl Cowley and Mr. Cobden have negotiated without sufficient attention and which I have too carelessly ratified. A treaty was concluded not long ago with Russia under the direction of the Earl of Malmesbury, by an Article in which we agree not to forbid exports of any particular article to Russia unless we also forbid them to all other countries. Coal comes under that provision, and therefore we have already existing an agreement with Russia, sanctioned by the Earl of Malmesbury, not to prohibit the export of coal unless we prohibit it to all other countries. And yet we are quite as likely to go to war with Russia as with France. For the last forty-five years we have not been in a state of hostility with France, but we have been with Russia. But even if there were no 11th Article in the Treaty, by the "most favoured nation clause" we should be compelled, while we allowed the export of coal to the United States, Spain, or any other country, not to prohibit its export to France. We should have to choose between stopping the trade altogether or permitting it to France as well as to all other countries. This being the state of the case I think it is quite a delusion to attach any great importance to this article. It is an article in favour of a branch of our export trade which is of great importance, and which it is our interest to continue; and I cannot see that the Treaty in the least affects any practical interests. The hon. Gentleman says we may some day be on the brink of war with France, and what would happen then? No doubt, in the present state of steam navigation coal is an article of great importance in war; but there is another article which has lately become of much more importance—rifled ordnance. We were informed in the course of the autumn that very considerable orders had been received in this country for rifled cannon. How absurd it would be to allow rifled cannon to go into France at the moment we were prohibiting the exportation of coal to the same country! The fact is that when we come to a state of approaching hostilities there will be an end of commercial treaties, and we shall unquestionably take whatever measures we may deem necessary for our own security. In 1793 complaint was made that the Treaty of 1786, which has been mentioned to-night, was violated by the British Government in prohibiting the exportation of wheat. What was the answer made to that complaint? Mr. Dundas said, "I am perfectly aware of everything you say, but we were about to go to war. My object was to distress the Power which was likely to be our enemy, and, therefore, I prohibited the exportation of wheat as a measure of defence." So, in like manner, the present Treaty is intended for a time of peace. The hon. Gentleman may not value peace. [*Cries of* "Oh, oh!"] I have no wish to use any harsh expression, but the hon. Gentleman seemed to think himself at liberty to cast reflections upon me. The object of the present Treaty, I repeat, is to maintain relations of commerce while we are at peace with France. If, unfortunately, we should ever approach the brink of war we shall take measures to protect ourselves, and the 11th Article of the Treaty will assuredly not prevent our doing so, any more than the treaty made with Russia last year would prevent our prohibiting the exportation of contraband of war and warlike munitions to Russia in the event of an impending war with that country. Such is my answer to the hon. Gentleman. I believe that the 11th Article of the Treaty has no such importance as he supposes. It was not considered when the Treaty was negotiated to have that bearing which is now attempted to be given to it. The same obligations would be imposed by the article relating to the most favoured nations, and therefore the objections of the hon. Gentleman are entirely destitute of force.

SIR HUGH CAIRNS: The importance of the subject now under discussion cannot, I think, be overrated. The noble Lord has, I venture to state, entirely misapprehended the question. There is no controversy, I apprehend, on either side of the House, as to the policy of export duties. I have not heard any person say he hoped the time would come when an export duty, even on the article of coal, would be a desirable duty. The question before us is an infinitely more serious one than the comparatively trifling question of export duties. What are the powers at present possessed by the Executive Government with respect to the exportation of coal? They are defined by Act of Parliament; they have been conferred upon the Crown by an Act of the Imperial Legislature, and no later than 1853, when many noble Lords and right hon. Gentlemen opposite were themselves in office, they were given in these words:—

> "The following goods may, by proclamation or order in Council, be prohibited either to be exported or carried coastwise:—Arms, ammunition, gunpowder, military and naval stores, and any articles which Her Majesty may judge capable of being converted into or made useful in increasing the quantity of military or naval stores or provisions."

There is here, therefore, a power granted to the Crown by Parliament, on any emergency of the State, of prohibiting the exportation to any place, or to all places, of anything which can be converted into military or naval stores. O course coal is, above all other things, the article now which can not only be converted into naval stores, but without which any other naval store would be comparatively immaterial and useless. I apprehend that, as a matter of constitutional law, there can be no doubt that the power thus committed to the Crown to be exercised for the benefit of the State is a power which it is not in the right of any British Minister or Government to advise the Crown to surrender or part with for either ten years or the space of one year. I mean, of course, without the consent of that Parliament which has bestowed the power. But the noble Lord says, "You are talking about war with France. In the first place, we do not expect to go to war with France; and, in the next, if we did, we should put an end to the Treaty altogether." The noble Lord adds, moreover, that we could not prohibit the exportation of coal to France without prohibiting it to all other countries. But the question is not war with France—it is war with any country on the face of the globe. Here is a power given to the Crown to be exercised by the responsible advisers of the Crown, in the event of war either actually declared or imminent, with any country in the world, to prohibit at once by proclamation or order in Council the exportation of coal to the whole universe. What then will be the consequence of the 11th Article of the Treaty? It is not an Article by which the Crown engages not to prohibit the exportation of coal to France, but an Article by which the two high contracting Powers engage not to prohibit the exportation of coal to any place whatever. If the Treaty obtains the assent which it requires, the consequence will be that the power of the Crown to prohibit the exportation of coal to any country whatever will be terminated. We do not desire to put even hypothetically the case of the country being at war, but let us so far do violence to our feelings as to suppose that we were at war with Russia or the United States. What is the power which the Government at present possess? The Minister of the day can advise the Crown, by order in Council, to prohibit the exportation of coal to any country in the world. But now we are asked to come under an obligation with one country—namely, with France—by which we should tie our hands with respect to the power we already possess as regards every country on the face of the earth. The noble Lord has cited the treaty with Russia. What does that treaty say, according to the statement of the noble Lord himself? I understand from him — for I have not had time to refer to the treaty—that there is a clause by which we engage not to prohibit the exportation of coal to Russia without prohibiting it at the same time to all the world. I believe that is a reasonable clause, and one which does not interfere with the general power of the Crown. All the Crown has to do in consequence of the Russian treaty is to exercise the power which it already possesses of prohibiting the exportation of coal entirely. No one can suppose that any Government would be so foolish as to frame an order in Council which, upon the ground that we wanted to prevent America being supplied with our coal, should merely prohibit its exportation to that country. The exportation would be prohibited to all the world, and that is the power which the Crown possesses at present. Exclude one country from the prohibition, and the whole world will be able to obtain coal. Here, then, is a question deserving the serious consideration of Parliament. The present is not a fitting opportunity for discussing it fully, but I want some information from the noble Lord. We are asked to go into Committee upon Monday next with the view of repealing the wine and spirit duties, and duties on manufactured goods, under the Treaty with France. The Resolutions which have been prepared expressly state that it is in consequence of the Treaty we are asked to repeal those duties. Suppose the House agrees to the propositions of the Government, I presume the consent of Parliament is to be taken in some shape or other to the 11th Article of the Treaty. I do not believe that any Minister can be found who would advise the Crown to surrender a power conferred by Parliament for the public good without the assent of that Parliament which has given the power. By Parliament I mean, of course, the House of Lords and the House of Commons. Suppose, then, we repeal the duties and afterwards refuse to surrender the power of prohibiting the exportation of coal. What would be our position then? The Emperor of the French may say, "I, as one of the contracting parties, am prepared to accept the Treaty as a whole; but you cannot get the assent of Parliament to an important clause, and therefore I refuse to go further in the matter." We are told by the noble Lord that the 11th clause was not intended as a political clause; but, at all events, it was regarded as a clause of some importance. I do not think it was of much importance to us to obtain a promise from the Emperor of the French that he would not prohibit the exportation of coal. The importance, therefore, was to the Emperor of the French to bind us not to prohibit the exportation of English coal either to France or to countries from which she could procure it. What would be our position if the Emperor, under the circumstances I have suggested, were to decline to accept the Treaty? In the meantime we should have repealed our duties, because we all know that the passing of Resolutions upon the Customs Acts is, for all practical purposes, an immediate repeal of duties. By so doing we should have placed these trades, and all those dependent on them, in a position from which it will be difficult to extricate them. I want to ask, therefore, whether the Government intend to take the assent of Parliament to the 11th section of the Treaty; and, if so, whether they have any assurance from the Emperor of the French that he will accept the Treaty without that section which Parliament may refuse to sanction. If they have no such assurance, and if they fail to obtain the assent of Parliament to the 11th Article, will they be prepared to ask us to rescind those Resolutions for the repeal or modification of duties which in the meantime we may have passed? We are entitled to have these questions answered. It is idle to discuss the Articles of the Treaty, or the propriety of dealing with certain duties, until we know that our discussion will not be altogether purposeless and nugatory.

LORD JOHN RUSSELL: I cannot suppose that the hon. and learned Gentleman imagines that Resolutions of this House, so far as the levying of duties is concerned, have the power of an Act of Parliament.

SIR HUGH CAIRNS: I said, "For all practical purposes"—using the words of the Chancellor of the Exchequer in his letter published in the newspapers to-day.

LORD JOHN RUSSELL: I cannot conceive that any one, especially a constitutional lawyer, can suppose that, should Parliament be prorogued without any Bill being passed to alter these duties, a mere Resolution of this House could effect them. Should that be the case, the whole matter would fall to the ground, and the duties would not be reduced. The other questions of the hon. and learned Gentleman I may have occasion to answer on a later day.

MR. W. WILLIAMS said, that in pressing on the consideration of the Army Estimates which had only been delivered to hon. Members on Wednesday last, the right hon. Gentleman the Secretary of State for War was treating the House with great disrespect. These Estimates were larger than any that had ever before been submitted to Parliament in a time of peace, and would provide for a force in this country, including militia, yeomanry, constabulary, and rifle volunteers (a most important force), of 267,000 fighting men. With the navy which had been already voted he did not believe that any number of foreign troops could ever land upon these shores which would require one-tenth of that force to dispose of them. Moreover, the Estimates were composed of between 2,000 and 3,000 items, and therefore required most attentive and careful consideration.

Mr. SIDNEY HERBERT said, he wished to state, in answer to a question of an hon. Member opposite (Mr. Darby Griffith), that the Commander-in-Chief had had under his consideration the subject of assaults committed by soldiers with their belts, and intended to deprive any badly-conducted man of that portion of his accoutrements. He also purposed to put in operation a military police, which had been attended with great success in some of our large garrison towns, and which it was hoped would put an end to all complaints.

Motion *agreed to.*

SUPPLY.—ARMY ESTIMATES.

House in Committee of Supply,
Mr. Massey in the chair.

(1,) £143,362 Land Forces (exclusive of Men employed in India).

Mr. SIDNEY HERBERT : Before I commence the statement which it is now my duty to make to the Committee, I will answer a question which was put to me by the hon. Baronet (Sir H. Willoughby), and I will answer it very shortly, because we shall soon have an opportunity of going into detail upon the subject to which it refers. He asks me whether any sum will be required to defray the expenses of the China expedition beyond the £850,000 for which a Vote of Credit is taken this year. First, let me say that I think the amount of force which is destined for this service has been greatly exaggerated. I apprehend that the General Order which we have seen will not be carried out to the extent which was contemplated at the time it was issued, when the Indian Government had not heard from home ; and it must also be borne in mind that part of the Native troops mentioned in that order are not additions to the force in China, but are going out to relieve the three battalions which have hitherto been stationed at Hong Kong and Canton. With regard to the payment, I have, in the Estimates which I am about to submit to the House, included the pay and allowances of the European troops. There are two Votes of Credit which together will amount to between £1,300,000 and £1,400,000, of the first of which £600,000 will be applicable to the army, and the occasion on which they are discussed will be the best opportunity for going into the question whether or not they are likely to meet all the necessities of the expedition. [Sir H. Willoughby : Will there be any charge upon the Indian revenue ?] The immediate charge will fall on the East Indian revenue, and we shall have to account to them at a subsequent period. To the questions which were asked me by an hon. Gentleman opposite with regard to the militia I will not now reply, as it will be more convenient to announce the views of the Government with regard to the embodied militia when I am stating the amount of force which we are about to take. The hon. Gentleman behind me (Mr. W. Williams) says that I am taking an unfair advantage in bringing forward these Estimates at so early a period after the Votes have been circulated. There was some delay in the printing which I regret, but for which I am not responsible, which delayed the circulation of the Votes ; but I think that, looking at the state of public business in the House, and considering the necessity there was for the financial statement being made unusually early, the Committee will feel that it is for their convenience, and for that of the public service, that the Naval and Military Estimates should be brought forward as soon as possible. It is true, I believe, that these are the largest Estimates which have ever been proposed in time of peace. They are not, perhaps, so large as they look, but I frankly admit that they are enormous Estimates. Let me make an accurate comparison between these Estimates and those of last year. There is a difference in the amount to be received in the way of deductions. Last year my right hon. and gallant Friend opposite (General Peel) received from the East India Company £700,000. I shall receive only £450,000, which leaves me in a deficiency, so far as that goes, of £250,000. The Estimates for the present year amount to £14,842,275, as contrasted with 12,859,297 in last year, showing a net increase of £1,982,978. The House naturally will wish to know what are the causes of this enormous increase. In considering the manner in which the sums that Parliament might vote upon these Estimates would be expended with the greatest advantage to the country, I had to determine whether it would be by the maintenance of an increased standing army, by the continued embodiment of the militia, or by laying in stores of those new arms and implements of war which the advance of science has introduced, which the neighbouring countries of Europe are rapidly adopting, and which we ourselves could not neglect without serious injury to the relative power and safety of this country. The object, then, is to expend a given sum in the manner that will be most likely permanently to increase the strength of the nation. I will not employ the whole increase in men, because when the money is paid at the end of the year, you are not more advanced in contributing towards the permanent strength of the country. You will not be the stronger in respect of arms or material of which you ought to have a large stock for the future, irrespective of your immediate requirements. Then comes the consideration as to the kind of stores and armaments of which we should lay in this stock. That in which we have been most deficient is small arms and rifled guns, which are necessary not only for the land but also for the sea service, and you will see in the Vote for stores of this kind an enormous Estimate—something short of a million—for rifled guns for the navy. And I do not think it possible—looking to the rapidity with which armaments of this description are being made abroad and the enormous strength which is thus added to the navies of those nations—that we can for one moment pretermit the manufacture of the best possible weapons. That is one reason for devoting so large a sum to a single item; a sum so large as apparently to account for the difference between the two Estimates—I say apparently, because my gallant Friend likewise took a large Vote for small arms last year. How necessary it is to hasten on the making of those rifled guns has been shown by their effects on the plains of Italy; and on board ships they may be of a value and importance which no one yet can sufficiently understand. I come now to consider what has been done with regard to the standing forces. The gallant Officer (Colonel Dickson), by combining the sum of £300,000 for the embodied militia with another Vote, has made a calculation, and says he is at a loss to understand the meaning of the Estimates. In the discussion the other night I tried to explain the manner in which these Votes were constituted, and I then alluded to what I think an error in form—which in future years it may be possible to remedy—according to which a distinction is taken between the Vote for the embodied militia and that for the line, though both, in point of fact, are for the same thing; both are battalions of infantry, performing exactly the same duty. In the mind of every Secretary of State for War the intention has always existed, to a greater or less extent, of disembodying some portion of the militia; he plays them off against the diminution or increase of the regulars, and between the two he maintains a force of average amount. In order to ascertain what we propose under this head, you must place together Votes 2, 3, and 4; and you will then find that we have got £4,846,843 last year, as against £5,498,428 in the present. I proceed upon the assumption that we are going to have a large disembodiment of militia; and I have placed upon these Estimates, the pay of the troops in China. If by some good fortune the troops engaged in what I agree in thinking a most unfortunate and calamitous war should soon be enabled to return, they will come home to England without disturbing my Estimate, because they are already borne upon it. Let me now say why it is that the Government think it is better to maintain a force of regulars and to disembody the militia. The gallant Officer opposite (General Peel) expressed, I think in March last, his intention, to some extent, of disembodying the militia, and wrote a circular expressing that very proper decision; but circumstances occurred which led him afterwards to take a Vote for its continuance. To maintain an embodied militia in time of peace, however, is not according to a proper system—it ought to be a reserve, on which you can draw in case of war, or fear of war. I must express my entire dissent from the idea which has been advanced tonight, and which is very popular, that all the militia ought in turn to be embodied—according to some for a very short period, in the opinion of others for some little time longer—and then on the disembodiment of each regiment, that it should remain without further training for a very lengthened period. I cannot conceive anything more likely to be attended with all the evils and mischief of constant disembodiment, without the acquirement of any efficiency in return. I quite agree with the gallant Colonel (Colonel Dickson) that unless the regiments are embodied for a very long period the system presses with great hardship on the officers; but these frequent disembodiments after short intervals of service would affect them still more seriously. On every ground, I conceive the embodiment of militia in time of peace to be a wrong principle. You will say, then, why is it done? I certainly cannot afford to throw blame upon any person, for I was the first to embody the militia. But at that time we were engaged in the war with Russia; there was no dread of invasion, and the efficiency of the militia was not an object of consideration, but it was of the utmost importance, at all hazards and without any consideration of expense, to open a fresh channel for recruiting for the line. It may be said, and with truth, that this was a very expensive process—that the men received two bounties often without any increased efficiency, but still you got the men, and in cases of emergency you must have recourse to unusual proceedings, and you cannot stand upon rules. I believe the embodiment of militia was just tifiable under the circumstances, and that the same reasons held good when the Indian mutiny broke out. But recollect that in recruiting the line from the militia you are destroying the regiments of the latter as fast as they are rendered efficient by their officers. I can imagine nothing more heart-breaking to militia officers who take pride in their respective corps than to have all their best men draughted away; and I think the country has never appreciated the value of their services during the war, when, without a murmur, they suffered—what was sufficient to excite irritation in the mind of any man — the enlargement of the line at the expense of the force with which they themselves were connected. There is another objection to the continued embodiment of the militia, which is, I think, of a serious character. So long as a militia regiment is raised and trained in its own county, and does not go beyond its limits, and so long as the men have an assurance that they will never be embodied except in war a wholly superior class are to be found in its ranks. But as soon as a regiment is permanently embodied, the class of men who come in are those who want permanent service, and, in point of fact, exactly the same as those who are enlisted in the army; so that you are establishing a competition against yourself—you are narrowing and injuring the great recruiting ground for the army. For all these reasons, the Goverment have felt satisfied that the embodied militia ought to be dispensed with as soon as possible; but they feel, at the same time, that much hardship is entailed on the officers and men of the disbanded regiments, who enlisted for the sake of permanent service, and not from any feeling of local attachment to a particular corps. However much I object to volunteering from the militia into the line — which is very like cutting off one end of a blanket and adding it to the other—I feel that in such a case some consideration is due. There will be found a considerable increase in the force we propose to take this year. It will amount to 20,000 men. I do not mean in comparison with those now borne, but with those voted last year. We have raised two new battalions at home of field artillery to replace those who went from here to China. It is the intention of the Government, looking to the deficiency of artillery in this country, and to the improbability of any artillery being sent to us from India —because the melting away of the Native artillery and the losses of the local artillery render it hopeless to expect that the Indian Government can spare us any considerable force of this kind—it is the intention of the Government, I say, that some increase shall be made to this force, and they propose to add a brigade of garrison artillery and a brigade of field artillery, a brigade of artillery corresponding to a battalion of the Line. We also propose to make an addition to a small extent to the force of engineers. The reasons of the Government for this increase may be very shortly stated. We have at home one broken half battalion of engineers, but we have a very great increase in the works which require the superintendence of the engineers. We have found too this year, as we did last, that the scientific and skilled labourer of the sappers is not only very valuable, but also very economical. During the strike this year which took place at Woolwich when the works would have been stopped, they were carried on by soldiers at a less cost than the labour of the workmen. There is this additional reason, that the number of engineers is not sufficient to give a fair relief to those who are engaged in different works abroad; officers of the Engineers, too, are in such request on account of their attainments and skill, that nothing but a strong exercise of authority on the part of the Commander-in-Chief can keep them out of civil and upon military duties. The Government have therefore thought that they could not do better than make an augmentation of half a company to the present companies of Engineers. That will give us an additional force of two brigades of Artillery and a battalion and a half of Engineers. We propose to take the rest of the proposed augmentation in the manner in which it may be most easily reduced when the additional forces come home to us, and in a manner, too, which does not increase the number of officers. We propose to increase the strength of our battalions of infantry by raising the companies from 80 to 100 men. This is the mode by which the army may be most easily reduced, for after all we have got an army amply sufficient if we only see that it is properly distributed. If the prosperity and peace of India continue to be maintained, we shall, when the China expedition has accomplished its objects, obtain additional regiments thence. If we get them before, an equal amount of the proposed augmentation must be dispensed with. Therefore, if we were to propose to raise additional battalions at home we should have to disband those battalions, which is one of the most painful things a man can have to do. You have a number of officers who go upon half-pay, and who lose what they have learnt. All promotion is stopped, and for these and other reasons we think it better to proceed by raising men and adding them to the present infantry battalions, rather than increase the number of officers. When the troops now in India and China come home the numbers may be reduced, and by the cessation of recruiting you can bring down your establishments to the extent to which they are augmented by the arrival of troops from abroad. I ought here to mention a smaller matter—an old force which is rendering valuable service—the Invalid Artillery. They occupy stations upon the coast. They are selected for their good conduct from the regiments of artillery, they are composed of the best men, they are a not very expensive force, and are commanded by a major who entered the service as a private soldier in the artillery and who is a distinguished officer. This force is doing good service, for such is the demand for their assistance in training the militia and volunteer artillery that all the officers and non-commissioned officers are thus employed. I am glad the hon. Member for Lambeth (Mr. W. Williams) is not now in the House, for he might have complained of the great amount of the increase we propose. Well, but is the force so very large that we propose to maintain, or is this whole army of 240,000 so very much disproportioned to the wealth and population of the British empire? I have looked to see what is the proportion of soldiers to the population, not only in this but in other countries. I have taken the numbers of our army two or three years ago, at the conclusion of the war, as a fair average test. Thus, in England, with a population of 28,000,000, you have an army of 220,000, being a force in proportion to your population of one to 128 persons. In France, with a population of 36,000,000, you have an army of 378,000 men, which, mind you, is the number taken from the Estimates, that hardly ever agree with the number actually borne on the army. That is one in 95. In Russia, with a population of 65,000,000, the army numbers 900,000, which is one in 72. In Austria, with a population of 40,000,000, there is an army of 587,000, or one in 68. In Prussia, with a population of 17,000,000, there is an army of 211,000, or one in 80. In Spain, with a population of 17,000,000, there is an army of 142,000, or one in 119. That comparison, it will be seen, puts England the lowest by a great deal in proportion of troops to the population; but that is not a fair statement of the case. The English army is not only the army of England, it is also the army of India, the army of Australia, the army of North America, of the West Indies, of the Cape of Good Hope, and other dependencies. And, therefore, in point of fact, to put the comparison fairly, you ought to see what numberof troops you have got, and compare that number with the population of the whole Empire. If the comparison is made in that way we shall find that the army of England, as compared with the population, is as one to 246, which is a proportion unknown to any other part of the world. Another question is well worth looking at. It is a very common notion, both in this House and the country, that the English army is very dear, in consequence of the great proportion of officers to the number of men. The English army, I do not deny, is a very expensive army. Our style of living is expensive, our army partakes of the national characteristic, and both officers and men are higher paid than any others. But is the proportion of officers to the number of men so much larger in England than in other countries? In the infantry the number of officers to a company is in England three, in France three, in Austria four, in Prussia six, in Sardinia four. It is true that these companies become in the continental armies much larger at certain times, and then they are so unwieldy that the former proportion of officers is insufficient. In England there are 23 soldiers to each officer, in France 22, in Austria 26, in Prussia 19, in Sardinia 19. With the exception of Austria, England is at the head of the list in regard to the number of men to each officer. In cavalry the number of officers to a squadron is in England six, in France seven, in Austria six, in Prussia five, in Sardinia five. The number of men to each cavalry officer is in England 18, in France 13, in Austria 22, in Prussia 15, in Sardinia 17. In artillery the number of officers to a battery is in England six, in France four, in Austria four, in Prussia six, in Sardinia three. The number of men to each artillery officer is in England 36, in France 30, in Austria 29, in Prussia 19, in Sardinia 32. On the whole, therefore, these returns show that there is no excess of officers in the English army as compared with the army of any other countries. Now, Sir, I have mentioned the reasons why the Government think the militia should be disembodied. The augmentation which the Government now propose to make in the regular army will to some degree supply the place of the militia. The House, however, will recollect that without looking at the return force from China we shall have a very great diminution of the gross amount of troops by the exchange of 20,000 militia against the 6,000 or 7,000 proposed additions to our regiments. When we talk of disembodying the militia we do not altogether part with the whole of our force. You have the disembodied militia behind, which will, I hope, in the course of a few years be in a better state of organization, and which adds to the sense of security, as a means of augmenting your force upon any emergency. Deducting the Indian depôts, which are not paid for by us, we shall have, on the 1st of April, 87,722, and with the Indian depôts 100,701 men in our establishment, including the augmentation. With the disembodied militia I wish to deal according to circumstances. I hope I shall be able to dispense with almost all of it. Next year, in March, the Act expires under which, contrary to constitutional practice, the embodied militia is kept up in time of peace, and I am anxious to effect the disbanding within the year, because I doubt the practical effect of passing another Act to continue the service for a short period. If that were done, I doubt whether we should ever bring the peasantry to believe that in future the militia is to be a disembodied force. As to the regular army, I shall have to propose a change to which, though it may seem a small matter, I attach some importance. As the term of enlistment has been altered to ten years, I think it will be good policy to make some change in the period at which good-conduct pay shall commence. The extra pay earned by good conduct now commences at the end of five years' service, and there is a further increase at the expiration of every successive five years. A recruit joining the army feels, however good his conduct may be, that some years must elapse before it begins to affect his pay. It is obviously important to hold out every inducement to good conduct; I therefore propose to shorten the first period at which the extra pay begins, and give the first penny at the end of three years, with another penny a day at the end of five years more, and so on as now. This change, I think, will also form an inducement for men to remain in the service after the expiration of their first ten years' service. It is scarcely necessary for me to make any allusion to the number of field-guns. The change we are making in the artillery will substitute Armstrong guns for all the old brass field pieces. There need be no alarm about the twelve Armstrong guns sent to China, as before many months elapse we shall have obtained a sufficient number of guns for all our field batteries. The gun-carriages can be made to answer for the new guns with trifling alterations. Let me say, in passing, that these new guns were sent to China that they might be tested in the most complete manner by ascertaining how they worked in the field. If they have any defects we shall be sure to hear of them, and we shall obtain a much better report of any deficiencies than we should get from any trials at Shoeburyness or on Woolwich Common. I shall have now to enter on a mass of details as to how the army is commanded, how it is armed, fed, clothed, and paid, and what is its state as to health. The first question is how it is commanded, and it arises on a Vote that has always excited much attention, jealousy, and complaint in this House—the Vote for the Staff. I do not wish to overrate the services of the Staff, and I know how very much depends on the regimental officers. But recollect this—if you destroy the Staff you destroy the brains of the army, and leave it nothing but limbs. At the commencement of the Russian war many complaints were made of the inefficiency of the Staff: how should it have been efficient when before that war it was never employed in the field nor anywhere else? No Staff officer had had any practice, and yet they were expected to do, for the first time in their lives, what they had never learnt, and to do it under the most trying and difficult circumstances. Such expectations deserved to meet—as they did meet—disappointment. Since that war every Government has wisely endeavoured to remedy this defect in our military system by employing officers of the Staff in places where they may learn as much of the art of war as can be learnt during peace. Let me state here that the Government has lately made two changes in the Staff of the army. The first change is in the constitution of the permanent Staff at head-quarters—the Horse Guards. We found, on looking back for a long period of years, that two officers had held the appointments of Quartermaster-General and Adjutant-General, one for forty, the other for twenty years. It seemed quite obvious that a system which left two men for such enormous periods of time almost at the head of the army, could not work well. They could know nothing of modern service, and must have existed only on the traditions, and been influenced by the feelings and practice of the time when they served in it. It must surely be a great disadvantage that the best Staff officers should not have an opportunity in turn of seeing the administration of the army from above, of seeing what no man can see who is not at the centre—how the army is governed, on what principles it is governed, and by what machinery it is moved. On the other side, it must surely be a great advantage to the Commander-in-Chief to have several officers passing through his office, that, by the change, he may know who are the best administrators, and be enabled to put his hand on men on whom he can rely in time of need. The newly established regulation, therefore, is that the Staff at head-quarters shall be governed by the same rule as the rest of the Staff of the army, and hold their appointments for five years only. The Commander-in-Chief has cordially cooperated in that measure; he agreed entirely with the view the Government took of the matter; and I am glad to think that a change has been made likely to prove so beneficial to the army. At the same time, that there may be no mistake, I must mention that two conditions are attached to this change, which, I think, are only just and equitable. One is, that all the Staff officers should not be changed or leave at the same time, so that the Commander-in-Chief would be left with a Staff all unacquainted with the business of his office. It is desirable that the officers should quit at intervals as others are appointed. We also wish to give the Commander-in-Chief time to find Staff appointments elsewhere for those officers who had accepted appointments on the Home Staff, on the understanding that their employment was for life. In making changes of this description it is wise to be liberal, as it facilitates other changes of a similar character. Again, with regard to officers holding the command of brigades at out-stations, it has hitherto been the practice to give it to colonels with the temporary rank of major-general. The result was that the Commander-in-Chief was a good deal restricted in his choice of officers for this command. It is now proposed that brigades shall be commanded by colonels, not with the rank of major-generals, but of brigadiers. This rule will reduce the emoluments in some, but I hope not an undue degree, but it will give the Commander-in-Chief a wider selection of officers, and enable him to get younger men for commands,—always a good thing. The exceptions to the rule would be in such places as Malta and Gibraltar, where the chief in command is also the Governor, and much occupied by civil duties. One Major-General will also be preserved at Aldershot and one at the Curragh in case of the absence of the officer in command of the division. These two changes, I, hope will have a good effect on the whole Staff of the army, as it would enable the officers on it to see the working of the system at head-quarters, and give the Commander-in-Chief the power of placing younger men upon it. Last autumn there was a very general impression in this country that the French army had got some peculiar bayonet exercise which gave them a great superiority over every one else. There was the use of the sword-bayonet in those *troupes d'élite* which fought all through the Italian campaign; and it is perfectly true that a great deal more attention was paid in other countries than in England to the physical development of the soldier. I applied to the Commander-in-Chief to select an officer to go to Paris, and likewise to Berlin to see these exercises. He brought back a report on their nature and adaptability to our service. Colonel Hamilton, of the Guards, a very intelligent officer, was selected for the duty, and he discharged it with great ability. Well, Sir, it is doubtful whether there is any superiority in the sword-bayonet over the old bayonet, and the French officers themselves say they did not know till they read it in the English papers that there was any supposed advantage. They say it was topheavy and very apt to injure the musket to which it was fixed, and in the war there was a very large party who preferred the old to the new bayonet. But it is quite true that the French—I suppose for the same reason that their cookery is better than ours, because their material is not so good — not having the same sinew and stature, devote more care to the physical development of the soldier, and attach more importance to regular gymnastic exercises under the superintendence of regimental and even medical officers. No doubt the system must be greatly strengthened and the general health improved by such exercises. Nobody in the streets can help observing how much better a man in the cavalry walks than an infantry man. He is better set up, looks more active, strong, and muscular; and no doubt the great variety of his exercise, and especially his sword exercise, must contribute very much to produce that result. I see some dissent from an infantry officer opposite; but I do not speak from my own observation alone, I have heard many military officers make the same remark. Colonel Hamilton visited those places, and we mean to act on the report which he brought back. You will find that in these Estimates we take money for the erection of buildings, gymnasia, in which these exercises may be practised at one or two of our principal stations. The camp at Aldershot is a rather sore subject with a friend of mine behind, but after all it has been one of the most useful institutions for an army we have seen of late years. It has been useful not only for the purpose of exercising the troops, but in a different way in trying inventions. There have been in the course of five years no less than 150 different inventions tested there by use, and these tests have been of great advantage to the service, because they prevent you embarking, on *à priori* expectations, in some new form of material which may turn out on practical use to be insufficient. We have got among other inventions tested with success one in which the right hon. Member for Oxfordshire took particular interest. Again there has been at Aldershot less desertion than in the British army anywhere else; there has been a great diminution of it; there has been less crime at Aldershot, less disease. The returns of the mortality are so low that to me, having for a long time now been engaged in observations on this point, they almost appear fabulous. At the same time I am bound, on the other hand, to admit that the troops there being young, youth accounts a good deal for the small rate of mortality; but still I have no doubt, next to the healthiness of the situation, the main reason has been the amount of exercise in the open air which the troops undergo there. They have tried there with great success the sending out of flying camps—baking their own bread, cooking for themselves, and conducting all the operations that would take place in a regular campaign. I will not go further into detail on that point. With reference to the commissariat, I will read to the Committee an extract of a letter from Mr. Warriner, dated January 25, 1860, after lecturing at Aldershot. He says:—

> "I visited the commissariat, and I have great pleasure in saying that the beef contains at least 25 per cent more nourishment than that which I usually see supplied to the troops in London and its vicinity, and that the mode of distribution for the prevention of fraud is exceedingly good. The bread is likewise 20 per cent better, that is, four Aldershot loaves are equal to five London ones. I believe there are few places in the kingdom where such good bread can be obtained as that produced by the commissariat at Aldershot."

There is a change which has been introduced into the mode of rationing the troops which I hope will lay the foundation of very extensive and valuable improvements to the advantage and comfort of the soldier. The troops at Aldershot and two or three other stations—in the Mediterranean garrison and at the Cape of Good Hope—receive from the commissariat, not only bread and meat rations for a stoppage from their pay of 4½*d.* a day, but an additional quantity of bread and groceries, consisting of tea, coffee, sugar, pepper, and salt, at an additional stoppage of 1½*d.*, and the effect has been excellent, because the commissariat, buying on a large scale, can supply the men for the same money with a larger quantity, or, if not a larger quantity, a superior quality of tea, coffee, and sugar, and, though the men looked at it at first with suspicion, the reports from all the camps are now fully confirmatory of the wisdom of the change. I hope to extend it further. I think it will ultimately be found of enormous advantage to the army, and having one rate of stoppage all over the world, leaving a net pay due to the soldier. In addition to the extension of flying camps, the brigades have been employed in the construction of field works, digging wells, embarking and disembarking in boats, getting carriages on the railway, and other works. The staff at the same time in each district has been employed by the Commander-in-Chief in making accurate surveys of the locality, and these surveys, with their notes sent in to the Commander-in-Chief, are placed in the Topographical Department, and may become of great value at some future time. With regard to clothing, I am happy to say there has been a great diminution of complaints, in consequence of the improvements initiated by my gallant Friend opposite (General Peel). Under the mode of clothing which formerly existed there were great complaints, not only of the material, but of the workmanship. I will read to the Committee an extract from the letter of the commanding officer of the 43rd Foot. He says—

> "I have, however, the honour to state, for your information, that since I have been in the 43rd Light Infantry—upwards of twenty-two years—I do not remember having seen so good material supplied for the use of the privates, and the alterations required have been much fewer than in previous years. The sergeants' clothing appears to be very good, and that for the staff sergeants appears somewhat better than usual."

The clothing, however, is not well made on our system. There is an advantage in a certain degree of competition; it kept everybody up to the mark. There was a new establishment in Pimlico, conducted by Colonel Hudson, where the clothing was made cheaper and better than anywhere else. There is an establishment at Woolwich where the Artillery clothing is made. Still there was a very great deal done by contract, each being a check on the other. It is certainly very difficult to deal with this question of contract, and I was very much struck by a statement made the other day, that in France they had done away with the system of open tenders. During the Italian campaign it was found that a vast number of shoes had been sent out there, not made of bad leather, but not made of leather at all, but of pasteboard, so that the foot went through it in two days. Then comes the question, how the troops are armed? I believe, upon the whole, that they are the best armed troops of any nation in the world; but that is no reason why their weapons should not be improved if possible. I will say a few words on this subject, because since the volunteer rifle movement hon. Gentlemen have had their attention much turned to it. At Hythe, General Hay, a most distinguished officer, and an excellent judge, prefers the Whitworth rifle to all others, and he is right; but it cost £10, instead of £2 17*s*. 6*d.*, the price of the Enfield. When you deal with an army that, of course, implies an enormous outlay, and the question of expense becomes important. You are bound to show that a rifle that costs three times as much as another, is three times as efficacious, and will kill three times as many men. But I am afraid the distinction between the two classes of weapons is not so great as that. To equip an army of 100,000 men with the Whitworth rifle would require a million of money, and for the whole of the army it would require a supply of nearly five times that amount; so that it would be impossible for any Government to face such an expenditure as that. One officer with whom I conversed on the subject, observed that nobody could doubt that a chronometer was a better thing than a watch; but who would think of carrying a chronometer in his pocket when a watch would answer his purpose; and the risk of loss, or damage was not so great? But there is another question that has been raised here, and that is as to what is the right bore for the rifle. In 1858 a few Enfields were made experimentally with the bore reduced to half an inch, and this was found to carry the same description of ball much further than with the larger bore, and even to make a good show with the Whitworth. This leads one to suppose that the question of the bore is much more important than has generally been supposed. No doubt, the great fault of the Enfield rifle is the weakness of the barrel, and a charge, with the bayonet driven home, would not improve the weapon for purposes of shooting. With a reduced bore, however, the same weight of barrel may give greater strength. As the question of the bore is felt to be exceedingly important the Government have appointed a committee of officers to inquire, and to test with accuracy the different sizes. What we want is the decision of practical men, who will devote their energies for a short time to the consideration of the subject. You may perhaps say, "How will you be able to effect a change when you have got so very large a stock on hand of rifles of the existing bore?" My answer is, that the introduction of two ammunitions is not a thing so inconvenient as not to be got over. We have peculiar facilities for changes of that description. Our troops are scattered all over the world, in India, the Colonies, and Great Britain, and you may divide your ammunition in the same way. There is no reason why the ammunition should be mixed. If it were mixed, no doubt inconvenience would be felt; but, supposing the committee of officers I have referred to should come to the conclusion that it would be wiser in future to work with the smaller bore, the inconvenience would be got over. Admitting some inconvenience, however, that is no reason why we should go on working with an inferior weapon if a better one can be found. Passing from this topic let me proceed to one in which I have always taken a deep interest—the health of the army. The mortality of the troops abroad is, generally speaking, greater than the mortality at home, because abroad there come into play the injurious effects of climate and other causes, which tell against the health of the soldiers. But even abroad there is a great improvement in the health of the troops, except in India, where during the war they suffered much exposure, which caused consequent debility and death. I turn, however, to the mortality at home, about which there has been so much discussion in this House and elsewhere, it being much more possible to attend to the health of the soldier at home by judicious interference on the part of the authorities than it is abroad. I should add that I have a strong reason for not dwelling on the mortality abroad, and that is, unless you take long averages you cannot come to a satisfactory conclusion regarding it. Take, for example, the case of the West Indies. You may have for a time a low state of mortality among the troops there. Then there comes a terrible epidemic that decimates your regiments, and unless you take one of these epidemic years into the average your calculations will be unsatisfactory. In England, with more supervision and better climate, the sanitary state of the army was not so variable. I find, taking the average of the fifteen years previous to 1856, and comparing the mortality then with that of the last year, that we have the following results:—The mortality of the Household Cavalry, which was ten per 1,000 in the former period, is now 8·24; cavalry of the Line, former average 13·3, now 7·92; Royal Artillery, former average 14·4, now 8·09; Royal Engineers, former average 11·2, now 7·19; Foot Guards, former average 19 and a fraction, now 7·74; Infantry of the Line, former average 17·9, now 8·05. In the depôt battalions the average is higher than in the others, being for last year 12·28. Let me guard the House against a too strict deduction from those figures. I have no doubt that the improved health of the troops is to a considerable extent owing to their being dressed better, fed and housed better; but it must be remembered that the army is a great deal younger now than it was previous to the Crimean war. At the termination of that war many old men left the army, and their places were supplied by younger lives, and probably the improved health of the army is principally owing to the diminished ages of the men, though it is satisfactory to think that a part of the improvement has been caused by our sanitary reforms. This is proved by the fact that in the case of the Household Cavalry, which were neither in India nor the Crimea, and therefore never exposed to the causes that rendered it necessary to supply the places of old men with young, the mortality has fallen from ten to 8·24 in 1,000, now eight per 1,000 is the average mortality of the healthiest class in the country—the agricultural labourers; if we can bring the mortality in the army to be no greater than that among agricultural labourers we shall remove from it the stigma of being an unhealthy profession, and make it more popular than it now is. At Aldershot the rates of mortality have been as low as five and a fraction, or excluding casualties, 4·6 per 1,000, which certainly is a very low rate indeed. I now pass on to the subject of volunteer corps. There are many gentlemen present who will quarrel with me for having this year taken no Vote for the training of yeomanry corps. My reason is, that at a time when the Estimates were becoming so large thought I ought to reduce everything that could be reduced without prejudice or injury to the public interests ; and, as these corps have been out regularly and been brought to a high state of efficiency, I thought it better to omit the Vote for their training this year. It will be observed that I have introduced a sum for the payment of adjutants for training rifle and artillery corps. It is important to give as regular and as military an organization as we can to those bodies. It is impossible to over-estimate the value of the feeling these corps have displayed. There are great difficulties, however, in their way. I see one in particular with regard to which I think it is wise to raise a warning voice—namely, the ambition on the part of volunteer corps to excel in point of numbers, to make their corps as large as they can, irrespective of their permanence. I have seen it asserted that those corps should be composed of all classes ; that people should stand in them shoulder to shoulder, irrespective of rank. Nobody can object to that. Certainly the Government would never in any way oppose such an arrangement. But there is something to look to beyond that. The question is, will such corps be permanent ? I believe that corps, left to extraneous support, will not stand the test of time. You will sometimes find two or three gentlemen put their hands in their pockets, and in the excitement of the moment associate themselves to equip men who are not able to equip themselves. Now, I believe it will be found that there is a great defect in corps where all the men are not able to equip themselves. When the first excitement dies away, the zeal of those who have contributed to the funds will vanish, their subscriptions will diminish, and the numbers of the corps will diminish too. On the other hand, when a man finds his own outfit, Government providing him, of course, with arms, he will naturally become fond of the corps to which he belongs, and of the exercises of the soldier; and the corps supplied with such men will be a permanent one. I may refer to another error which ought to be avoided. The money subscribed is frequently not expended in a way that is advantageous. Sometimes it is laid out on uniforms that are too expensive, sometimes on bands, and in other ways not beneficial for the corps. There is a doctrine which I see often put forward—namely, that solidity is not a thing which is required in troops, and that loose order is at once the most effective and the most easily acquired. Now, speaking in the presence of military men, I apprehend that the duty of irregular troops is more difficult both to learn and to do well than that of regular troops. When persons talk of loose order they think it means less drill ; but, on the contrary, it implies more drill. A man can stand with his shoulder against the shoulder of his neighbour, and may be kept in that way from straying out of his place. But when men have to act separately, when they have to take advantage of the ground, to have an instinct, not only of what the enemy but of what their own comrades are doing; when they are not all attempting to maintain the same regularity of proceedings, but each has to be master of himself and of the position in which he is individually placed, depend upon it a much more thorough knowledge of military matters is required than is necessary for going through the ordinary movements of an infantry corps. Therefore, those who take an interest in these corps will do wisely in insisting as much as possible on every kind of drill. The drill need not be complicated or difficult, but it ought to be systematic, and the men should be made perfectly acquainted with the movements they do learn. It is sometimes said, if the volunteers can shoot well, that is enough. But there is one great instance to the contrary which I think almost settles the whole question. I have always heard from the highest military authorities, not connected with this country, that the best skirmishers in the world are the French tirailleurs. Yet this pre-eminence of theirs is combined with the character of being the worst shots. They know how to cover themselves, how to get out of the way of the enemy's fire, and how to act against him with effect; and Russian and Austrian officers assure us they are about the very best skirmishers in the world. If that, then, be the case, I only hope that the appointments we have made of inspectors with that experienced and energetic officer, Colonel McMurdough at their head, will be of great assistance to these volunteer corps. I now come to the manufacturing department, and the Votes for the wages of labour and cost of materials. I will shortly state what has been done in this respect. At Woolwich, the old Royal Gun Factory has been closed. I had great hesitation in taking that step; among other reasons, because of the very able and distinguished officer at the head of that establishment, Colonel Eardley Wilmot, for whom I have a high regard. But no considerations of private feeling or of disadvantage to any individual can weigh for an instant against the interests of the public service; and it seemed to me that the Royal factory at Woolwich, to cast guns that can be cast elsewhere just as well, and possibly, for aught I know, just as cheap, was a mistake. On the other hand, we have been anxious to press forward as rapidly as we could the creation of the *matériel* which must be manufactured by the Government, because we cannot get it from any private firm. We have thought it best to go to the trade for what the trade can make, and to confine ourselves to producing what the trade cannot produce. We have, therefore, enlarged the factory, and obtained additional machinery to a large amount; and we hope by this means, and by the aid of Sir W. Armstrong's works at Elswick, to have, between the 1st of January last and the end of the next financial year, something not very far short of 3,000 rifled guns. We are also anxious, as soon as possible, to issue Armstrong guns for the navy, and we hope soon to be able to place a considerable number on board of Her Majesty's ships. The last gun made by Sir W. Armstrong and sent to be tried, was a 12-pounder. The following was the result:—Forty consecutive rounds were fired from the new 12-pounder field gun of 8 cwt., with the *minimum* charge of 11 lb. 8oz. of slow powder. Experiment shows that we have been wrong for some time in using powder of so quick a detonating nature for artillery practice, and especially for rifled cannon, which require slower powder than that suited to other arms. At seven degrees of elevation in five rounds, the range being from 2,465 to 2,495 yards, the difference in the range was 65 yards, and the greatest difference in width three yards. Then at eight degrees of elevation, the range reaching 2,797 yards, with 60 yards of difference between the five shots, and only one yard of difference in the width. Again, at nine degrees of elevation the range comes up to 3,000 yards and upwards, with 85 yards difference between the five shots, and three yards as the greatest difference in the width. In point of fact, almost all of these shots but three or four would have struck within a 9-feet target. The rapidity and accuracy with which small objects are hit at a great distance in the practice made at Shoeburyness, is something marvellous. We have to-day an account in the newspapers of the success of a gun, in which I have long taken a great interest, and with respect to which I have been in constant communication with Mr. Whitworth. The effect of that gun seems excellent. People may be much excited if they see it surpass Sir W. Armstrong's weapon. It has not, in fact, yet surpassed Sir W. Armstrong's gun, which may, however, shoot a little short. But recollect that Sir W. Armstrong has not yet made a gun with a view to the special object of range. He has always made shell guns, and a very great range is got by a small bore. Sir W. Armstrong has never yet tried firing at an enormous distance alone, but has sought to send a shell that will do the greatest destruction to the enemy; and he observed to me a few days ago, speaking of the Whitworth gun, "That gun will, no doubt, beat mine in range, if it is made for range; but I can make one for range also, and you will then see whether my gun is equal to Mr. Whitworth's." And that is perfectly fair. But we have this assurance, that Sir W. Armstrong's gun has now been tested for a long time; we know its durability. There is one of his guns now at Shoeburyness that the experiments were first made with. Some guns have burst after 200 rounds have been fired with them; but this gun has fired more than 2,000 rounds; and if you put your finger to the rifling, you will find it just as sharp and perfect as when it left the factory. Then you have the test of lightness and durability. The durability of the Whitworth gun has, of course, yet to be proved, though the material should guarantee that quality. There is great alarm lest Sir W. Armstrong's gun is beaten, and people ask, "What are you to do in that case with all his guns?" But we have Mr. Whitworth's testimony that the Armstrong gun is undoubtedly of the right construction; and the difference between them lies not in the make, but in the manner of rifling them. The question is rather one of the shape of the rifling and of the projectile, than a question of construction; and whichever of the rival inventions is the better we are perfectly safe. We have got a weapon which has not been surpassed, if indeed it has been equalled, and which, moreover, is capable of being adapted to the new process. But Sir W. Armstrong is not the man to be daunted by a difficulty, and there is no doubt that, whatever happens, we shall have from him the best and most admirable weapon that can be made. May I be allowed, on behalf of a valuable public servant, to contradict, as I have been asked to do, a statement which has gone forth respecting the Armstrong guns sent to China? It has been said that the wood of which the carriages were made was so rotten that the screws fell out. Now, these carriages were duly made of the best teak which the carriage factory at Woolwich could produce. I will not speak of the evidence of the men, but the captain of the ship, who had no interest in the matter, said there was no sign of decay about the limber; that the whole weight of the limber pressed upon an iron bar, which was not meant to bear it; and of course it gave way. I may state, as we are now on the subject of arms, that the Enfield rifle is now in the hands of all our regular troops, and of all the embodied militia. It is also available for all the disembodied militia, a considerable number of whom have applied for it, and for volunteer corps. It is available, too, for all pensioners the moment they apply for it, and likewise for the Irish Constabulary, should application be made for it from that quarter. The Enfield is now produced at the rate of 2,000 muskets a week, so that we shall have a good stock on hand, and therefore we stand very well on these points. I go back to the subject of Woolwich, because it involves a very important question. Attention has been called to the fact that it is the only great arsenal and depôt we have; and it has been urged that not only should Woolwich be fortified, but that another depôt should be established. I have no doubt we might select some central place for stores, but I do not wish to see another arsenal made. We have already the arsenal of Sir William Armstrong at Elswick; that of Mr. Whitworth at Manchester; we have another on the Mersey, another at Birmingham, and also those of Low Moor and Gospel Oak. There is, in fact, no country in the world so rich in arsenals as England. So great is our repute in this respect, that foreign Governments — the French, the Austrian, and the Russian Governments—all send over here to have munitions of war of all kinds constructed, including rifled guns. Many persons, indeed, have felt greatly alarmed at those proceedings. They say, in fact, that we in England are making weapons that may some day be turned against ourselves. Now, I, for one, do not share in that feeling. In the first place, those foreign Governments, in sending to this country for their munitions of war, are in reality giving practice, skill, and perfection to our arsenals, and not to their own; and the result would be, if a war were to arise, that they would be without the means of augmenting their *matériel*, and we should step into their shoes and find ourselves immensely benefited by the facilities they have afforded us in this respect. My view is, that we want a central depôt, but not an additional arsenal. The great mass of the items in the large Vote for Miscellaneous Stores have reference to other munitions of war, including shot and shell. In former years the manufacture of stores in the manufacturing departments at Woolwich for supply to meet outstanding demands, for home and foreign service, were two, three, and even four years in arrear, but by the great exertions which have been made during the past year, these arrears will be all, or nearly all, cleared off, and the demand of the year 1860-61 alone to be met. The amounts are very large, but they make provision for all the different materials that are necessary for the construction of our rifles at Enfield and great guns at Woolwich. I pass over all the Votes in which there are reductions, with the remark that wherever I could fairly make a reduction I have done so. Those reductions have not been large, but I have honestly done my best in that respect. Perhaps I had better say here that Vote 12, for fortifications, has been inserted in a lump sum; but when I come to the Vote I shall only ask the Committee to agree to a small sum on account. Vote 14 is for barracks, and there is one item of it to which I attach some importance—namely, that which provides for a new range at Fleetwood, with the view to the establishment of a school of musketry for the north of England similar to that which exists for the south at Hythe. The great increase in the resort to Hythe of the members of volunteer corps and the militia for practice has rendered that place, as a school of musketry, altogether unequal to the demands upon it; and therefore it is in contemplation to establish another in the north of England, which will be the means of saving a great deal of expense now incurred in moving troops from the northern parts of England and from Scotland to Hythe for the purpose of musketry practice. The Vote also includes a considerable extension of the practice ground at Shoeburyness and a new range at Gravesend for the use of the troops. We have also made provision for gas-works, and for the erection of a gymnasium at Aldershot; for the erection of a new hospital at Woolwich, which is much required, and which will give an increase in the barrack accommodation at that place; and for an experiment which is about to be tried at Colchester, as to whether or not we cannot build huts of brick of a more durable character than the wooden huts now in use, and yet cheaper than barracks The calculations for this purpose look very well on paper, and I have every confidence in the judgment of Captain Galton, who has undertaken the erection of the huts. It is also in contemplation to increase the barrack accommodation at Nottingham and York, with the view to lessen the inconvenience of troops being broken up and scattered in detachments, a system which is now generally condemned. Provision is also made for the erection of new barracks at Chelsea, and when they are erected, the Portman Street Barracks will no longer be the opprobrium of the metropolis. It is also the intention of the Government, in the case ofsmall, inconvenient, and unhealthy barracks, which are often surrounded by buildings of a worse character, to sell those barracks,—an arrangement by which there can be no doubt the country will derive great adl vantage on the score of economy, as welf as of the increased health and comfort o- the troops. I have come now to the end of everything which appears to require explanation. On the Royal Military College I make no observation, because the plans for its improvement and organization, though they may be expected when carried out to have a beneficial effect on that institution, came in too late to receive due consideration. The Votes for the non-effective service require no comment, as they show a slight decrease. In conclusion, these Estimates, I am conscious, are of enormous magnitude, but I trust the Committee will believe that the Government have done their utmost to relieve as far as possible the burden which they entail on the public consistently with a due regard to the efficiency which the country requires. The time in which we live, however, in some degree accounts for the large increase. We are now in a transition period, involving the employment of the most expensive *matériel;* I have endeavoured as far as possible to make these Estimates suitable to this transition-time; and, while conscious of their weight and burden, I firmly believe there is such a determination in this country to see its defences put on a safe and sound footing that the Committee will not hesitate to Vote the necessary Supplies, and what is more, that the community at large will approve the conduct of their representatives.

Motion made, and Question proposed,—

"That a sum, not exceeding £4,499,636, be granted to Her Majesty, to defray the charge of the Pay and Allowances of Her Majesty's Land Forces at Home and Abroad, exclusive of India, which will come in the course of payment from the 1st day of April 1860, to the 31st day of March 1861, inclusive."

Mr. W. WILLIAMS expressed his opinion that before the Vote was granted time ought to be given for the consideration of these enormous Estimates. He had intended to move a reduction of this Vote, but, as he did not expect to receive any great amount of support, he should not waste time by proposing any Amendment.

Sir JAMES FERGUSSON said, that he had been much gratified by the general statement of the right hon. Gentleman, and he felt assured that the Committee would cheerfully vote the amount asked for, inasmuch as the carrying out of the proposed works would render the national defences far more secure than they had hitherto been, although they might regret that such an immense expenditure was necessary, at a time when the Government assured them that arrangements were in progress which would lead to a settlement of European affairs upon a more peaceful basis. He was glad to find that the increase of the army was to be in rank and file, and not in officers. The right hon. Gentleman had instituted a comparison between the number of officers in the English and in foreign armies, but it must be borne in mind that so many officers were not required in the English army, because we possessed such an excellent body of non-commissioned officers. There was, however, one class of officers which predominated in the British army, as compared with Continental armies; he meant the class of field officers. The English army was the only army in which a battalion was called a regiment. In foreign armies several battalions were included in a regiment, and the consequence was a large increase in the field officers as compared with foreign armies. He rose, however, for the purpose of saying a few words on the subject of the militia. The right hon. Gentleman seemed to have mistaken what fell from him earlier in the evening on that subject. What he asked the right hon. Gentleman was, whether it was his intention to embody from time to time regiments of militia? It never occurred to him that a militia should be a sort of supplementary army. On the contrary, it should be retained, except upon emergencies, as a local force. He hoped, however, attention would be paid to filling up the regiments of militia, for at present commanding officers were refused permission to strike off absentees, so that the establishment in most regiments was thirty or forty per cent below the number borne upon the books. He would also ask whether it was intended to arm the militia with rifles before issuing them to the volunteer corps.

MR. SIDNEY HERBERT: They are armed with them, or they can be had upon application.

SIR JAMES FERGUSSON: He could assure the right hon. Gentleman that great difficulty was found in getting new and improved rifles. It was true that the militia were promised rifles, but they were of the pattern of 1853, and not the new and improved pattern which was to be supplied to the volunteer corps. He thought that the militia being of a more permanent character than the volunteers, they ought to be furnished in the first place with arms of the best description. He knew in his own regiment they were promised rifles, but they had not got them. It was only by supplying the militia with good rifles, so that they could go through a course of good musketry drill, that they could attain their full efficiency. Another point to which he wished to called attention was a remark which had fallen from an hon. Member on the subject of the Staff. He earnestly hoped that the Staff would be made as efficient as the other branches of the service, so as to be worthy of the army itself. He could not, however, allow the kind of slur which had been passed upon the old Staff to pass unnoticed. He considered that when the British army was in the trenches before Sebastopol, taking into account the limited number of men at its disposal, it was a wonder how that Staff had accomplished so much as it did, and the censure lavished upon it was wholly undeserved. He would only add that he felt great satisfaction at the promises held out of increased barrack accommodation, which would considerably improve the health of the men, a subject in which no one took more interest than the officers themselves.

MR. HORSMAN said, he wished to know when the Report of the Commissioners appointed to inquire into the state of the national defences would be laid before Parliament, and when the country would be made acquainted with the determination of the Government consequent upon that Report. He understood that it was intended to recommend that a sum of £10,000,000 should be expended upon the improvement of our defences, and therefore it was a question of great importance.

MR. SIDNEY HERBERT said, he did not think the Commissioners would thank him if he were to publish nakedly the proposals they had made, without giving the House and the country the advantage of knowing the arguments and opinions by which they were supported. He could assure the right hon. Gentleman that he only received the signed and complete Report on Saturday last, and it was impossible for any department to have a more important and grave subject of consideration. Not only defensive, but financial questions were involved, and the best military science was required to decide as to the proportions to be maintained between works and men. It was altogether a subject of great interest, and, while conscious of the great desire which the right hon. Gentleman felt to press his own views, he (Mr. S. Herbert) must ask him not to urge upon the Government to bring forward a premature and crude scheme, but to allow time for a deliberate and careful investigation; so that when they laid a proposal before the House, they might do so with the greatest weight and authority. [Mr. HORSMAN:—When shall we have the Report?] He thought nothing would be more unsatisfactory than to throw the Report upon the table without at the same time giving some indication of the views of the Government and the military authorities. In answer to the hon. and gallant Member for Ayr (Sir J. Fergusson), he could only say that the pattern of 1853 was the class of the arms now in use. As fast as the rifles came in, the War Office issued them, always keeping, of course, a sufficient stock on hand. The volunteers were promised a short rifle in substitution of the long one whenever enough were in store; but some corps had come to the conclusion, which he thought was a sound one, that the long Enfield was a more accurate and better weapon. As to the militia regiments, some of them had already got the rifles, and no time would be lost in sending down arms when applied for. He admitted that the state of the disembodied militia was very alarming, the nominal force being greatly above that actually available. The reason why commanding officers were not allowed to strike off the names of absentees was that this, it was found, only added to the number of fradulent enlistments and desertions. He trusted, however, that by adopting some portions of the Report of the Commission of last year this evil might in some degree be rectified, though he did not pretend that it could be altogether cured. Some legislation would probably be required on this subject, and he should shortly state in detail the proposals of the Government.

Sir ROBERT PEEL said, he had listened attentively to the statement of the right hon. Gentleman the Secretary for War, and could not refrain from availing himself of that opportunity of entering a very respectful, but most earnest protest against the enormous extravagance of our national expenditure, and more particularly with reference to the established instruments of our national defences. Year by year these Estimates increase with so little apparent hope of diminution, that within a short period the effective of the British army had more than doubled, and yet when any attempt is made to introduce or recommend an improved supervision of our public expenditure, as was the case the other night with the Motion of my hon. Friend the Member for Stafford (Mr. Wise) it is sure to be met with a cold supercilious sneer, which even the Chancellor of the Exchequer the other evening condescended to endorse. It is true the Bill, as the French would say, is *tres bien dorée* with exquisite refinement, and our senses are lulled into forgetfulness by the eloquent appeals which are addressed to us; but it wont do any longer—we want something more than eloquence to induce us year by year to go on voting these immense sums of money which not only affect the rich and wealthy, but which tend to tax the poor man's food, and without reason and justice enhance the burthens we all must share. Therefore, it was, that although he was as anxious as any man in the House, whether military or civilian, to see the comfort of the army, as well as its discipline, placed upon the most efficient footing; yet he thought the time had come when the House should determine not only to protest, but to act in this matter with that spirit and decision which the circumstances of the case absolutely require. Eloquence alone wont do. The House has now had the opportunity of considering the three financial statements which have been so recently submitted to it, namely, the financial statement, the Navy Estimates, and now the Army Estimates; and with reference to the first of these three, if anything could induce the House, even were it otherwise disposed, to vote all the provisions of the Budget, it was the eloquence and power with which the Chancellor of the Exchequer tickled our imaginations and insinuated himself into our pockets. Then, again, as regards the Navy Estimates, if anything could persuade the House to accept without a murmur the official statement of the Secretary for the Admiralty, it was the straightforward frankness and professional skill and ability with which my noble Friend (Lord Clarence Paget) handled his subject. And now, if anything could induce us to forget our sufferings and burdens, and accord a willing approval to every item of these Army Estimates, it is the clear and interesting statement, and the grace with which the right hon. Gentleman has detailed the wants and requirements of the service. But these are the financial field-days of Parliament; it is not very difficult to dress up a statement in gaudy attire, calculated to make us look upon it for the time being with kindness and sympathy even to applaud the performance; but, alas, this is soon over; the stern realities of life soon bring us to our senses, and here we are, at peace with all the world, with a deficit of near £10,000,000 to meet our current expenditure, and with Estimates for the army and navy amounting together to nearly £30,000,000. Perhaps the House would allow him to state one or two facts on this subject. The Army Estimates of 1859-60 showed a decrease in comparison with 1858-9 of £9,695; whereas in the present year (one of peace, be it remembered) Parliament was called upon to vote an increase of £1,982,000. Last year the Navy Estimates showed an increase of £961,810 in comparison with 1858-9; whereas this year there was a net increase over those of 1859-60 of £1,025,000. This was a most serious and almost an appalling state of things. Can we any longer tolerate such an abuse of extravagant expenditure? The right hon. Gentleman had alluded to an estimate of population as bearing on this question, but nothing could be more fallacious than any such test. He had taken some pains to ascertain the sums spent by the Powers of Europe upon their national defences, from which it would appear that France and England were consuming about one-half of their national revenue; Russia, one-third; Austria, as every one knows, is entirely crippled, and in a state of financial bankruptcy; Prussia, about one quarter of her revenue; Belgium, one-third; Sardinia, at least 40 per cent of her resources; Holland, one-fifth; Switzerland, one-tenth; and as to Spain, it was almost impossible to form any estimate of the expenditure of her organization, when we know she took about three months to go about fifteen miles. The right hon. Gentleman had referred to the French Budget. Now in the Budget of 1861 the effective of the French army, like that of the year previous, was 392,000 men, and 83,000 horses. Her total military expenditure amounted to £13,800,000, about £260,000 more than the French Budget for the previous year, while the English Army Estimates were £14,842,000 without the militia, showing an excess over the French Estimates of £1,042,000. This proved the extravagance of our expenditure. The French army contained 56,000 men and 58,000 horses more than the effective of the British army, and yet we spent £1,042,000 more than our neighbours. In 1835-6, the effective of the British army was 80,000 men; in 1850, 99,000; while this year the number was 143,000 men, exclusive of India. Now, it was very remarkable that in 1850 the British soldier cost at the rate of £41 per man, whereas in the present year, taking the whole of the charges for the land force and the number of rank and file, the cost was about £46 per man—£5 more than in 1850. This surely was a fact which required the attention of his right hon. Friend. Notwithstanding our present costly armaments, the Report of the Committee of Public Safety, just alluded to by the right hon. Gentleman (Mr. Horsman), declared that £10,000,000, if not £20,000,000 would be required to place the country in an efficient state of defence. Now, after the enormous sums of money annually granted by Parliament, it was too bad to come down in a time of peace and ask for such enormous additions to the Estimates. It was constantly affirmed that up to 1850 the state of the country was most satisfactory, and never in a better state of defence. We voted 14 to 16 millions a year, and it was all well; but all of a sudden afterwards they have been constantly told, up and to the present time, that all was wrong, that the country was absolutely undefended, and although Parliament had, in consequence, voted money without grudging, and although we have a larger regular force than ever, yet still we are not only unprepared but absolutely unprotected. He must say that they ought to give credit to those to whom credit was due for the defenceless condition in which the country was stated to be, and the country, at this important crisis of its political history, had a right to demand some explanation of those who for the last fourteen years had, almost without interruption, held political power in this country. He said that they were at peace with all the world; but, at all events, he was correct in saying that they were at peace with all Europe. He would not look to China — they had been asked not to mention that subject—but, though he did not allude to it, the House must feel the confident assurance that as long as the present President of the Board of Trade was in the Cabinet, there could not be any fear of a war with China. He knew that the right hon. Member for Ashton was no longer the Member for Birmingham, and no longer sat in those cheap seats below the gangway, but occupied a more luxurious and dignified position on the Treasury Bench; but still he was quite sure that the right hon. Gentleman considered all the emoluments and patronage of his office as mere dirt in comparison with the maintenance of his political morality. It was impossible, then, so long as the right hon. Gentleman was in the Cabinet, considering the powerful way in which he attacked in this House the noble Member for Tiverton on precisely a similar subject, that there could be any serious disturbance with China. While they were at peace with all the world they were voting away £30,000,000 for warlike purposes. He believed, indeed, that there had been some little uneasiness with respect to France, perhaps more so than for the last ten or twenty years. He recollected that a very few months ago the whole country was seized with panic and rang with rumours of invasion and attack, which even Ministers of State and the Minister for War condescended to promote. Now in common with so many people of all classes and all parties in the country, quite irrespective of politics, he entirely disapproved of the system of getting up excitement n the country by means of these rumours of attack; and if really any danger existed, surely the Government ought to have duly warned the country instead of endeavouring to shunt upon the shoulders of the people a responsibility which properly belonged to them in their capacity of Ministers, and he believed that those Ministers were worthy of the gravest censure, who, with groundless and inconsiderate zeal had promoted these panics of invasion and attack which, to say the least, were quite unbecoming the dignity and character of our country. He would just ask the House to turn over to Vote No. 5, which had been so lightly touched upon by the right hon. Gentleman. There was a great deal more than met the eye in that Vote. The right hon. Gentleman the Minister for War said he would not take a Vote this year for that old-established force, the Yeomanry, though he was obliged to take £68,000 for the purpose of adjutants' forage, and so on; but let the House consider that these Volunteer Corps would cost the country ten times more than £68,000. Here was a lot of country attorneys and easy-going provincials costing the country a great deal of money, with a loose way of drill, as he had no doubt it was. He had the utmost contempt for that, for he liked smartness in a soldier. In 1804, when the Volunteer Corps were enrolled, they cost the country £1,000,000; and Mr. Pitt obtained soon afterwards £500,000 more for them. Let the House take care that the same thing did not occur now; for if support were given to these Volunteer Corps, the House might find that they were costing the country a great deal more than they were worth. It would be a fine thing to see these gallant young men come forward if there were danger, but there was no danger. The other day he met a stout young friend of his, who was a volunteer rifleman. He told his friend that he was too stout; but his friend replied that it was capital fun. "Capital fun!" he exclaimed, and mentioned to his friend that he had been in Switzerland, and had seen the volunteer riflemen there crawling along on their bellies by the hedgesides for miles, and that he recollected being out during the war of the Sonderbund with a corps of volunteers who passed the whole night in the trees. Nevertheless, his young friend rejoined that it was capital fun—that they had their afternoon parade and patriotic lunch, and were going to have a ball, in full dress uniform, for the ladies, an expensive band, a dinner, and in fact all kinds of conviviality quite unsuited to the rigid habitudes of the army. Now, if there existed any danger he would ask the Committee to increase the regular army and navy, for he concurred in the opinion of the noble Lord the late Commander-in-Chief in Scotland (Viscount Melville), that they could not trust to these men. He honoured him for the manly and fearless way in which he had expressed his opinion. He observed that that noble Lord was no longer the Commander-in-Chief in Scotland, but he hoped that his resignation had nothing to do with the expressions he had used with regard to the volunteer force. One reason in his (Sir R. Peel's) mind for preferring an increase in the army and navy to these Volunteer Corps was based upon grounds the very reverse to what Earl Grey said somewhere in the country. The noble Earl stated that the reason he supported this volunteer force was, because it was an anti-military movement. Such an idea was quite unworthy the noble Earl's position and the office he formerly held, and it was precisely because he (Sir Robert Peel) looked upon the movement as an anti-military one that he so thoroughly disapproved of it. But was there any necessity at the present moment for these Volunteer Corps? What did the Earl of Derby say in 1852 when asked whether he would countenance them? The noble Lord said — and this was a manly way of looking at the matter instead of humbugging about it—"that his Government was not prepared to give aid to the formation of Volunteer Rifle Corps, and he (Lord Derby) conceived that the conclusion which had been come to by the (then) late Government (that of Lord John Russell) not to give aid to rifle corps, was a sound and reasonable decision. Were the circumstances of the country different now? He imagined they were not; but at any rate there was the old established force of the country — the militia, with which the institution of the country had been familiar since the days of Charles II., and which might be increased, if need be, instead of being disembodied. This question of national defences had always been one of great difficulty with Ministers. He well recollected that in 1852 the noble Member for the City of London brought in a Militia Bill, and the noble Lord the Member for Tiverton came down with his Amendment, and without the slightest desire to displace the noble Member for London, nevertheless ousted that noble Member from office on this very question of national defences. It seemed to be different now. The Government had thought right to give full swing to the Volunteer Rifle movement, and here we are at the present moment under the influence of the provisions of the Act of the 44th *Geo* III., c. 54. He hoped the Committee would allow him to read—he would not, using the language of the hon. Member for Birmingham, say the "rubbishing trash," but—the extravagant talk uttered throughout the country for the purpose of keeping alive the fever in favour of the Rifle Corps movement. At Melton Mowbray the chairman of a meeting said —"The time has come when every Englishman will be found employing his leisure hours, whether in town or country, in practising with his rifle." Another gentleman proposed a fox-hunting corps, on the ground that the French dragoons or cuirassiers would not be able to follow them. There was a meeting at Stockwell, at a place called the Swan—an inn, he supposed—in which a gentleman, called in the newspaper report Mr. D. Seymour—he hoped not his hon. Friend the Member for Poole—expressed the opinion that the volunteer movement was a sort of millennium. Heaven forbid that it should last quite as long as that! Mr. Seymour delivered his oration at the beginning of December, and he calculated that at that time there were 400,000 volunteers in the country, and that in a few days the number would reach 1,000,000. Surely the Minister for War did not mean to spend £10 upon each man in so vast a host. Upon the same day there was a meeting of the Pimlico Fencibles. The chairman, more moderate than the millennium gentleman, thought the enrolled volunteers then numbered 150,000, while *The Times* of the same date had no doubt that in the aggregate they were more than double what they had been three months before, when the number was calculated at 22,000. An hon. Friend of his towards the close of the year made a most amusing speech at a place called Eye. The poet had well said—

"Where ignorance is bliss 'tis folly to be wise;"

for the enthusiastic rifleman, addressing the Suffolk yokels and bumpkins, made their hair stand on end by stating that there were hundreds of thousands of troops on the other side of the Channel waiting to come across. Really, when such extravagant language was used to excite a national zeal for Volunteer Corps, the sooner a stop was put to it the better. Schools were turned to strange purposes now-a-days, and he was not surprised that a rifle meeting had been held in St. Peter's School, Pimlico. One of the speakers, waxing very eloquent indeed, declared that he hoped to see the day when every man in England, like the Swiss, would have a rifle hung behind his door. [*Cheers.*] No doubt, there were a great many riflemen in Switzerland, but those who cheered should recollect that we paid upwards of £30,000,000 for our army and navy. For his own part, he should like to see the stalwart youth of England turning their attention to some legitimate and useful pursuit, instead of hankering after firearms and knickerbockers. But the climax was still to come. At the same meeting in Pimlico, a Mr. Denman informed his auditors that in 1797 a body of 1,400 French troops landed in Pembrokeshire, but were immediately dispersed by the red petticoats of the Welsh women seen on a distant hill. He must say that Mr. Denman did not offer a very flattering suggestion to the gallant Pimlico Fencibles. "But," continued the orator — uttering an anachronism which the Pimlico fencibles failed to observe—"Mr. Fox declared that England did not recover from the effects of that descent for twenty years." It was certainly high time to "show up" meetings at which such speeches were made. Perhaps the Committee would derive a little amusement from the names of some of the rifle corps. The leaders of the movement, judging from their absurd nomenclature, seemed to have gone mad. It was a fact. Certain gentlemen, who had evidently been reading Carlyle's *Life of Frederick the Great*, were advertising daily in *The Times* on behalf of a corps, to be called the Six Foot Guards. There were corps composed of the stokers and pokers of the railways. He had already mentioned the Pimlico Fencibles, but what did the Committee think of the Westminster Volunteers of St. John the Evangelist? What in the world St. John the Evangelist had to do with rifle corps he could not for the life of him understand. It was really too bad that so venerable a name should be associated with a band of idle striplings playing at soldiers. There was the Volunteer Corps of the Aldermen and Corporation of London, and last, but not least, there was the Rifle Corps of the Inns of Court. He admired the patriotism of lawyers, but nothing could well be more absurd than the idea of a lot of barristers from the Inns of Court bundling out of chambers with the view of meeting the Cuirassiers of the Imperial Guard in deadly conflict. Serjeant Parry seemed to be an active member of the corps. No doubt that distinguished legal luminary would earn a grade, and become Sergeant-Major Parry. The Serjeant was kept in countenance by Dr. Ball of the Divorce Court or Ecclesiastical Court—a capital name for a soldier—Counsellor Butt, and his old friend of the time of the French Conspiracy Bill, Lawyer Bodkin. These gentlemen, and many more of the same kidney, leaving the study of *Coke* and *Blackstone*, were devoting their days and nights to *Plutarch's Lives*, *Cæsar's Commentaries*, and *The Rifle, How to use it.* How heavy lawyers expected to be able to crawl along hedges upon their bellies and climb up trees, he could not comprehend, and he hoped they would not be very much offended if he applied to them the somewhat apt quotation "*In medio tutissimus ibis*," which, being literally translated, meant "You are a good deal safer in the Middle Temple." It appeared that some of the riflemen had attained great proficiency in shooting; and the other day General Hay, addressing a body of Rifle Volunteers, told them that the French troops as compared with them were mere skirmishers, complimented them upon the accuracy of their shooting, and told them they were really becoming too expert. At Hythe the first prize was carried off by a genuine Cockney. Upon being asked how he had acquired his extraordinary skill and precision, "Oh!" said he, as reported in the columns of *The Court Journal*, "I live in London, and have had considerable practice in shooting at the cats of my Brompton neighbours." It was not, perhaps, of much consequence in the depth of winter, but no man could tell what a scene London would present at the height of the season. Everybody would be shooting at his neighbour's cat; there would be the stokers of the Railway Rifles poking at the funnels of the North Western, and we should have the Finsbury Filibusters fluking over Cripplegate. He trusted, however, that before that time a stop would be put to the volunteer movement. In order to get up the excitement, one gentleman said, "Let us get up a Rifle Derby by subscribing £10,000. Switzerland does it; why should it not be done here? You have the Epsom Derby and Lord Derby's Toxopholite. Why not have a Rifle Day at Epsom with Dorling's correct card of the volunteer sportsmen?" But this was not the way to deal with this subject. If there was danger to this country, why did not the Government come forward and say so, and instead of the Minister of War subscribing £10 to the movement, let him give his official salary of £5,000 at once, as one instalment, and call on the country; and they would find the movement general in defence of the institutions of old England. He had followed this movement from its commencement; and if there were any danger of attack the Royal Family, who had the greatest interest of all in the welfare and stability of the country, would be amongst the first to come forward and back up the movement. At present the Royal Family had not patronized it beyond giving their names to a patriotic ball; whereas if danger threatened, the Sovereign of these realms, as of old, would rally the public feeling and exhibit a spirit which would vibrate with one unanimous impulse throughout the length and breadth of England; he believed they would exhibit a spirit that would indeed animate the country. He entirely disapproved of the Vote; and he hoped that when the time came for it to be considered the House would make a gallant stand against this dribbling away of the resources of the country. He had no doubt that in case of attack these men might be very useful. And let it be understood that, in speaking of these volunteers and the collection of large bodies of inhabitants armed for purposes of defence, it is the system and the time of its application that the country appeared to disapprove of, and not, of course, that individual patriotism and zeal which, if necessity required, and indeed under any circumstances, was worthy of the warmest public commendation; but we can never make regular soldiers of the volunteers under the system of loose drill which the Minister of War recommends; and to his (Sir Robert Peel's) mind, it would be infinitely preferable to increase the standing army, enormous though its present proportions are, and to enrol men who, by the force of discipline, would be able to become familiar with the strategy of military tactics, and who would be ten times better able to execute the operations of their general, than we can ever hope to expect from a junction of the Railway Rifles with the Finsbury Filibusters. Therefore he entirely disapproved of this movement, got up under false rumours and the influence of panic. He was prepared to increase the resources of the country and its means of defence; but he believed that the army and the navy, animated by the character of their officers, and by the spirit of patriotism and zeal of the men, were sufficient for all emergencies, for all reasonable purposes of defence, protection, and safety. He wished Gentlemen would get up and induce the Government to reduce these Estimates, and give the House some assurances as regards the future. He believed that he spoke the sentiments of the House, and of the people out of doors, when he said the country was willing to drain themselves to any extent for the defence of the land and for the maintenance and the discipline of the army and navy; but he believed that the resources of the country were being squandered, and he boldly stood up in his place to protest against what he believed to be a most extravagant expenditure of the public money.

COLONEL PERCY HERBERT said, that as a military man he entirely differed from the hon. Baronet (Sir Robert Peel) as to the value of the volunteer movement. The rifle corps, though the hon. Baronet might please to call them Pimlico Fencibles and Finsbury Filibusters, were all volunteers, whilst the French army, though all conscripts, were an actual charge upon the revenues of the State. One question which he wished to put to the right hon. Gentleman was, whether he had turned his attention to the deficient constitution of the line regiments? At present the establishment consisted of 950 men in 12 companies; but this was a very extravagant number in time of peace, and quite inefficient in war. Considering the large proportion of officers to this small number of men, this was a very extravagant establishment for the army.

MR. H. BERKELEY said, he could not but thank the right hon. Gentleman at the head of the War Department for the care he had taken of the volunteer movement. He was silly enough to take a very great interest in the affair from the commencement. The hon. Baronet was a yeomanry officer. [SIR ROBERT PEEL: I was once.] He thought the ire of the hon. Baronet might have been turned upon him, for sometimes he had to bear reproaches for his having doubted the efficiency of the yeomanry.

SIR ROBERT PEEL: I am so entirely of the hon. Gentleman's opinion that I left the corps in consequence.

MR. H. BERKELEY said, he thought the volunteers were very properly disciplined, and if they took pains with themselves they would prove as useful a corps as any from their greater attention to drill, and their practice of the weapons of the day. They went through their evolutions with great spirit, and a more efficient and useful body of men could not be found in any country. He further thought the volunteer movement, useful as being a constitutional movement, tending to put down large standing armies. They might now look for a reduction of the army establishment in time of peace, but this could not be done unless the people were accustomed to the use of arms. They tend to put down those periodical panics arising from fear of an invasion which were the disgrace of the money market and the country. The hon. Baronet had said that this movement had not been encouraged by the Royal Family. But was not the hon. Baronet aware that a Royal Duke was a colonel of one of the London corps? Surely there was some encouragement in this; or let him look at the Levée, intended for the reception of volunteer officers alone. This alone would prove that Her Majesty looked with favourable eyes upon the movement. For himself, he thought that every one who wished well to his country would wish well to the Rifle Volunteers.

COLONEL KNOX said, he entirely agreed with his gallant Friend (Colonel Herbert) as to the expediency of increasing the strength of our infantry regiments. The Staff was much under number, and it would be impossible to keep regiments efficient in the field unless their numerical strength was augmented. When the army went out to the Crimea they were 1,000 strong, but they left nothing behind—no depôt; and it was only by extraordinary exertions that men could be got together in sufficient numbers to be sent out to replace the casualties. As to barrack accommodation, he wished to ask the right hon. Gentleman the Secretary for War when the promised barracks in London, the site for which he believed was fixed, would be built? He also wished to know whether the Vote formerly taken for barracks, and not expended, was to be brought forward again, or diverted from that object to make up deficiencies in other matters. As to the volunteer force he would have liked to see it continue self-supporting, as at first proposed, and he hoped the Secretary of State for

War would resist the pressure brought to bear on him to pay sergeants of companies, and incur several other incidental expenses in connection with these corps. He regretted that the yeomanry were to be set aside for the new volunteer force; and thought it would have been well to arm them with the breech-loading carbine, and make them as efficient as possible.

Colonel DUNNE remarked that he could not say that there was no extravagance in the Estimates. He saw several items which he was sure might be reduced without any diminution of the efficiency of the service. He would suggest that it would be a convenient course if the right hon. Gentleman would take the Vote for the number of men that night, and postpone the other Votes to a future occasion.

Mr. H. B. JOHNSTONE said, he wished to ask when the disembodied Militia were to be called out for training this year?

Mr. SIDNEY HERBERT said, he had stated already that they would be called out nearly at the same time, but that allowance would have to be made for the different times of harvest in the several districts.

Vote *agreed to.*

(2.) £4,499,636 Pay and Money Allowances to Land Forces (excluding the army of India).

Colonel NORTH asked whether the Adjutant-General and Quartermaster-General of the Army were not considered as the personal Staff of Her Majesty, and whether under those circumstances they were liable to be removed in the same manner as other officers? The Staff of the army had been referred to as having proved a failure during the last war, but the opinion of the French and Sardinian armies in the Crimea was that the British Staff was excessively efficient.

Sir HARRY VERNEY observed, that the education of the staff officers in the French service was much superior to that formerly given to the Staff of our army. Even the soldiers were taught to make their own clothing and shoes, and this materially lessened the cost of the French army. They were also taught to build their own dwellings. He was glad to hear that there was a prospect of improvement in the English army in these respects.

Colonel DICKSON said, he hoped that the right hon. Gentleman would not proceed any further with Votes of so much importance at that time of the night. Out of the fifteen millions-and-a-half to which the whole military Estimates amounted, less than five millions were for officers, men, and horses. The remainder offered a wide field for economy, and the Votes ought to be carefully considered. He (Colonel Dickson) did not think that there was a person in England who might be more emphatically termed, "the right man in the right place," than the adjutant-general of the army; and he hoped the right hon. Gentleman would reconsider his plan of changing officers so often that they really had not time to learn their duties.

Colonel KNOX said, he also must appeal to the right hon. Gentleman not to proceed with this large Vote to-night.

Mr. SIDNEY HERBERT said, the adjutant-general and the quartermaster-general held their appointments under an instrument somewhat different from an ordinary commission; but there could be no question as to the power of the Queen to say whether she preferred to change them or not. If anybody supposed that he had meant to speak of the Staff in the Crimea as inefficient, he had not succeeded in conveying what he really intended to say. What he wished to state was that the Staff in the Crimea were not at first so efficient as the country had expected them to be, forgetting that they had had neither experience nor instruction. They soon, however, taught themselves in the best of all possible schools—that of actual service.

Colonel DUNNE said, that if the Crimean Staff were not efficient, it was the fault of those who had selected them, for there were plenty of officers in the service that had both knowledge and experience. There were many questions raised in this very Vote, which the House ought to have the opportunity of discussing. There were, for instance, the depôt battalions, which were very costly, and which every officer would join in condemning. He hoped the right hon. Gentleman would not press the Vote that night.

Viscount PALMERSTON expressed a hope that the Committee would allow the Estimates to be proceeded with.

Mr. W. WILLIAMS said, he could not permit £4,500,000 of the public money to be thus dealt with at near one o'clock in the morning.

Motion made, and Question, "That the Chairman do report progress, and ask leave to sit again," put and *agreed to.*

House resumed.

Committee report progress, and that they had agreed to a Resolution.

Resolution to be reported on *Monday* next.

Committee to sit again on *Monday* next.

VALUATION OF RATEABLE PROPERTY (IRELAND) BILL.—SECOND READING.

Order for Second Reading read.

Mr. **LAING** explained that the cost which this measure would throw upon the Consolidated Fund did not exceed £5,000 a year; but from the greatly improved valuation returns, a direct benefit equal to at least £50,000 or £60,000 would be derived.

Bill read 2°.

ROMAN CATHOLIC CHARITIES BILL.

SECOND READING.

Order for Second Reading read.

The **ATTORNEY GENERAL** said, he would not oppose the Second Reading, but he had several Amendments to propose in Committee.

Bill read 2°.

House adjourned at One o'clock till Monday next.

HOUSE OF LORDS,

Monday, February 20, 1860.

VOLUNTEER CORPS.—QUESTION.

In answer to a question put by Lord Vivian,

Earl **DE GREY** and **RIPON** said, it was the intention of the Government, as far as it was possible, to unite the volunteer companies into battalions, but it was not their intention to require those companies which were scattered about the rural districts to leave their homes and meet together for battalion drill when it might be inconvenient to them to do so. If any of the companies were willing to meet together to have a few field days in the year, that would be a private arrangement between the different companies, but Her Majesty's Government would not compel them to unite for battalion drill. The object of the Government was simply this:—If the volunteer force were called out for actual service, they must be formed into battalions, and the Government, therefore, thought it desirable that they should be got together, whenever it was practicable, for battalion practice under a recognized commanding officer. It was the intention of the Government, as he had stated the other night, to appoint adjutants to the volunteer corps, to be paid by the Government. The noble Lord argued that the Government might appoint the adjutants and sergeants of the permanent staff of the disembodied militia for this duty. But it was not a part of the bargain with these adjutants and sergeants that they should perform this duty, and he doubted whether the Government could compel them to discharge it. It was therefore thought better to appoint officers specially devoted to this purpose. If ever an emergency should arise which rendered it necessary to call out the volunteer corps, the militia would also be required at the same moment, and, as the adjutants could not be in two places at once, the militia, when they wanted their officers, could not have them without denuding the volunteers of them. What the volunteers most wanted were drill and organization under good officers, and the best assistance the Government could give them was to provide them with good military officers, which they considered much better than clothing and paying them. As to paying the volunteer artillery so much for drill, as the noble Lord recommended, it must be recollected that the artillery volunteers, like the rifle corps, were engaged upon such terms that upon fourteen days' notice they could retire from the service. The Government might expend a great deal of money, for example, upon a particular individual, and then, when they wanted his services, he might retire from the corps. If the volunteers were remunerated the whole system upon which the army was paid must be altered; and this the Government were not prepared to recommend.

DELHI PRIZE MONEY.

PAPER MOVED FOR.

Lord **BERNERS** moved that an humble Address be presented to Her Majesty for

> "Copy of Despatch, in July, 1858, signifying the Approval of the late Board of India Directors to the Regulations proposed by the Governor General on the Subject of the Delhi Prize Money, and all subsequent Correspondence which might tend to explain the Delay that has taken place in satisfying the just Expectations of the Army which effected the Capture of the City."

His Lordship also inquired the Cause of Delay in distributing the Medals and Clasps granted by Her Majesty for the Capture of Delhi, announced in the House of Commons, March 25, 1858, by General

Peel. The noble Lord said that in making this Motion he was pleading for the widows and orphans of officers and men who died fighting the battles of their country. Many of the unfortunate survivors were unable, through want of means, to return home, and such was the distress of some of those in this country that they were unable to send their children to school or to provide them with the ordinary comforts of life. The distribution had been delayed in consequence of certain returns not having been received, and he had been informed that no one could forward those returns but the Governor General. He sincerely hoped that the Government would use every means to expedite the distribution of the prize money, because it was certainly very hard that after the caution which had been given to the troops against plundering, and the promise that there should be an equitable distribution of any prize money, no such distribution had as yet been made. It appeared that the Indian Government had not done what they might have done in order to fulfil this pledge, and he thought that the good faith of the Home Government would be seriously compromised if these promised rewards were any longer withheld from the troops.

The Duke of ARGYLL said, he could assure his noble Friend that no charge of indifference to the claims of the soldiers engaged at Delhi could with justice be brought either against the Indian Government or the Governor General. He could assure him that though some delay had taken place in the distribution of the prize money, that delay had not arisen from any indifference on the part of the Government, or from any depreciation of the splendid services of the soldiers engaged in the capture of Delhi. There could be no possible objection to the production of the despatch which the noble Lord moved for; but he might state that considerable difficulty had been experienced in ascertaining the actual amount of prize money that would fall to be distributed. Six months' batta had, however, been given to the troops, and the Court of Directors had recommended that six months' batta additional should be given. He was sorry to say that the amount of the Delhi prize money was not so large as had been expected; and though it was no doubt true that the officers would not receive in the way of batta so much as they would be entitled to as prize money, the difference in the case of the privates would not be so considerable. In the case of Lucknow, all the difficulties in the way had been overcome, as regarded the prize money, and measures were now being taken for its distribution. With regard to the medals, he was happy to say that they were now being struck, and would be shortly distributed.

The Earl of ELLENBOROUGH said, the noble Duke had failed to show that there had been due vigilance on the part of the Government in this matter. At the present moment, so far as he understood from the inquiries he had made, the Royal authority had not yet been given for the distribution of any portion of the prize money either of Delhi or Lucknow. As regarded the batta, the whole sum so given would be deducted from the prize money, so that it could only be said to be so much paid on account. He would not go further into the question, but he must observe with respect to the medals, that directions were given for their being struck as far back as April, in the year before last; and he could say from experience, having granted medals twice himself, that they could all have been struck in six months.

Lord BERNERS explained that he had no wish to impute blame to any individual in respect of the delay that had taken place.

Motion *agreed* to.

TREATY OF COMMERCE WITH FRANCE.

QUESTION.

The Earl of DERBY rose to inquire what Steps Her Majesty's Government intend to take to carry into effect the 20th Article of the Treaty of Commerce with France; and said: My Lords,—Though I have only given notice of a Question to Her Majesty's Government with regard to the manner in which they propose to act on the 20th Article of the Commercial Treaty with France, yet the subject is one of such vast importance, and involves such serious constitutional questions, that I hope I shall be excused if I preface my inquiry by a few observations, and conclude with a Motion, on which, however, it is not my intention to take the sense of the House, but which will have the effect of putting myself and others in order, so that we may be enabled to discuss this important question. The Article to which my question refers, is one, I believe, of a somewhat unusual character. It is as follows:—

"The present Treaty shall not be valid unless Her Britannic Majesty shall be authorized by the assent of Her Parliament to execute the engagements contracted by Her in the Articles of the present Treaty."

Now, when I first read this Article, I thought that it was inserted for the purpose—certainly a very proper and desirable purpose—of giving to this and the other House of Parliament the fullest opportunity of discussing the Treaty in all its provisions and all its parts; and to enable us to enter on that discussion without the apparent inconvenience of a want of consideration for the dignity of the Crown, if Parliament should discuss the propriety of assenting to that which Her Majesty had already personally ratified. That difficulty was altogether, of course, avoided, if in the Treaty itself Her Majesty had stipulated merely that she would recommend to Parliament the terms of the Treaty, and that it was not to be valid unless Parliament signified its assent. But, on looking into the correspondence, I find that the Article is to be understood, not in the English but in the French sense; and I find the reason assigned by Lord John Russell for its insertion. The noble Lord says:—

"It might probably be arranged that these proposals should be made to Parliament, and that the Treaty should be communicated to Parliament, at the same time that the Emperor should, under the French law, announce to the Legislative Body the conclusion of that engagement. But if the conditional form of the stipulation on the side of Her Majesty's Government should appear to the Government of France to require any corresponding form on its own side, then the engagements made by France might, in the body of the Treaty itself, be made contingent on the adoption of the proposals by Parliament."

But whatever may be the object or intention of this Article, the fact is, that it not only gives to Parliament an ample opportunity, but confers upon it the absolute right and duty of discussing and giving absolute assent to the Treaty as it now stands. My Lords, I am not on this occasion about to enter into the merits of the Treaty. The object for which I rise is to obtain from Her Majesty's Government the assurance that the most ample opportunity will be given to Parliament, in conformity with the 20th Article, of considering and discussing the Treaty in all its details. Nor am I at all concerned to say whether or not the Treaty is in accordance with the theoretical principles of free trade. That question was very ably discussed on the first night of the Session by a noble Earl whom I see opposite (Earl Grey), who entered very fully into his views on that subject, and who said, in his judgment, the Treaty was entirely at variance with the principles of free trade. But whether it be at variance with those principles or not, there is no question that it is entirely at variance with the principles laid down by some of the leading members of Her Majesty's Government some three or four months ago. Nay, my Lords, your Lordships will recollect—for it is not so long ago—that on the 21st of July last Mr. Bright, a very distinguished Member of the other House of Parliament, suggested to that House the course of policy which he would recommend to be pursued with regard to France, not with reference, however, to any commercial advantages, but with reference to the preservation of peace, and with the view of obviating the necessity of continuing our great armaments. This is what Mr. Bright said:—

"I would not commission Lord Cowley to make a great demonstration of what he was about to do; but I would make this offer to the French Government, and I would make it with a frankness that could not be misunderstood; if it were accepted on the other side it would be received with enthusiasm in England, and would be marked as the commencement of a new era in Europe. I would say to the French Government, 'We are but twenty miles apart, the trade between us is nothing like what it ought to be, considering the populations of the two countries, their vast increase of productive power and their great wealth. We have certain things on this side which now bar the intercourse between the two nations. We have some remaining duties which are of no consequence either to the revenue or to protection, which everybody has given up here, but they still interrupt the trade between you and us. We will reconsider these and remove them. We have also an extraordinarily heavy duty upon one of the greatest products of the soil of France—upon the light wines of your country.'"

He goes on to say:—

"The only persons whom the French Emperor cannot cope with are the monopolists of his own country. If he could offer to his nation 30,000,000 of the English people as customers, would not that give him an irresistible power to make changes in the French tariff which would be as advantageous to us as they would be to his own country?"—[3 *Hansard*, clv., 202.]

I must do Mr. Bright, therefore, the justice to say that he does not propose a Commercial Treaty. He recommends that the overture should be made for the sake of peace, and in the belief that France would be disposed to make corresponding advances. How stands the question as stated on that occasion by the noble Lord the Secretary of State for Foreign Affairs, and by the noble Viscount the First Lord of the Treasury? The noble Lord the Secretary of State for Foreign Affairs says:—

> "My hon. Friend says that we should make some proposition to France as regards the duty upon French wines. . . I should be very loth to enter into any sort of correspondence or discussion with the French Government which should induce that party, not very numerous in this country, but still very powerful and numerous in France—I mean the Protectionists—to say, 'Our Government has been bargaining away our industry and the fruits of our toil in order to obtain some advantage for England.' . . The benefit conferred by free trade between two nations is mutual; so far from being a bargain in which one party gains and the other loses, both parties gain. I should therefore be sorry that this question should be made the subject of a diplomatic correspondence."—[3 *Hansard*, clv., 205.]

Now, with regard to the last observation of the noble Lord, I may be permitted to correct a misapprehension into which the noble Earl opposite (Earl Granville) fell with regard to an expression of mine the other day, when I spoke of concessions being made by one country to another. He told me I was falling into the old fallacy of supposing that the advantages to be derived from free trade were limited to exports, and not considering the corresponding benefits to be derived from imports. Now, my Lords, I had not overlooked the point that in making concessions to other countries you might obtain some great benefit for yourselves; but the reason why I dealt with exports only, and spoke of them as a concession, was to show that if any advantage was to be derived to your own country by the reduction of duties and the consequent increase of consumption, that was a matter entirely within your own power, and with regard to which you might act just as you please without making any bargain about it whatever. But when you come to the question of exports, then the amount of your exports depends not upon your own action, but upon the action of another country; and it was in that sense that I made the distinction between imports and exports, the one being a matter entirely within your own power and the other being a concession which you make to another country, corresponding with some concession which is made to you. I now come, after this parenthesis, to the speech of the noble Viscount the First Lord of the Treasury. He says—

> "I concur with my noble Friend near me in thinking that it is not expedient that England should enter into a treaty of commerce with any foreign State founded upon mutual arrangements of tariff. The country to which a proposal to enter into a treaty of that description is made very naturally supposes that some advantage is sought to be gained by those from whom the offer emanates. The wise course to pursue in such matters is to make for your own advantage such a diminution in your Customs' duties as you may deem calculated to promote your own interests. When foreign States perceive that you act simply from a conviction of the good which you expect to arise to yourselves from such a proceeding, and find that your policy has tended to the increase of your prosperity and has added to your revenue and your commerce, they will, in all probability, be more likely to imitate your example than if you were to ask them to surrender an advantage which they imagine they possess."—[3 *Hansard*, clv., 213.]

Here are the doctrines laid down by the First Lord of the Treasury and the Secretary of State for Foreign Affairs on the 21st of July, 1859; and yet in the course of December 1859, under the auspices of those two noble Lords, we find a very distinguished Member of Parliament engaged —unacknowledged but, I presume, not unauthorized—for some weeks in negotiating a treaty of commerce on the very principles repudiated by those two noble Lords, and upon those very articles of commerce and with that very country with regard to which that repudiation was specially made. I presume it will not be denied that the Treaty entered into between us and France is intended by Her Majesty's Government to be a treaty of reciprocity in the strictest sense of the word. That it is a treaty where one party gives and receives an equivalent from another for what it gives I am not prepared to contend; but that it proceeds on the principle—which has been so emphatically condemned by the two noble Lords—of saying to France, "If you will make such and such changes in your tariff we will make such and such changes," and that the action of the one is made to depend on the action of the other, I think on the face of these papers it would be difficult to deny. But, as I said before, I am not about to enter into any discussion of the merits of the Treaty. I wish to know what course the Government intends to pursue with regard to the opportunities to be given to this and the other House of Parliament to exercise the right which they possess under the Treaty itself, and giving the consideration to and expressing their judgment on this Treaty. There is a feeling in this country that there has been a good deal of unnecessary mystery and secrecy about the negotiation of this Treaty, and that an attempt has been made to surprise Parliament into a hasty decision upon its merits. I cannot imagine the reason why so much mystery should have been observed with regard to the share which Mr. Cobden has had in this matter; and yet up to the very moment when the Treaty was laid before Parliament Mr. Cobden's name had never been mentioned in connection with its negotiation. The correspondence with regard to the Treaty is of the most meagre character, and indicates an amount of haste in the framing and execution of the Treaty which I must say is not creditable. On the 23rd of December, Lord Cowley writes to Lord John Russell to say that confidential communications had been going on for some weeks past between Mr. Cobden, on the one hand, and M. Rouher, the Minister of Commerce, on the other, having for their object, with regard to exports from Great Britain, the suppression of the prohibitive system which prevails in France in respect to certain articles of British production and manufacture, as also a modification of the tariff in regard to others; and, with regard to exports from France, the admission into the United Kingdom of various articles of French manufacture free of duty, and the reduction of other duties now levied on French productions. Lord Cowley goes on to say:—

> "Count Walewski having requested to see me, I waited upon his Excellency yesterday, when he informed me that he had had a long conversation with Mr. Cobden, which might lead to very important results, if, as he had reason to believe, Mr. Cobden had the countenance of Her Majesty's Government. I should see, however, from the sequel of what he had to say to me, that before going any further it was absolutely necessary for him to know accurately the views and intentions of Her Majesty's Government."

On the 17th of January, only one week before the meeting of Parliament, Lord John Russell sends a letter which certainly, in point of form, is somewhat singular, beginning,—

> "My Lord and Sir.—Having received from Earl Cowley an intimation that in an interview which he had had with Count Walewski on the 22nd ult., that Minister stated the bases on which, according to the views of the French Government, a treaty of commerce might be concluded with England, I have now to acquaint you that Her Majesty has been pleased to appoint you jointly the Plenipotentiaries to negotiate such a treaty."

With this power given on the 17th of January, 1860, accompanied with the directions which Lord John Russell thought it necessary to send, I find Lord Cowley writing to Lord John Russell on the 23rd of January, acknowledging the receipt of his letter of the 17th, by which powers were conferred on Mr. Cobden and himself to act as joint Plenipotentiaries, and stating that the Treaty had been that day signed. I must do Lord Cowley the justice to say that in this letter he washes his hands completely of the matter. He speaks in the most complimentary terms of Mr. Cobden, and the share that gentleman took in the matter; he intimates that he (Lord Cowley) had nothing to do with the Treaty; that it was really not his Treaty; that he was present at its negotiation as Her Majesty's Plenipotentiary, but that, in point of fact, he had nothing to do with it, and merely assumed the character of a sleeping partner. He says:—

> "Since the receipt of that despatch, Mr. Cobden and I have been daily for several hours engaged with Messrs. Baroche and Rouher, the French Plenipotentiaries, in the performance of the duties intrusted to us. The way had been so completely cleared by Mr. Cobden's previous active exertions that the task which I have had to perform has been comparatively light."

Powers to negotiate having been conveyed on the 17th of January, and everything having been completed by the 23rd, the Treaty was ratified on the 31st. I say there has been an appearance of haste in the concoction of the Treaty, and an apparent desire to take Parliament by surprise as to its articles, and I shall be glad to hear from the noble Earl opposite any explanation to show that those impressions are not justified. I think, however, it may be useful to compare the course pursued by Her Majesty's Government upon the present occasion with the course pursued under nearly similar circumstances by Mr. Pitt in 1787, upon the occasion of his negotiating a treaty of commerce and navigation with France. The objects which the present Government have in view in making this Treaty were precisely the same as Mr. Pitt had in view in 1787. In the Speech from the Throne on the latter occasion the Treaty is referred to in terms which I presume the present Government would not object to have applied to their own Treaty. The King said:—

> "I have concluded a Treaty of Commerce and Navigation with the Most Christian King. I must recommend you to take such measures as you may think proper to carry it into effect. I trust you will find the provisions contained in it such as will offer an encouragement to industry, and lead to an extension of lawful commerce in both

countries, and, by promoting a beneficial intercourse between their inhabitants, be likely to give additional permanence to the blessings of peace."—[*Hansard, Parl. History*, xxvi., 211.]

The objects for which this Treaty has been made are, I presume, the same. Now, what course did Mr. Pitt pursue upon that occasion? Parliament met in 1787 on Tuesday, the 23rd of January. In 1860 it met on Tuesday, the 24th of January. On the 26th of January, 1787, as soon as the Address was disposed of, Mr. Pitt laid upon the table of each House a copy of the Treaty that had been concluded with France. He did not think it necessary to wait until the Treaty could be heralded in and apologized for by an able speech, mixing up the Treaty with the Budget and general considerations of revenue and finance. Mr. Pitt trusted to the conditions of his Treaty as being in themselves mutually beneficial and satisfactory to this country and to France, and without any delay, immediately after the opening of Parliament he laid it before both Houses. But Mr. Pitt did more. That Treaty, like this one, was to be accompanied by a convention which was to carry out in detail some of the articles left uncertain in the Treaty itself. Before he called upon Parliament to enter upon a consideration of the Treaty, Mr. Pitt not only laid before them the Treaty itself, but also the convention which specified in detail the precise amount of duties that were to be imposed upon the entrance of British goods into France. We are now called upon to take quite a different course. In the first place, there was a delay from the 31st of January till the 10th of February before the Government ventured to lay before Parliament the conditions of the Treaty, and it was avowed by them that the delay was caused by their desire that the Treaty should be explained at the same time that it was made known, and that the country should have no time to consider it before Parliament was called upon to discuss it. Then, again, where is the convention by which we are to know what are the duties to which our goods are to be subject upon admission into France? I say nothing as to the periods at which they are to be allowed to enter France, but am only speaking of the duties which are to be imposed upon them, of which all we know is that they are not to exceed 30 per cent. Mr. Pitt, as I have said, accompanied his Treaty by the convention fixing the precise duties to be levied upon our goods; and there was also this difference between the two Treaties, that the present Treaty stipulates for the immediate introduction of French goods into this country free of all duty, while, on the other hand, our goods are only to be admitted into France at an interval varying from twelve to eighteen months, and then we have the satisfaction of knowing that in no case (many of the articles being the identical articles we are to import free from France) shall a higher duty be levied upon them than 30 per cent. But the principle of Mr. Pitt's Treaty was that goods (with the exception of beer, upon which 30 per cent. was to be levied) should be introduced reciprocally into both countries at the same duties and at the same time; and the duties were specified and defined, in no case exceeding 15 per cent, and in some falling as low as 5 per cent. I can easily imagine that it would not have been very convenient for the Government to lay Mr. Pitt's treaty and their own side by side upon the table without all the explanation and recommendation that could be given by the eloquence and ability of the Chancellor of the Exchequer. Mr. Pitt, having laid his treaty on the table on the 26th of January, gave notice on the 2nd of February that on the following Monday he would move that the treaty be taken into consideration that day se'nnight. Thus a period of seventeen days elapsed after the treaty was laid on the table before it was discussed. In the debates which took place in 1787, I find Mr. Fox, among others, vehemently protested against the unparalleled short time allowed to Parliament for consideration of the treaty—the short time being no less than seventeen days. Now, mark the course pursued by the present Government. They said, "You shall know nothing of the Treaty until we have an opportunity of making a full financial statement," and accordingly on Friday, February 10th, this full financial statement was made and the Treaty was laid on the table of each House. A Motion was then made by the Chancellor of the Exchequer—not after the Treaty had been a week before Parliament—not with a previous notice of three days—but the moment it was laid upon the table he moved that it should be taken into consideration—or rather that the House should consider the duties involved in the Treaty—on the following Thursday. By dint of much pressure the House of Commons did obtain an extension of time equivalent to that very short period of which Mr. Fox so bitterly complained in 1787. Now I must ask your Lordships to recollect that in the treaty of 1787 there was no such article as the 20th Article in the present Treaty—nothing specifically requiring the assent of Parliament to be given to the articles of the treaty, except in so far as such consent must be necessary to carry out the financial portion of the treaty. But Mr. Pitt's course was this:—He first moved three Resolutions affirming the main commercial stipulations of the treaty, and those Resolutions were separately discussed in the House of Commons. The Motion was made on the 12th of February. The first Resolution was adopted on the same day, the second was adopted on the 15th, and the third on the 16th; and the whole Resolutions were reported on the 19th. I find, then, that these Resolutions, involving the commercial points, having been reported, Mr. Pitt thought it necessary to move an Address to the Crown thanking His Majesty for having concluded the treaty, and signifying approval of its provisions. When these Resolutions and the Address had been adopted by the House of Commons, the next step taken by the Government of that day was to communicate them to your Lordships' House. I beg your Lordships to consider the great importance, in a matter of this kind, of your being able to exercise your deliberate judgment without being told that "you have no power practically to deal with this question, because it involves money considerations, and you have no power to make amendments." It is of the utmost importance that you should have a full opportunity for discussing this Treaty in its financial and political bearings wholly independent of the other House. When those Resolutions were communicated from the House of Commons, a species of protest was entered by Lord Stormont, and a Motion made to the effect that the Address and Resolutions of the House were not to bind the House in its legislative capacity, even with regard to measures which might be founded upon the Resolutions and the Address—that they were to be equally at liberty to discuss each and every portion of the Treaty as much as if the Resolutions and the Address had not been agreed to at all. Now, what was the objection made to that Motion? Not that it was improper, but that it was wholly unnecessary, as it could not be for a moment supposed that by agreeing to those Resolutions the House precluded itself from any further deliberation or decision upon the subject. Let me remind your Lordships who were the men who took part in those great and protracted debates—men great and eminent, although some of the opinions expressed may now appear to be unreasonable, and more particularly the language of Mr. Fox, which tended to excite hostility between the two countries, declaring the impossibility of our being on good terms with France, and that it was our duty to keep aloof from them. Mr. Fox held those doctrines, which I think were wrong; and in the discussions which took place it appears to me that Mr. Pitt had much the best of it. Those discussions are well worthy the consideration of any of your Lordships who can spare time to refer to them; and in many respects those discussions are particularly applicable to the present occasion. Among those who took part in those debates, and among whom there was no difference of opinion as to the propriety of the course that was adopted, and the necessity for giving the fullest consideration of Parliament to the provisions of the treaty, were Pitt, Fox, Burke, Windham, Francis, Grenville, Wilberforce, and last, but not least, my late venerable and respected Friend, Earl Grey, who upon that occasion, as Mr. Grey, made his first Parliamentary effort. The course which Mr. Pitt and the Government of that day took, after having given full time for the consideration of the provisions of the treaty, was to move Resolutions, and then to send them to the House of Lords, with an Address to the Crown approving of the treaty, in order that there might be a joint Address to the Crown from both Houses. Afterwards, undoubtedly, there was considerable objection taken to the course which Mr. Pitt pursued; because, when he came to deal with the commercial legislation which was found necessary, he introduced a very large and very extensive measure for the consolidation of the Customs and Excise duties; he repealed most of the existing duties, and re-enacted the whole of them in a consolidated form—requiring, I think, a series of about 3,000 resolutions, which were then moulded into one single Act. It was, therefore, complained, with some justice, by the House of Lords, that the duties affected and those not affected by the Treaty were all mixed up together, and that it was impossible to take them into consideration with a view to their bearing upon the engagements entered into between the two countries. Now I might have been spared from thus trespassing upon your Lordships' time if the Government had earlier been a little more communicative as to the course they intended to take. Up to the present moment we have not had the slightest indication of the process which they think necessary for obtaining the opinion of Parliament on the contemplated arrangements. On the contrary, so far from dealing with the Articles of the Treaty, as soon as the budget speech had been made a Motion was submitted that the House should go into Committee on the whole Customs' duties with a view to consider the commercial and financial policy involved. I am not about to discuss a question which I believe is at this moment undergoing discussion in the other House—whether it was right first to consider the financial portion of the question or the Treaty—whether the political should precede the commercial; but of this I am quite clear—that the course which Her Majesty's Government ought to have pursued was to deal with those articles of the revenue which were necessarily affected by the Treaty, and to take them into consideration in connection with the general bearing and scope of the Treaty; that the proper course would have been not to go into Committee upon the Customs' duties, but to go into Committee for the purpose of considering the provisions of the Treaty. In that manner the attention of the House would have been directed *seriatim* to the commercial and political considerations involved, and they would, as in 1787, have had an opportunity of pronouncing an opinion upon all parts of the question before proceeding to adjust the commercial system of the country so far as it must be affected by this Treaty. I would ask, then, whether it is the intention of the Government to follow the course pursued by Mr. Pitt; whether they will propose Resolutions respecting this Treaty, and then communicate those Resolutions to your Lordships' House; and whether they intend that the two branches of the Legislature should unite in a joint Address, giving their sanction to the terms of the Treaty. My noble Friend (Earl Granville) gives no sign; perhaps the views of the Government are yet capable of some little modification. But I may be permitted to say that if that course should be pursued, it will not, I think, meet the requirements and the exigencies of the present occasion.

The Earl of Derby

I have already pointed out that as to the Treaty of 1787 there were no specific articles requiring the assent of Parliament, failing which assent the Treaty would have been null and void. Now, I ask any lawyer whether the only mode in which the assent of Parliament can be given is not through the medium of an Act of Parliament?—And, consequently, it is not enough to pass Acts of Parliament affirming the commercial and financial portions of the Treaty, but you must have an Act reciting the Treaty, and in virtue of the 20th Article declaring the assent of Parliament thereto. Even with regard to those articles which are simply financial, it does not follow, because the House of Commons sanctions a reduction of the wine duties, and your Lordships concur, that therefore you consent to make the reductions of those duties a matter of stipulation binding for ten years, and from which, whatever inconvenience result to your revenue, you have no power of receding. The reduction of duties is one thing; to compel you to reduce them by virtue of a Treaty is another and quite a different question. There are, however, articles of this Treaty which are of a very different character, and which do not bear in the slightest degree upon commercial questions, but partake more especially of a political nature. I should be very sorry indeed to see the assent of Parliament given to the 3d and the 11th Articles. If you were to proceed in any way upon the principle of reciprocity—if you were to require for your commerce advantages corresponding with those conferred upon French commerce—the first object which you ought to have attained was the equalization of the duties upon shipping, thereby giving fair play to the most important industry of this and the other country. But the 3rd Article of this Treaty does not pass over the question of the Navigation Laws; it impliedly recognizes and sanctions the permanence of those differential duties on the side of France which it is impossible to maintain with any pretext of fair and equitable dealing towards this country. Then there is the 11th Article, by which you stipulate with a foreign nation, which has nothing to give you in exchange, that under no circumstances will you prohibit or impose any duties on the export of one of our most important products—coal. Why, it is a mockery to say that this is reciprocity. Here is the stipulation:—

"The two high contracting Powers engage not to prohibit the exportation of coal, and to levy no duty upon such exportation."

But it is notorious that France has no coal to export. It is notorious that she is mainly dependent, and in time of war would be still more dependent, on us for coal for warlike purposes. I am not speaking now of a case in which we might be at war with France. Of course, under such circumstances, any treaty would be broken through; but at this moment it is an undecided point whether coal may not be considered as contraband of war. My noble Friend (the Earl of Hardwicke) reminds me that in the case of the Baltic war, the Government, which consisted of many Members of the present Ministry, actually declared that coal was contraband of war, and as such prohibited its export. What, then, will happen, supposing, not that we are at war with France, but that France is at war with some other Power? By this Treaty, we being neutrals between two belligerents, we should be bound not to prohibit the export of coal, although it may be contraband of war. Your vessels, going out laden with coal, may be seized by one of the belligerents, and what is the course you must pursue? Either you must submit to the seizure of your vessels, though the terms of your Treaty prevented you from prohibiting the export of their cargoes, or you must avenge yourselves of the insult offered, maintain your perfect right to export coal in pursuance of the Treaty, and, in that way, very probably may be led into hostilities, and become a principal in the war instead of a spectator. Whether, however, coal be contraband of war or not, to preclude a Government from prohibiting the export or imposing duties on any article is a condition which never ought to have been introduced into any Treaty, more especially when the article is one of such vital and essential importance as coal. Now, there is a very curious point connected with this question. In his original letter of the 23rd of December, Lord Cowley says—

"British coal imported overland to be admitted at the same rate of duties as Belgian coal. Seaborne coal to be subjected to the present duty for five years, when they would be assimilated to coal introduced overland."

Now, what does the Foreign Secretary say on the subject of coal?

"An allusion is, indeed, made by Count Walewski to British coal; but such is the market for that commodity both in this country and abroad that no public interest would be excited upon the question whether the duty charged on it in France is to be high or low, or whether the remission is to be immediate or postponed. Indeed, there still remains more or less of a disposition, which formerly was strong, to view the export of coal with jealousy, or even to subject it to fiscal restriction."

Your Lordships will observe that the offer of France is to take in your coal at, comparatively speaking, low duties; to which the answer of the Foreign Secretary is, that it matters very little whether the importation of coal into France is subject to high or low duties, for the trade in this article with other countries is so great that the addition of the French market would make but little difference to us, and that there is even in England a feeling of jealousy as to the export of coal at all. Notwithstanding that such was the view of the noble Lord the Secretary for Foreign Affairs, the stipulation in the Treaty is to the effect that we shall on no account prohibit or put a duty on the export of coal. I am not going now to discuss the various Articles of the Treaty. There will be a more ample opportunity for considering the merits of the Treaty, the amount of reciprocity obtained by it, and the benefits which our commerce is to derive from it. I do not intend in the slightest degree to undervalue or depreciate the advantages —on the contrary, I rate them very high— of extending and increasing our commercial relations with France; but if this be effected by treaty at all, let it be done by a treaty which bears some appearance of equivalent benefit and reciprocity. The noble Secretary for Foreign Affairs, in a passage to which I have referred, laid down very distinctly, when arguing against a treaty, the danger there would be in the case of a treaty of the French being apt to consider that their interests were sacrificed to those of England. On the other hand, it has been impressed on us that the great object of this Treaty is, not to obtain harmony and good understanding between the two Governments, but harmony and good understanding between the two peoples, and to prevent the chance of their ever quarrelling. Now, it appears a strange mode of attaining that object to make a treaty which, according to the confession of the noble Lord the Foreign Secretary, would lead the French people to believe that their interests were sacrificed to ours. And what is the ground put forward for this being made a matter of treaty? Why, that the changes will be most unpopular in France, that large classes of the French people will be violently opposed to it, and so serious will be the objections felt, and so great the difficulty of recurring to the ordinary mode of legislation in France, that the Emperor, with all his power and appliances, would be unable to pass these reductions through the French Legislature; and it is therefore suggested that you should assist him, and make that matter of treaty which you yourselves have declared ought not in principle to be made matter of treaty. Then, in spite of your own principle and the ill-will created in France, you will enable the Emperor of the French, in accordance with a special law on the subject, by the execution of the Treaty, to give to his acts the power of law, that law being one which he would be unable to pass through the Legislature in the ordinary way. If there be any truth in these statements, the mode adopted certainly appears a singular way of conciliating the people of France, and of commending the Treaty to their approval. I wish now to be informed by the noble Earl opposite what steps the Government propose to take to give effect to the 20th Article of the Treaty. I think I have succeeded in showing that it is absolutely necessary that the assent of Parliament should be given to the Treaty, not impliedly, but positively and absolutely, and by legislative enactment, not dealing with particular parts of it, but reciting the whole Treaty and enacting the assent of Parliament thereto. In that way only can it be applied. I should be glad to hear from the noble Earl that the Government have made up their mind to adopt this course, for then there would be ample time for both Houses of Parliament to consider the Treaty in all its bearings; and I can assure the Government that there is no desire on my part, or on the part of those noble Lords near me, to act with any factious spirit or cause embarrassment to the Government. The first question which presents itself to my mind, as matter for the gravest doubt, is whether it was wise, with respect to any financial arrangements, to bind ourselves hand and foot for ten years; and the next question that occurs is whether, however desirable it may be to extend and increase—and I hope to see them increased and extended—our commercial relations with France, the present is the proper moment to make these alterations, when we have an enormous deficit in the revenue to meet, and when, to obtain the anticipated advantages of this Treaty, we must largely increase and, in point of fact, make permanent a system of taxation which has hitherto been reserved for periods of emergency and war, but which if you impose at 10*d.* in the pound in time of peace, you are establishing as a portion of the ordinary revenue, never to be got rid of, and are thus depriving yourselves of a most powerful engine for raising an extraordinary revenue in time of any great and sudden emergency. I object to some articles in the Treaty on their own merits, and to others not on their own merits, but because I conceive, that even should the agreeable anticipations of the Chancellor of the Exchequer be borne out, this is not the moment to enter into these stipulations; and if it were, I consider that the substitute you propose to provide the requisite revenue is most objectionable in time of peace, and should be reserved for cases of war or extreme emergency. The noble Earl ceonluded by moving—

"That there be laid before the House, copies of so much of the Journals of the two Houses of Parliament as relate to the Proceedings in respect of the Commercial Treaty with France in 1787."

The Earl of HARDWICKE was understood to say, that during the late war with Russia two vessels belonging to a Danish port were seized and confiscated as carrying cargoes contraband of war, such cargoes being coals.

Earl GRANVILLE: My Lords, the charge against the Government of having shrouded their proceedings with regard to the Treaty in secrecy may be retorted against the noble Earl; for on this occasion secrecy appears to have marked his own conduct to a very noticeable degree. On Friday the noble Earl comes down to the House, and gives a notice regarding the Treaty which no one could have regarded but as the notice of a casual inquiry as to the intended mode of proceeding. But, if the noble Earl intended to open up the whole question of the principle and details of the Treaty and of the policy that had dictated it, and to favour your Lordships with a speech an hour-and-a-half in length, criticising it, it would have been just as well for the noble Earl to have given such a notice as would have been convenient to the Government and the House; for I dare say that many Peers are absent who would have liked to be present had they imagined that the noble Earl meant to make a long speech. Judging, however, from the brilliant audience in the side galleries, the noble Earl's secret appears to have become known to some parties. I admit that the questions put by the noble Earl are perfectly fair and Parliamentary, and the Government have no desire whatever to withold the fullest information, not only upon the course of proceeding they propose to adopt, but as to all the facts of the case. The noble Earl at the outset of his speech stated that he was not going into the merits, yet the whole hour and a half over which that speech extended was occupied in criticising and objecting to it. He (Earl Granville) denied that the charge of secrecy brought by the noble Earl against the Government was maintainable. It was obvious that in cases of this sort it would lead to inconvenience, and embarrass negotiations, if public notice were given that a Treaty of Commerce was being negotiated; but in this instance it was impossible for the Government to give notice, for they were not only not committed to the Treaty, but up to the date of the despatch from Lord Cowley which has been mentioned to-night the Government was not in the slightest degree committed to any negotiation whatever. They knew, indeed, that a distinguished public man had been in communication with influential members of the French Government, and had found a great disposition on their part to remove the commercial restrictions which existed between the two countries. But Mr. Cobden at that time had no authority from us—he never pretended that he had—to negotiate a treaty; and it was not until Count Walewski made a formal request on the subject, that Lord Cowley and Mr. Cobden were empowered by the Government to commence negotiations. Although the noble Earl discussed the Treaty at considerable length, I observed that during the whole of his speech he carefully avoided committing himself on the question of reciprocity. Whether he is in favour of reciprocal treaties, as he was a short time ago, or whether he has adopted those more liberal opinions which are now in vogue, I am at a loss to know. The noble Earl next entered into come criticism as to the wording of the correspondence, the object and bearing of which I confess I am at a loss to understand; but with regard to the mode in which the despatch was addressed to Lord Cowley and Mr. Cobden, I do not see how it could very well be addressed otherwise than it was. The noble Earl proceeded to accuse the Government of having departed from the precedent set by Mr. Pitt in 1787, and of having interposed unnecessary delay in producing the Treaty; but the noble Earl omitted to state that Mr. Pitt's treaty was known a considerable time before the meeting of Parliament, whereas it was impossible to produce the present Treaty immediately after the meeting of Parliament, for the simple reason that it was not ratified. The only delay which occurred after the ratification was caused by the illness of the Chancellor of the Exchequer, and arose from a desire on the part of the Government to have all its provisions and bearings explained at the same time. The noble Earl, when describing the course pursued by Mr. Pitt, adverted to the debates which took place in both Houses of Parliament, and even quoted some of the observations of Mr. Fox. I frankly confess that it is a matter of great regret to me, who have always entertained a traditional and historical respect for Mr. Fox, and also, I may add, for the late Earl Grey, who was one of the most practically liberal of men on all the great principles of civil and religious liberty, to find that in the debates of 1787 upon subjects of commercial policy, they were as completely in the wrong as they possibly could be. The noble Earl has told us that Mr. Fox opposed Mr. Pitt's treaty because it was made with our "natural enemies" the French. Some members of the Opposition went even further, and objected to the treaty, because, if carried, it would compel Parliament to act upon the objectionable doctrine of free trade with Ireland. The debates of 1787 show that the greatest men are not well informed upon every subject, and that—as Whig historians have admitted—Mr. Fox and Mr. Grey were inferior to Mr. Pitt with respect to the principles of commercial legislation. But certainly this is no ground for quoting their opinions against the course which Her Majesty's Government propose to take upon the present occasion. The noble Earl was quite correct when he said that the first step taken by Mr. Pitt's Government with the view of obtaining Parliamentary sanction to the treaty with France was to submit it to a Committee of the whole House; but the noble Earl did not point out the difference which exists between the two cases. Mr. Pitt's treaty and the measures which he founded upon it related only to France, and did not affect our general Customs' duties, whereas our treaty and the corresponding repeal and remissions of duties are applicable, not to France alone, but to the whole world.

We cannot, therefore, follow precisely the course adopted by Mr. Pitt. The noble Earl says, that Mr. Pitt embodied in the Resolutions he submitted to the Committee all the important clauses of the treaty. That is not strictly correct. What Mr. Pitt embodied in his Resolutions were those clauses of the treaty which affected our Customs' duties, with the addition of that "most favoured nation" clause which in 1787 was without precedent, but which has since been repeatedly adopted without any reference to Parliament whatever. With regard to the intentions of the Government, they propose to proceed in strict accordance with what was stated in "another place" last week. Our wish is to give the most ample information to Parliament, to afford ample opportunity for discussion, and to obtain its assent to the propositions of the Chancellor of the Exchequer, and then to ask the assent of Parliament to the whole Treaty in the regular way. In the House of Commons a discussion will be taken in the first instance upon all those Customs' duties which either directly or indirectly are connected with the Treaty. If the Resolutions are passed, the House will then be asked to agree to an Address to the Crown on the subject of the Treaty. When that is done—though I am not sure it is in accordance with any modern Parliamentary precedent to submit Customs' Resolutions to this House—the Resolutions and Address passed by the Commons will be communicated to your Lordships, and your Lordships may then proceed, in the same way as in 1787, to consider the Resolutions, and to concur in the Address to the Crown. The noble Earl wants us to go even further than Mr. Pitt, and, relying upon the 20th Article, he calls upon us to embody the whole of the Treaty in an Act of Parliament. But the 20th is not the only clause which relates to this point. The 14th, which follows a series of engagements on the part of Her Majesty, states that "the present Treaty shall be binding for the United Kingdom of Great Britain and Ireland so soon as the necessary legislative sanction shall have been given by Parliament." Then follow several Articles in which the Emperor of the French makes certain engagements to Her Majesty. It seems to have occurred to the French negotiators at this point that, while the French Government was bound firmly enough, the British Government was not bound except in a certain eventuality—namely, unless they were authorized by the assent of Parliament. Hence the following Article:—

> "The present Treaty shall not be valid unless Her Britannic Majesty shall be authorized by the assent of Her Parliament to execute the engagements contracted by Her in the Articles of the present Treaty."

Observe the words are "the assent of Her Parliament," not, as in the 14th Article, "the legislative sanction" of Parliament. In the latter case Parliament means Queen, Lords, and Commons; in the former it means the two Houses only—which cannot pass an Act of the Legislature. I submit, then, that we shall meet all the requirements of the Treaty by agreeing to an Address to the Crown, and by passing the Customs' Bill, which must be introduced to legalize all that is inconsistent with the present law. The noble Earl divided the Treaty into two parts—one commercial, the other political; but I must confess I do not know where the political stipulations of the Treaty are to be found. The noble Earl, I am aware, referred to Clauses 3 and 11. As to Clause 3, I certainly regret that the French Government should have desired its insertion. It does not add the slightest force to existing legislation, and was only admitted in order to prevent all possible misconstruction of the previous clauses. I regret the introduction of that third clause, because it is to a certain extent injurious to our interests, and also because it is, undoubtedly, infinitely more injurious to their own. Its effect will only be to stand in the way of their reaping the full advantages of free trade by taxing themselves in a circuitous manner. But, said the noble Earl, if you had only retained your navigation laws, what a powerful lever you would have had now to bring the French to reason. When we repealed the navigation laws, we repealed them for our own interest. I am disposed to believe that we could not have retained those duties even if we would, but I think that when we found it was for our own interest to repeal them the Government were right to do so at once, even though France was not ready to make any agreement on the subject. I am thankful and delighted that we did repeal those duties at that time instead of waiting till now. As to the 11th clause, relating to the export of coal, it has already been fully discussed by your Lordships, and I think the noble Earl has not been able to make out any case against it. And I do not like to weary your Lordships by going over the same ground again. That clause might be objected to on the ground that, for the sake of giving ourselves a differential advantage over the French manufacturers, we ought to retain the power of putting an export duty on coal; but I believe no one here will be inclined to argue in that way. Then, again, it might be said that for fiscal purposes it might be desirable to tax the export of coal, and that we ought not to exclude ourselves from such a cause for ten years to come. That is a more plausible argument, certainly, than the other; but the difficulty which has been conjured up is quite imaginary. After the former humiliating failure to keep up such a duty, and after the strong evidence then adduced as to difficulties and complications to which it led, I think it is utterly impossible to impose an export duty on coal. I quite admit that under certain circumstances a moderate export duty for fiscal purposes may be as good as an import duty, but you must recollect what the subject is which you are going to tax in the present instance. You must bear in mind that it is a commodity of which we are the producers, and that any tax upon its export must act against our sale of it when it comes into competition with the production of Foreign mines in the markets of the world. As to the noble Earl's argument against the abandonment of a prohibitive duty on coal in the event of war, I have only to say that at the time of the Crimean war we did issue a proclamation prohibiting the export of contraband of war to countries north of Dantzic, but that we did not extend it to coal. There is no positive decision of our courts of law upon this point, but there can be no doubt that in certain cases where the destination and use of coal are obvious, coal is contraband of war. In Mr. Pitt's treaty there were two clauses specifying what was to be regarded as contraband of war and what not, and coal was distinctly specified as not contraband. Of course, at that time, nobody thought of coal being used for the propulsion of large vessels of war, and hence there was no reason why it should be held to be contraband. But I find that sail cloth, cables, anchors, and everything essential for the navigation of a man-of-war, such as were afterwards pronounced by Lord Stowell to be contraband of war, did not figure as such in Mr. Pitt's treaty. The noble Earl has also alluded to the difficulty likely to arise when two nations being at war we, as neutrals, should have to prohibit the exportation of coal to other countries. I believe no one will deny that there are, by the laws of nations, belligerent rights which may be exercised by States in anticipation of and previous to war—such as embargoes and the like. The Customs Act of 1853 gives power to the Crown to prohibit the export of various munitions of war. Now, either these are affected by a commercial treaty, or they are not. I apprehend no one here will assert that it would have been wise to omit from the French Treaty the "most favoured nation" clause, previously inserted by the late Government in the commercial treaty with Russia. The only difference between that clause and the 11th is that by the former you cannot prohibit the export of coal to France without prohibiting it at the same time to the rest of the world; and that, by the other, you cannot prohibit it at all. The noble Earl argued that when there was a prohibition, on our part, of the export of contraband of war, it must be extended, if the 11th clause held good, to all the rest of the world. But here the facts are quite the other way. During the Russian war the Government, acting on the advice not only of the law officers of the Crown, but also of the learned Lords of the Council, issued, as I before mentioned, a proclamation six weeks before the war commenced, prohibiting the exportation of all articles contraband of war—coals not included—to any ports north of Dantzic, leaving them perfectly free and open to the rest of the world. Now, is it probable—is it possible—that those nations, to some of whom we were bound by "the most favoured nation" clause, as it is called, would have uttered no murmur, raised not the slightest objection to the course we took, if they had not held, as I believe it ought to be held, that no such stipulation in a mere commercial treaty does infringe the belligerent rights of the States contracting? The noble Earl spoke of the one-sided nature of the Treaty, and in illustration referred to the fact that the English duties were to come off sooner than the French ones. The truth of the matter is, that France was perfectly willing, and, indeed, proposed that we should delay as long as herself the advantages or disadvantages of the Treaty, whichever the noble Earl may call them; but Her Majesty's Government, having once made up their minds that the changes which they were called upon to make would be highly benefica to our country, declined to accept of any delay, and resolved to take the only right and wise course—that of making the remissions at once, without waiting for any corresponding remissions on the part of France. As to this question of one-sidedness in the Treaty, it is very strange to observe some of the most eminent statesmen in France deploring the formation of the Treaty in the strongest possible language, as all for the good of England and absolutely ruinous for the best commercial and manufacturing interests of their own country; and at the same time to hear it said in England, though not in quite such strong language, that the Treaty is all for the advantage of France and that the bargain is a very bad one for ourselves. It is a logical impossibility that both these opinions can be correct. For my own part, if I were a Protectionist—I recollect indeed it having been said by one of your Lordships that the animal was only to be got at by digging down into a deep substratum of the earth; but I am not sure of that, for I believe that a few specimens may be found on the surface of the earth in a state of suspended animation—but if I were a Protectionist I might logically hold that a treaty of this kind would be injurious to both countries; but as a free-trader from the beginning of my public life, as one who has watched the glorious effect of every restriction removed from commerce, I believe we shall find the result of this Treaty most beneficial to both of the nations concerned. The noble Earl spoke of Mr. Cobden's having been brought forward to bear all the obloquy of the arrangement, and of Lord Cowley having washed his hands of the business. I can assure your Lordships that such a conception can only arise from the modest language which Lord Cowley uses when speaking of his exertions in order to give all the credit to Mr. Cobden; but on the other hand Mr. Cobden wishes it to be known that her received the greatest possible advantage from the experience, sagacity, and judgment of Her Majesty's Ambassador at Paris. I do not consider this the establishment of free trade in France, but only the beginning of free trade, and when the noble Earl says that this measure of free trade is avowedly forced upon the French people against their will, I say that is not a fair way of putting the question. [The Earl of Derby was understood to explain that what he had said was, that the Emperor of the French had taken the present course because he would have found great difficulty in passing the Treaty through the Legislative Chamber.] I think the noble Earl will not deny that upon the whole the Emperor of the French has a pretty clear perception of what is agreeable to the nation he rules over, and there is the greatest possible difference between doing what is distasteful to the whole people and finding a difficulty in dealing with certain Chambers in which the influence of great protected interests—as had sometimes happened in this country—is sure to be loudly heard. And your Lordships may depend upon it that if the Emperor had not seen that the Commercial Treaty, when it comes into operation, will be of great advantage to the people of France, and be popular among the great mass of the consumers, he would not have proposed such a negotiation. I entertain no doubt that the more free trade is adopted in France, the more it will be extended, and the more the necessity of breaking down the artificial restrictions that now exist upon French commerce will be seen. For my own part, I feel the greatest satisfaction that this Treaty has been negotiated under Her Majesty's present Government.

Earl GREY: My noble Friend (Earl Granville) does not, it appears to me, estimate fully the importance of the question put by the noble Earl opposite. That question is one of great importance—namely, in what manner this Treaty is to be brought under the consideration of Parliament. In order to explain my views, I trust that your Lordships will permit me, as shortly as I can, at an hour which I know is inconvenient, to point out what I understand to be the difference between the course which Her Majesty's Government propose to take and that which was taken by Mr. Pitt. In 1787 Mr. Pitt moved for papers relative to the convention, and then in Committee of the Whole House he moved Resolutions affirming the main provisions of the Treaty. My noble Friend says it is not necessary to do that, because in 1787 Mr. Pitt proposed to legislate with reference to France only; whereas in the present year the reductions of duty are general, and apply to every country in the world. Let me point out that my noble Friend has fallen into a mistake, and a very important one. The Resolutions moved by Mr. Pitt in Committee on the commercial treaty were not the foundation of any legislation at all. If your Lordships refer to the Journals it will be found that the Chairman of that Committee was not instructed to move for leave to bring in a Bill founded upon those Resolutions. The only proceeding founded upon those Resolutions was an Address to the Crown in favour of the provisions of the Treaty, in which this House was asked to concur. The reductions of duty under that treaty were afterwards included in a great number of other reductions of duties —embraced in 2,500 Resolutions—forming an entire alteration of the whole of our Customs, Excise, and Stamp duties. When the Resolutions relative to these duties were reported the Chairman was instructed to move for leave to bring in a Bill founded upon them, and these Resolutions, and not the others relative to the treaty, were the foundation of the whole proceeding. In the present year Her Majesty's Government do not propose to have a Committee of the Whole House on the Commercial Treaty; they intend to ask the House to go into Committee on the Customs Acts, and then they propose in that Committee to move Resolutions for the reduction of duties. Now, my Lords, how will this operate? By the usual practice of Parliament, Resolutions agreed to in Committee of the Whole House in favour of reductions of Customs' duties come into operation as soon as they are reported to the House. Take wine, for example, which is the most important concession under the Treaty. If the Resolution in favour of this reduction is agreed to in Committee of the Whole House on the Customs Acts, upon the Resolution being reported to the House the reduced duty comes into immediate operation. Therefore, when Parliament afterwards comes to consider the Treaty, it will find the most important part already carried into effect, and you cannot without disturbance of trade retrace your steps. In a Committee of the Whole House on the Commercial Treaty any question may be raised which any hon. Member may think important with reference to the Treaty; but in Committee on the Customs Acts any discussion upon the Treaty will be irrelevant and out of order, and no Resolution can be proposed whereby the sense of the House may be taken upon the various matters provided for by that Treaty. The effect of this course of proceeding, as contrasted with that taken by Mr. Pitt, is that Mr. Pitt's Government gave to Parliament an anterior opportunity of discussing the various questions contained in the Treaty before they proceeded to carry them into effect. Mark how the present course of proceeding will operate. I will not go into the merits of the present Treaty. I have already had two opportunities of expressing my opinion upon the general policy of that Treaty, and this is not a fit occasion for fully discussing the details. I may, however, point out to your Lordships some of the questions that must necessarily arise in discussing the policy of that Treaty —not questions of the reduction of Customs' duties, but well worthy, notwithstanding, of the consideration of Parliament. For instance, we shall have it suggested to us that it is not politic for this country to bind itself for ten years not to impose any duty on coal exported to France. From the language that has been held in this House that opinion appears likely to receive considerable support from some of your Lordships. Is it not very probable that we shall also have our silk and paper manufacturers saying, "It is not equal justice that we should be bound for ten years to give French silk and paper manufacturers access to our coal, to cheapen their produce, while France either lays a heavy duty on or entirely prohibits the exports of various important articles or raw materials"? France, for instance, prohibits the export of rags; and imposes a duty on the export of raw silk, and our paper and silk manufacturers may very well contend that it is not just to furnish coal to facilitate French manufactures, while France does not allow these important materials for ours to be exported to us. We may not feel any great objection to the export of coal to France; but when France obtains a right of free access to our coal for ten years, English shipowners ought, think, to have a fair share of the carrying trade of so bulky an article. The third Article of the Treaty, however, maintains all the differential duties now in force in favour of French shipping, and the differential duty upon coal imported in English bottoms remains nearly, if not quite, prohibitory. The brandy manufacturers, too, may say that they consider the original duty of 10*s.* proposed by the Government on the 17th January to be a fairer one than that of 8*s.* 2*d.* agreed to in the Treaty. Is it not probable that the English silk manufacturers will represent to your Lordships that, while they are exposed to a very considerable inconvenience in the introduction of French silks free of duty, they are forbidden to enjoy the equally free introduction of their silks into France? In a certain description of silk goods, in which the artistic skill and taste of the French give them an advantage, our silk manufacturers cannot compete with their French rivals. But there are silks of a plainer and stronger pattern, in which our mechanical skill and the perfection of our machinery give our manufacturers a great advantage; and if these goods were admitted into France, an advantageous business could be done in this description of goods, and their admission into France at the same time that finer French goods are admitted here, would afford employment to many of the hands likely to be thrown out of work by the inability of our manufacturers to sustain the competition with France in fabrics of this description. In like manner it would be for the advantage of France that the admission of those British silks which may supersede some of their own, should take place at the same time that a great increase of employment was afforded to another branch of the French silk trade by the opening of our market. Thus, it would be for the interest of both countries that an interchange of their silk goods should take place in a manner which the provisions of the Treaty will not admit. Our manufacturers will, I think, have much to say in support of this view of the subject and against the provisions of the Treaty as it stands. I do not say whether the case they will be able to bring forward will be capable of being made out. This is not the right time for entering into that question, but I do say that the parties ought to be heard. All I now ask is that this and the other House of Parliament should have an opportunity of fully considering these questions, and of discussing how far it is right to accept the arrangements made by the Government in the negotiations with France before we actually make the concessions that are asked of us. If you had followed the course pursued by Mr. Pitt, the difficulties now experienced would have been obviated. If that precedent had been followed, Resolutions to carry the Treaty into effect would have been moved by the Government in a Committee of the House of Commons upon the Treaty, and not upon the Customs Act. In a Committee on the Treaty, Resolutions pointing to its amendment might have been moved, and, if adopted, would have afforded grounds for moving an humble Address to Her Majesty asking Her to reopen the question with France, and to endeavour to obtain such modifications of it as are necessary. This course, I say, would have been open to either House of Parliament to pursue, if the precedent of Mr. Pitt had been followed. But the effect of the course taken by Her Majesty's Government is to deprive Parliament of this opportunity of deliberation. The House of Commons, in a Committee on the Customs Acts, cannot consider any Motion tending to a revision of the Treaty—it can only decide whether it will or will not consent to the reductions of duty promised to France which will be proposed to it; and if it adopts the Resolutions proposed for that purpose as soon as they are reported to the House and agreed to, they will come at once into operation, so that when it afterwards proceeds to consider the Treaty, and when the Treaty is brought before this House, as we are promised that it shall be, the time will be past for discussing it with advantage, since all the advantages accorded to France will already have been granted, and it will be impossible to recall them without extreme inconvenience to our own trade. The noble Earl opposite (the Earl of Derby) has expressed his opinion that a distinct Act of Parliament is necessary to give effect to the Treaty in consequence of the manner in which one of the clauses is worded. On comparing the words of this part of the Treaty with those of the corresponding provisions in that of 1787, I admit there is some awkwardness in the expressions now used, but still I do not think they have the effect the noble Earl supposes. The assent of Parliament which the Treaty requires for its coming into operation will, I think, be sufficiently given by the passing of the Acts for reducing the several duties which it stipulates for repealing. At all events, if there is the slightest doubt upon this point, it can be removed by a convention between the two Governments declaring this to be all the Treaty was intended to require.

THE DUKE OF ARGYLL thought his noble Friend (Earl Grey) exaggerated the difference that existed between the mode of dealing with this Treaty and the mode adopted by Mr. Pitt. The difference of treatment arose out of the different natures of the two transactions. The two transactions were essentially different in their nature, and there was no change in the mode of dealing with the present one that was not made absolutely necessary by the difference that existed. The Resolutions moved by Mr. Pitt had reference to a Treaty that related exclusively to France. Now, the present Treaty had a general operation, affecting all other countries, and not France only. It affected the wines, not of France merely, but of Spain and Portugal and the rest of Europe; and it would, therefore, be impossible to follow literally the precedent of Mr. Pitt in regard to it. Moreover, the Resolutions which would be proposed in the other House of Parliament, were Resolutions which would affect the importation into this country of numerous articles from all parts of the world. There might be many faults found with the Treaty, but he thought his noble Friend very greatly underrated the magnitude of the change in regard to France. He believed the change effected by France under this Treaty was infinitely greater in degree and more important in principle than any change we stipulated to make in our own country. We were only taking one step forward and that a short one, in the same path on which we had been proceeding since 1842; whereas France was taking a step involving a far greater change than was taken by Mr. Huskisson when he commenced his commercial reforms. The noble Earl opposite referred to the third Article relating to shipping. No one could deny that it would have been more satisfactory to this country if the Treaty had also been a navigation treaty —but it did not profess to be so; it was a commercial treaty only. We could not under this Treaty, and did not ask France to alter her navigation laws. France offered to us certain changes in her commercial code which were beneficial to us, and we accepted them: but we did not insist upon other changes which would have been more beneficial to the French than to ourselves. With regard to the export trade in coal, the House would perhaps be surprised to find that last year the export of this article to France alone exceeded the whole amount exported in 1842 to the whole world; and of this trade more than two-thirds was carried on by English coasting vessels. He did not believe, as had been alleged, that the stipulations of this Treaty would in any way interfere with our rights as a belligerent power, should we unfortunately be engaged in war, or in the least degree fetter our action previous to war breaking out. Great pains had been taken to connect the increase of the income tax with the operation of this Treaty; but he denied that the Treaty had anything more to do with the increased income tax than had our large naval and military expenditure, which was not objected to by any party in that House. It was incorrect and unfair to speak of the operation of this Treaty and the increase of the income tax as being specially connected with each other That, however, was a point which ought to be argued at great length; and he only said, in the meantime, that he could not assent to the interpretation that the two questions were inseparably connected.

THE EARL OF HARDWICKE said, that the main objection which he made to the course pursued by the Government was, that they had tied this country for ten years to come not to make any change whatever in reference to those duties which bore on the intercourse of shipping. One point seemed to have been entirely omitted in this debate in reference to the condition of the shipping of the two countries, and it was this, that at present the produce of Asia, Africa, and America, could only be imported into France in bond for re-exportation; but if this Treaty were passed, the Emperor could admit these goods from Asia, Africa, and America in French ships for consumption, by protecting them by differential duties. This would give a great advantage to France, and place her in a position so vastly superior to that which she had hitherto held, that the interests of our own country must suffer extremely.

Motion, by leave of the House, *withdrawn.*

House adjourned at a quarter before
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, February 20, 1860.

MINUTES.] PUBLIC BILLS.—1° Medical Acts Amendment; Dwellings for Labouring Classes (Ireland); Coroners.

PASSES TO SAILORS.

QUESTION.

SIR CHARLES NAPIER said, he wished to ask the Secretary to the Admiralty, Whether a circular has been issued forbidding Officers to give passes out of the Sea Port Town; and whether the Captain of —— asked permission to give passes, and was reproved for so doing?

LORD CLARENCE PAGET said, the order had been issued in consequence of complaints made by the inhabitants of Weymouth of some irregularities on the part of sailors; since these complaints sailors had not been allowed to leave the neighbourhood of the ports at which their ships were lying. The captain alluded to by the hon. and gallant Gentleman had not been reproved; but the general order would remain in force.

AGRICULTURAL DISTRESS (IRELAND).

QUESTION.

Mr. LANIGAN said, he would beg to ask the Chief Secretary for Ireland, Whether Her Majesty's Government have been informed of the distress that at present prevails among the agricultural labouring class in Ireland, who are left unemployed in consequence of the unwillingness and reluctance of the Tenant Farmers in that country to employ labour or invest capital in the permanent improvement of their Farms as long as Landlords possess the power of eviction without compensation; whether there are any funds at the disposal of Government to meet such a case; and whether there is any intention of introducing such a Bill this Session as will have the effect of removing the cause of this distress?

Mr. CARDWELL said, he fully concurred with the hon. Gentleman in thinking that any measure for the improvement of the tenantry in Ireland would be most beneficial to the country generally. He was happy to assure him that a vast improvement in the agriculture of Ireland had recently taken place, and he hoped it would be attended with a corresponding improvement in the condition of the tenantry. He had already given notice of his intention to bring in a Bill to facilitate those improvements, and he trusted that it would prove successful in effecting the objects which it had in view.

CASE OF GIOVANNI PORPA.

QUESTION.

Mr. T. DUNCOMBE said, he rose to ask the Secretary of State for Foreign Affairs if he has inquired into the truth of the allegations contained in the Petition of Giovanni Porpa, a naturalized British subject, presented on the 26th day of January last, complaining of wrongs inflicted upon him by the Neapolitan Government; and, if proved to be true, whether he has taken any steps to obtain the Petitioner redress?

Lord JOHN RUSSELL said, he had been informed by Lord Malmesbury that the Petitioner, though naturalized in England, was a born subject of the King of Naples; in accordance, therefore, with the usual custom in such cases, the answer to the Petition was, that nothing could be done to take the case out of the jurisdiction of the Neapolitan tribunals. He had not made any further inquiries into the allegations of the Petition.

THE NEW BRONZE COINAGE.

QUESTION.

Mr. W. EWART said, he would beg to ask the Chancellor of the Exchequer when the new bronze coinage, to be substituted for the copper coinage, is likely to be issued?

The CHANCELLOR of the EXCHEQUER said, he should appeal to the indulgence of his hon. Friend, inasmuch as he had not had an opportunity of consulting with the Master of the Mint, owing to the great pressure of business. He could, however, tell him that the cause of delay was to be found in that most delicate part of the operation—namely, the execution of the design by the artist. He was most unwilling to interfere with the intention of accelerating the work, as the result might be the production of a design which possibly would not be considered satisfactory. He would, however, inquire into the subject in a few days. He was not aware of any other reason why they should not proceed immediately with the execution of the work.

TRADE WITH JAPAN.—QUESTION.

Mr. CLIFFORD said, he would beg to ask the Secretary of State for Foreign Affairs if he has any objection to lay on the table of the House any Copies or Extracts of communications received from Mr. Consul-General Alcock relative to the establishment and temporary suspension of trade in Japan?

Lord JOHN RUSSELL said, he had no objection to the production of the correspondence.

WINE AND BEER LICENCES.

QUESTION.

Mr. EDWIN JAMES said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he is prepared to state the course Her Majesty's Government intend to pursue with reference to the granting of Licences for the sale of Beer and Wine by retail to the keepers of refreshment houses as indicated by Resolution No. 15, to be proposed in Committee of Ways and Means, and whether he still intends to propose that Resolution to the Committee?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I believe the substance of my reply to the question is already within the knowledge of the hon. and learned Member, inasmuch as he introduced a deputation that waited on me this morning in Downing Street and discussed this important question in his presence. Perhaps it will be convenient if I now state the form in which the question rested when the deputation left me. It represented a large meeting chiefly composed of licensed victuallers, and it was stated on the part of many of them that they thought no change is required in the present law regulating the sale of wine, spirits, and beer. Another portion of that meeting, however, did not appear to be exactly of this opinion; they proposed that it should be compulsory on all victuallers licensed to sell spirits to take out a wine license also. A third portion of the meeting appeared disposed to go still further. They thought it a fair proposal that wine licences should be granted to persons not holding spirit licences, provided they were granted at the discretion of the Magistrates. I stated that I could not agree, and, as at present advised, was not likely to agree with those who think that when we are endeavouring to create an immense extension of the trade in wine, we can leave the law affecting its sale and access to it by the consumer in the present most unsatisfactory state. I assured these gentlemen that, though I could not pretend to enter into any discussion of that general proposition with any expectation of arriving at a different conclusion, yet, as to the various modes of enlarging the means of sale, that was a matter of detail entirely open to further discussion; and I should be very glad to be assisted by the practical knowledge of those who represented the body of victuallers. I also pointed out to them that the Resolution referring to wine licences is one on which no Vote of the House can be taken till a very advanced stage of the discussion of the financial statement, and I promised them that before the Government asked the House to come to any conclusion affecting the present state of the law on the sale of spirits and wine, I would take care that the Bill containing all the new regulations should be laid on the table, and if after examining the question in all its details with the assistance of the parties interested, I found there was any essential difference between their views and those of the Government, I undertook that they should have full notice of the intentions of the Government before the House came to any decision that could compromise them. I also took the liberty of suggesting to them that as they were not now agreed they should endeavour to come as nearly as possible to some general conclusions on the subject.

THE SUEZ CANAL.

QUESTION.

MR. GRANT DUFF said, he would beg to ask the Secretary of State for Foreign Affairs, Whether any correspondence passed between Her Majesty's Government and the Government of the Emperor of the French, from the 1st of August, 1859, to the commencement of the present Session, with reference to the occupation of Perim or the Suez Canal; and, if so, whether there would be any objection to lay it upon the table of the House?

LORD JOHN RUSSELL said, there had been no correspondence between Her Majesty's Government and that of France relative to the occupation of Perim. A correspondence, however, had taken place between the two Governments with respect to the Suez Canal, but it had come to nothing. A despatch had subsequently been written from Constantinople to the Ambassador of the Sultan in London, and certain propositions had been made to Her Majesty's Government, asking them whether they, in conjunction with the Government of France, would be prepared to guarantee the security of the Suez Canal, supposing it could be made. The answer of the Government had been that they declined to enter into any such guarantee.

CUSTOMS ACTS COMMITTEE.
TREATY OF COMMERCE WITH FRANCE.

QUESTION.

Order of the Day for the House to go into Committee on the Customs Acts, read,

MR. T. DUNCOMBE rose to put a question to the Government, which, he said, related to a subject in which the public took a great interest. The House had been informed that the Treaty of Commerce with France was to be a dead letter until it had been ratified by the British Parliament; and what, under those circumstances, he was anxious to ascertain was whether, supposing any alteration or modification of the financial Resolutions which had been laid on the table with respect to the Customs Acts should take place, the Government would have the power, or whether they would, by negotiation, endeavour to render those alterations and modifications conformable to the terms of the Treaty—whether, in short, the House was called upon to take the Treaty as it stood — in other words, to accept "the Bill, the whole Bill, and nothing but the Bill," or to reject it altogether?

MR. DU CANE said, that since he gave notice on Friday last, of the Resolution which stood on the paper in his name, he found that notice had been given by his right hon. Friend the Member for Buckinghamshire, to bring under the consideration of the Committee another Resolution, containing a proposition in which he (Mr. Du Cane) entirely concurred, and which embodied a question which he felt assured the majority of the hon. Members could not fail to perceive, if discussed at all, ought to be disposed of before any Resolution immediately affecting the financial proposals of the Government. He should, under those circumstances, with the permission of the House, postpone his Resolution until that of his right hon. Friend had been discussed. He wished the House, however at the same time, to understand that he was by no means desirous to retreat from the position which he had taken up with respect to the financial propositions of the Government, and that it was his intention to submit his Resolution to the House as soon as was conformable to its rules after the proposition of his right hon. Friend had been disposed of.

CUSTOMS ACTS COMMITTEE.

AMENDMENT.

Motion made and Question proposed, "That the Speaker do now leave the Chair."

MR. DISRAELI: Sir, in the observations which I shall offer to the House tonight it is not my intention to give any opinion on the policy of the provisions of the Treaty of Commerce with France. Still less, Sir, will it be my desire to make any reference to the financial statement which has recently been made by the Chancellor of the Exchequer. And if for a moment I am obliged to refer to that statement it shall be only for a moment, and because I feel that I am bound to place myself right with the House, and without reserve, and with the utmost frankness, to explain to them the cause why, apparently, at the last moment on Friday night, I seemed to interpose between the House and the Amendment of my hon. Friend the Member for Essex (Mr. Du Cane), which Amendment I cordially approve, and which, when brought forward, I shall entirely support. After the financial statement of the Chancellor of the Exchequer had been made, I felt it my duty to consider, on the following day, in conjunction with those with whom I have the honour to act in public life, the propositions of the Minister. Those propositions, after having given them the most mature consideration, appear to us of a most dangerous character. Sir, when a Minister announces a great increase in the expenditure of the country, in the face of a large and avowed deficit—when, under these circumstances, he proposes, by dealing with certain branches of our revenue, to increase that deficiency, and only to make up the balance of the year by having recourse to a tax which the country for many years has been led to believe would terminate in the present year, and which, even under the altered circumstances of the case, they had a right to expect would at least be reduced, it did appear to us that it was impossible for us, with the opinions which we have always maintained on the subject of finance in this House, and especially in reference to that impost, the income tax—it seemed to us, I say, impossible that we could shrink from submitting our opinions upon the question on the present occasion. Well, how was that to be done? No doubt, when dealing with a scheme so complicated and comprehensive as that of the Government, we might have seized occasions, and have availed ourselves of particular points in it, when by joining with some interests affected, or some peculiar body which was menaced, we might in all probability have increased our strength, and might certainly have embarrassed, and perhaps have partially defeated the Government. But then came the question, was that course worthy of a great party? If we believed that the general principles of the financial scheme of the Government were erroneous, was it not our duty to fix upon some broad, distinct, and straightforward objection, and upon that to take the opinion of the House? And that was our unanimous opinion. It was not in our minds becoming in us to join ourselves with the discontented wine merchants, with the paper manufacturers, or with those publicans whose complaints we have been listening to this evening, or with the many bodies who believe that their interests are menaced by the propositions of the Government. On the contrary, Sir, it was our opinion that an issue should be joined similar to that proposed by the Amendment of my hon. Friend the Member for Essex, and that upon some broad, clear, and distinct ground the judgment of the House should be taken. I have made these observations on the financial statement of the right hon. Gentleman, not that I wish to introduce the slightest controversy on this occasion on its merits, but to explain to the House the course which we who sit upon these benches have taken. Having arrived at that conclusion, I will not disguise from the House it was to us a matter of great regret that we found ourselves obliged to precipitate a conclusion owing to the peculiar manner in which the public business this year has been placed before us by the Government. We were obliged, I say, to precipitate a conclusion which, according to our own feelings, ought to have been postponed until much of the preliminary discussion involved in the important topics which the financial statement embraces should have taken place. In the course of that discussion probably many circumstances would have been changed and alterations would have occurred which would have modified in many respects the conclusion arrived at and the expression of opinion to which I have referred. But when we saw the great haste with which those important subjects have been brought under the consideration of the House when our attention was directed to the almost inextricable confusion with which matters and measures that have no necessary connection with each other have been mixed up, and the great difficulty which must attend a hurried consideration of affairs, so varied and so complicated, we felt that such a state of things rendered it really impossible for us to take any other course than that indicated by the proposed Resolution of my hon. Friend the Member for Essex. And, Sir, that being the way in which the important measures which the Government have brought forward have been introduced to the House, it seems impossible, if this issue is to be raised, that it could be postponed beyond the question of Mr. Speaker leaving the chair to go into Committee on the Customs Acts. And although we deprecate and deplore the inconvenience, and, as we believe, the great public impropriety of the House being called upon, before the preliminary debates which would have arisen, to come to a conclusion upon the whole financial scheme of the Government, still it was inevitable from the mode in which the public business had been arranged by the Ministry.

Well, Sir, that being the state of the case, there arose accidentally on Friday night last what I may call a conversation on the subject of the French treaty of commerce. Towards the conclusion of it I rose and made an inquiry of Her Majesty's Government on a subject which had been several times referred to as very perplexing. I asked in what manner the Government intended to introduce the Treaty of Commerce with France to the consideration of the House? I am bound to say that the answer of the Government on that occasion was so ambiguous, so hesitating, that, upon further reflection and research in the course of the evening, it appeared to me to be so impracticable, that I felt it my duty, though with great unwillingness on my part, to place that Notice on the paper which hon. Gentlemen are aware of. Sir, so little had that Amendment on my part the character of a party Motion that I had not, from the state of the House, an opportunity of conferring with any of the Gentlemen with whom I am in the habit of acting, except with my hon. and learned Friend the Member for Belfast (Sir Hugh Cairns) I should willingly—most willingly—have seen the task undertaken by some independent Member of the House; but time was urgent, the subject was pressing, and so it has devolved upon me to call the serious attention of the House to what I believe is the unprecedented and peculiar position in which it is now placed—one which, I think, will be found, on calm discussion, to be a position by no means favourable to the privileges of this House and to that freedom of discussion which we are accustomed to view with such pride and jealousy. Probably there have been few Sessions of Parliament in which measures of such great importance have been introduced to the notice of the House of Commons as the present; yet the management of this important business by the Government—inadvertently, I make no doubt—has been so arranged that, although we have before us two most important propositions—although we are called upon to consider some of the most considerable questions that can be raised, I will be bound to prove to the House that on no occasion have the opportunities for discussion been so abridged and limited. I think I shall further show that on one important portion of those topics, not only have they been abridged and limited, but absolutely superseded. Believing that this has been unintentional and inadvertent on the part of the Government, but feeling that it has not only placed the House in a very inconvenient position, but may lead to consequences very injurious to the public service, I have thought it my duty, by the Motion which I have placed on the table to give the House an opportunity of interfering and remedying that which, on reflection, I think to be an evil of no slight magnitude.

Now, Sir, I hardly know that I can more clearly illustrate the false position in which the House is placed at this moment than by referring to the first two Amendments of which notice is given in the Orders of the Day. The first Amendment is by the hon. Member for Sunderland (Mr. Lindsay) with reference to those differential duties on shipping which are retained by the Commercial Treaty. Well, if the hon. Gentleman had brought forward that question no doubt the House would have had an opportunity of deliberating upon a very important article of the Commercial Treaty; but when the division was called for, and when a division was taken, no matter on what side the decision might have been, by the rules of the House, which prevent a second Amendment on the question of going into Committee on the Customs Acts, no other single Article in the Treaty of Commerce could possibly have been brought before the House. Suppose, as I understand would have been the case, the hon. Member for Sunderland, according to the usage of the House, and in unison with the courtesies which regulate our proceedings on both sides of the House, though bringing forward a subject of importance but of limited interest, had deferred to my hon. Friend the Member for Essex (Mr. Du Cane), who has challenged a much wider and completer issue, and that, too, at the request of a powerful party, and suppose my hon. Friend the Member for Essex had brought forward his Motion this Evening, then this House would have had an opportunity of expressing an opinion on the Budget of the Chancellor of the Exchequer; but after the decision on that question, assuming for a moment that it would have been negatived, it would have been impossible for any other Member either to bring forward an Amendment on any Article of the Treaty of Commerce, or again to refer to any subject connected with the Budget. Now, is that a state of the business of the House that is satisfactory? Ought the House to be placed in such a position on such an occasion, in a Session when the Government is bringing forward propositions of such importance — measures the magnitude of which can scarcely be exaggerated? So far I can form an opinion at the present moment—and I beg that the House will calmly and completely keep their mind on this point—and I have spared no means in the brief interval to avail myself of that learning which I do not myself possess on those subjects — the Treaty of Commerce with France which never has been before the House, never can be before the House. Surely, Sir, this is a point on which the House ought to arrive at a careful knowledge and a correct judgment. It will be for the Government to-night to prove that I am under an erroneous impression of the case. But my opinion is, that if we go into Committee on the Customs Acts, and if we pass all those Resolutions which are upon the paper to be proposed by the Chancellor of the Exchequer, and which will affect all those remissions and reductions of duty which are contemplated in the Treaty of Commerce, that Treaty of Commerce can never appear before the House for its consideration and its judgment. It may be said—and was, indeed, said the other night —that the mere Resolutions of this House in Committee on the Customs Acts are not the law of the land, or are not conclusive, and that therefore the matter may be placed in another form before us. Well, Sir, let us see what is the value of that plea? It has been admitted by the Chancellor of the Exchequer, in his recent letter to a Member of this House, that for all practical purposes, as regards this Treaty, the votes in Committee on the Customs Acts are conclusive. The Chancellor of the Exchequer in that statement only used language and availed himself of views which have always been accepted by the individuals in his position, and recognized by this House. What is the language of the noble Lord, the Secretary for Foreign Affairs, on this subject? Why, in his despatch to the negotiators of this Treaty, what the noble Lord there says is—

> "And with respect to all those articles which are to be set free from duty, and removed altogether from the Tariff, those articles shall become free on the day succeeding that on which the Resolution in Committee of the House of Commons, affirming the proposed freedom from Customs' duty shall have been duly reported and agreed to by the House itself."

No doubt the noble Lord was perfectly justified in giving those instructions to the negotiators; but, if that be the case, what opportunity would we have on the Customs Act, subsequently introduced, to consider this Treaty? All those who had voted for the reduction or remission of duty in Committee, would scarcely oppose an Act which carried their own reductions into effect; and all those who had opposed—whom we assume to be the minority—must, in their opposition in Committee on the Customs Acts, be confined merely to subjects which are contained in those Customs Acts. Therefore I maintain that if the Customs Acts were passed, all that assent of Parliament, which is provided for in the 20th Article of the Treaty, would be perfectly fulfilled and satisfied. But it is a mistake to suppose that the 20th Article of this Treaty requires the sanction, or, as the hon. Member for Finsbury calls it, the ratification, of the House of Commons. The House of Commons has no right, under the Constitution, to sanction or ratify treaties. And if Her Majesty exercises her prerogative subject, in any particular, to be enabled by this House to fulfil her engagements, and is by the House enabled to fulfil those engagements, the treaty becomes a complete treaty; and there is no doubt it would be accepted as a complete treaty by the Power with which it was negotiated. In effect, Article 20, which has been so much adverted to in this House, is to defend Her Majesty, if She found herself in a position in which She is not able to fulfil her engagements with the foreign Power with which She has negotiated. If this be the case, and if the only mode in which the Treaty can be brought before the House, is by the remission or reduction of Customs' duties in Committee, and afterwards by the passing of the Customs Acts, I ask the House, how are we do deal with these considerable questions which may arise on this Treaty, which have nothing whatever to do with questions of the remission or reduction of Customs' duties? I would refer again to the 11th Article of the Treaty, which greatly interests—I may say agitates the public mind of this country—the one which refers to the prohibition of the exportation of coal, in which the Queen engages not to prohibit the exportation of coal. There has been a great deal of discussion and excitement in various places on this subject; but the question was never, in my mind, completely and clearly put before the country, till it was stated on Friday night by my hon. and learned Friend the Member for Belfast (Sir Hugh Cairns.) With great respect for the noble Secretary opposite, I could not infer from his observations that he fairly understood the question; because the noble Secretary referred to a treaty with Russia, which had been negotiated by Lord Malmesbury; and the noble Lord (Lord J. Russell) seemed to conclude that the case of that treaty was a complete parallel with that of the one before us. But, Sir, the treaty to which the noble Secretary referred contains only an engagement on the part of Her Majesty and the Emperor of Russia not to enforce, the one against the other, any prohibition of importation or exportation, which shall not at the same time be applicable to all other nations. That is not the case which the 11th Article of the present Treaty deals with. Nothing can prove that more clearly than that the negotiators have absolutely inserted in this very Treaty of Commerce, a proviso to that effect, which conclusively shows that the contingency contemplated in the 11th Article, which has so alarmed the country, is totally different from that identity of circumstances assumed by the noble Lord with the treaty negotiated by Lord Malmesbury. What is this 11th Article? My hon. and learned Friend called the attention of the House to the fact that the Parliament of this country had entrusted to the Sovereign the right of prohibiting the exportation of coal. Under the 11th Article of this Treaty the Sovereign has agreed with a foreign Power not to exercise that right which has been entrusted to Her by Her Parliament, for the space of ten years. Is not that a grave question? I give no opinion on the policy of the Government with respect to that act. I give no opinion on the law of the question. I am to-night not wishing to mix myself up with any controversies of any kind; but I ask the House, ought a treaty including such an Article as this, so nearly concerning the privileges of this House, and touching the very constitution of the country—and that Article not a financial or a fiscal one—escape the due consideration of the House of Commons? I say that alone, the argument from the 11th Article is one which I think is unanswerable for the end I have in view—that of bringing this Treaty before the House of Commons—for it never has been from the beginning brought before us. But it has been held by very great authorities, men who have been eminent in this House and illustrious in another House of Parliament, that notwithstanding Her Majesty has been advised to take a course illegal and unconstitutional, nevertheless the engagement is a complete one so far as the foreign Power is concerned, on the part of Her Majesty; and that if Her Majesty is able, by reductions and remissions of duties assented to by Her Parliament, to carry Her engagements into effect, Her Majesty will be bound by the 11th Article of the Treaty. If that be the case—and I give no opinion on it—how much more necessary is it that we deliberately, orderly, and methodically consider all those questions of reduction and remissions of revenue; because it might happen that it would be only by a refusal of the House of Commons to remit or reduce duty that the Sovereign could be extricated from an unconstitutional position, and one of great peril and danger. According to this view—and I give no opinion as to its justice—it is equally necessary that this Treaty should be placed before the House. The noble Lord the First Minister said the other night, "Of course the House will be asked to give their opinion on the Treaty." Now, Sir, I want to know in what way we are to give that opinion, assuming, as I have throughout all these observations assumed, that the course of conducting business indicated by Her Majesty's Government is pursued, and that we go into Committee on the Customs Acts, and pass all these remissions and reductions of duty necessary to enable the Queen to complete her engagements with the Emperor of the French? I want to know from the noble Lord if all those reductions and remissions are made, in what way Her Majesty's Government proposes to bring the Treaty of Commerce with France before the cognizance of this House, and to subject it to the constitutional control and criticism of this House. That is a question which I hope will be answered to-night. Will the noble Lord the First Minister give notice of an Address to the Queen after all these reductions and remissions have been made? Does the noble Lord propose to give notice of an Address to the Queen assuring Her Majesty that we shall lose no time in taking measures which will enable Her Majesty to fulfil her engagements with the Emperor of the French? In the first place, it will be very difficult—I believe it is perfectly unprecedented under any circumstances—for the House of Commons to address the Queen on a treaty when Her Majesty has not been advised to condescend to address the House of Commons. It may be said that it was impossible in Her Majesty's Speech to announce the fact of this Treaty of Commerce being ratified. But in a similar case—in the treaty of commerce which was negotiated at Utrecht—I find that it was negotiated while Parliament was sitting, and could not be announced from the Throne at the opening of the Session; but then a Message from Her Majesty Queen Anne was brought to the House to inform it of what had occurred; and that course led to communications which were in every respect constitutional and according to Parliamentary custom. But we need not go back to that distant period. It is only but yesterday—it is in the experience of two-thirds of the Members of the present House of Commons, though it happened under a preceding one — that our most gracious Sovereign entered into a treaty with the King of Sardinia while Parliament was sitting, and to carry which into effect She required the assistance of the Legislature. What then happened? The Minister brought down a Message from the Crown which invited a loyal and dutiful response. Sir, I think it would be very difficult for the noble Lord—all those remissions and reductions having taken place—to propose an Address to the Crown to inform Her Majesty that we were prepared to carry the Treaty into effect. But, the noble Lord may say, "It will then be full time for me to advise Her Majesty to address the House, and after you have concluded your Committee on the Customs Acts a Message from the Crown shall come down to you." Sir, the relations between the Crown and this House are of a very peculiar and delicate character; and it should be our first study not to let them generate into mere formality. And for the Crown to send down a Message to this House, announcing that She had concluded a treaty with the Emperor of the French, and inviting our consideration to it, and calling on us to grant Her Majesty the means to carry it into effect, when Her Majesty must have been duly informed by Her Ministers that we had parted with all those privileges of Parliament which secured our constitutional control over treaties, would be a course which I think no Minister would be justified in advising his Sovereign to follow, and would be at the same time a mockery to the Crown, and I need not say an insult to the Commons of the United Kingdom. A great Minister, whom I shall have to quote in some subsequent remarks, has touched, I think, with great eloquence and truth upon the true union which may be effected between the prerogatives of the Crown and the privileges of Parliament upon this important subject of treaties. He said, "It is the happy circumstance of our constitution that it gives to the Crown the sole prerogative of negotiating and concluding treaties, but it gives the judgment, the revision, and the execution of those treaties to the privileges of the people." But I want to know how we can have judgment, how we can effect revision, and how we can exercise control over the execution of a treaty, if we have already parted with those privileges, the possession and the exercise of which form, as it were, the privity between the House and the prerogatives of the Crown? There is yet another course by which the noble Lord might contemplate bringing the Treaty of Commerce with France before the consideration of the House of Commons. The noble Lord might say, or might have thought, that it was in his power to give notice on a particular day—the Committee on the Customs Acts being concluded—to give notice that on a particular day he would call upon the House to consider the Treaty of Commerce with France. Well, now suppose the noble Lord gave that notice, how would he act upon it? He could not go into Committee to consider the Treaty, because already he has wasted all the reasons which authorize the House to go into the Committee. There is nothing for the House to decide upon as regards a Committee. In every financial and fiscal question a Vote would have been arrived at. But could the noble Lord then propose a Resolution that the House sanction the Treaty? I apprehend that if the noble Lord were to take such a course he would clearly be taking a course that would outrage the prerogative of the Crown. He could not ask the House of Commons to sanction a treaty already ratified by his Sovereign; and, therefore, if the noble Lord gave that notice, I cannot conceive, if he has exhausted his Committee on the Customs Acts—I cannot conceive what he would find to do when the House met to listen.

These, Sir, are the main reasons which have induced me to come to the conclusion that if the House persists in the present order of public business this Treaty of Commerce with France will really never be submitted to its constitutional control; and I want the House, this evening, to see whether there are not some means by which we can extricate ourselves from a position so difficult, and for the House I should say so humiliating, as that which we now—unintentionally I doubt not, on the part of the Government—appear to me to occupy. I think there are such means, simple and efficacious, by which we can extricate ourselves from this unsatisfactory position, and which, in my opinion, the House ought to adopt. I think we can do no better in the present state of affairs than follow those precedents with which the wisdom and experience of our predecessors have furnished us. There are several precedents which apply to the present state of public business of the House; but I don't want to weary the patience of the House to-night with the details, for this reason, because there is one precedent which from its nature is so apt and memorable, which affords an example so complete, and the actor in which was so illustrious, that I am quite aware that if the House will give their consideration to that precedent, and to the course of proceeding which was pursued by Parliament in that prime period of its reputation, they will obtain a guide not only in the present position of these questions, but in any combination of difficulties which may arise from probably the prolonged debates on the questions now before us. I have already referred to that precedent in the conversation on Friday, but very hastily and very imperfectly. If the House will permit me I will now put succinctly, but I hope clearly, before the House what took place with respect to the treaty of 1786; and it appears to me that in a right appreciation of those circumstances we shall find means by which we may disembarrass ourselves of all those difficulties which we have already felt, and which if we do not take that course will, in my opinion, daily increase. The House will recollect that the treaty of commerce between England and France negotiated in 1786 was negotiated in the month of September, at the latter end of the month, and in the month of October it was published throughout Europe. Parliament did not meet till the last week in January, 1787; and therefore for four months that treaty and all its provisions had been canvassed and analyzed, and had been in the mouths and the minds of men. In February—I think on the 2nd of February—Mr. Pitt, having a few days previously brought up the treaty by command (as the noble Secretary of State did the other night) gave notice that on the 12th of that month, February, he should call upon the House to take into consideration the treaty of commerce with France,—thus allotting ten days for the consideration of a document which for four months had been so completely studied by the country that many of its defects had been discovered, and Mr. Pitt had even negotiated a supplementary treaty by which those defects were remedied. And that is another hint of which the hon. Member for Finsbury may avail himself. Let the House remember that when the Parliament met, the Sovereign had announced the negotiation and ratification of the Treaty from the Throne, which is not our case this year. Mr. Fox immediately arose against this proposition of Mr. Pitt, and protested against ten days only being allowed. We have only ten days allowed, when the Treaty was not even ratified when the Parliament met. We have not had the advantage of the deliberation and criticism of four months. On the contrary, it is only by a miracle that, the financial statement having been made on Friday, we were not called on to decide it on the following Thursday. And I think that all that has occurred upon these large transactions thus far has fairly shown that I was not irrational when I pressed on the House the importance of delay, and the absolute necessity of giving us time to consider in what manner we had best deal with propositions of such a magnitude. Well, upon the 12th of February, Mr. Pitt called the attention of the House of Commons, which had on his Motion moved into a Committee of the Whole House—he called the attention of the Committee to the consideration of the French Treaty, in a very ample and able speech, in which he considered the instrument both commercially and politically, and he concluded his speech by moving a Resolution. Now, Sir, that Resolution, the first of twenty resolutions which Mr. Pitt had prepared:—and these resolutions—let me call the attention of the House particularly to this fact—these Resolutions were not Resolutions similar to those which the Chancellor of the Exchequer has placed on the paper in order that they may be moved in the Committee on the Customs Acts—they were general Resolutions:—Mr. Pitt himself impressed on the House not to be alarmed lest they should be entrapped into accepting details which they might afterwards regret. The Resolutions were drawn large and general, and they were not Resolutions, as I will show to the House afterwards, that could form the staple and elements of a revenue Bill. There were considerable debates, adjournments, and divisions on these Resolutions. Those Resolutions embodied the pith of the commercial treaty; for the commercial treaty of Mr. Pitt was limited entirely to commercial considerations and questions of navigation. If not so limited it would tell much better for my argument. But the twenty Resolutions of Mr. Pitt were discussed, amply discussed; divisions took place upon them, and towards the end of the month, the 20th, I think, of February, they were passed, they were reported to the House; and immediately after they were reported Mr. Pitt moved an Address to the Crown in answer to the passage in the Speech from the Throne—or rather, a follower of Mr. Pitt did it—pledging the House to enable His Majesty to carry that treaty into effect. And what then occurred? Why the Resolutions of this House and the Address were sent up to a body which appears to me to be entirely forgotten in this transaction; because when Her Majesty, in Her negotiations with the Emperor of the French speaks of the assent of Parliament, I can hardly suppose that Government considers that the Parliament consists of only the House of Commons. But Mr. Pitt sent the Resolutions and Address to the House of Lords for consideration, and took no further step in the business until the House of Lords had equally passed those Resolutions, after a formal but most memorable debate, distinguished, among other things, by a speech of the highest class from the first Marquess of Lansdowne, which may still be read with great profit, and which proved that he was a statesman of the highest order. And then, also, the House of Lords assented to an Address to the Crown, and the two Houses went up with their joint Addresses. And what then took place?

Mr. Pitt left those Resolutions on the table, and brought forward his Consolidation Act, and when the House went into Committee upon the Customs Consolidation Act those Resolutions were submitted to that Committee on the Customs Acts, and there they were worked out and brought into practical effect. After the House had discussed the general principles, then they had an opportunity of entering into all the minutiæ which a subject of that kind demanded.

Now, Sir, I know I shall be told—there were some impatient Gentlemen when I talked of precedents—I may be told, " You are referring to times past. What have times past to do with an age of progress like the present ? Never mind precedents. Never mind Standing Orders. Go a-head with large and comprehensive measures. You are not to suppose that the authors of such schemes are to be subject to such rusty regulations." But had Mr. Pitt, in 1787, when he introduced the Treaty of Commerce with France to the consideration of the House, had he no large and comprehensive measures of reform — of financial reform ? Why, considered with reference to the state of this country at that time—its revenue, its population, and its general resources—the measure of Mr. Pitt, brought forward for the consolidation and reform of our Customs and Excise, may be looked upon as by far the greatest reform of the kind that ever has been carried. Why, Sir, we hear a great deal now of simplification of the tariff, as if it was some new idea, the offspring of this enlightened age, and only discovered in Manchester. We are told now that a reform of 200 or 300 articles in the tariff is one of the marvellous actions of our day. Why, the House may form an idea of what Mr. Pitt's labours were when he dealt with a tariff that had not been revised for generations—I must almost say for centuries—I must remind the House that the Committee had to go in his days into the consideration of no less than 3,000 Resolutions to carry his policy into effect. Mr. Pitt, therefore, had his large and comprehensive measure ; but he did not mix it up in any way with his commercial treaty. On the contrary, having given the House of Commons of his day a constitutional opportunity of considering the treaty, having moved and passed in Committee the twenty Resolutions that were necessary to carry it into effect, no sooner had he obtained that result than he introduced his Consolidation of Customs and Excise Bill ; the House went into Committee, the Resolutions were referred to the Committee, and then the Committee had the opportunity of considering the financial and fiscal portions of his policy. Now, let the House observe this, that in the exposition with which Mr. Pitt introduced that treaty of commerce with France in 1787, there was not the slightest allusion to the effect which that treaty would have on the revenue of the country, though its effect must have been considerable. There was not the slightest allusion to his great and comprehensive measures of fiscal and financial reform, although it was his purpose to submit to the Committee upon that great Bill the Resolutions which had been passed in the Committee on the commercial treaty. In February, Mr. Pitt introduced his commercial treaty. In March, Mr. Pitt introduced his great measure of financial reform. And what did he do in April? Why, at the right time, Mr. Pitt proposed his Budget. And I ask the House now, why are we to be treated differently from the Commons in 1787? Why should we not have the commercial treaty, the comprehensive measure of financial reform, and then the Budget, brought forward in their natural order, and submitted to us in that manner which would give us frequent and ample opportunities for that matured debate and that criticism which questions of such importance, and of such complicated character demand? Well, now, Sir, I ask the House, why should we not follow in the present instance the same course as the Government of 1787 ? That is a question which I think ought to be answered; and if we follow that course, it appears to me that we shall remove all the difficulty which Members on both sides must feel, and we should have thus sufficient opportunities of debate and discussion, of which, in the mode in which those important questions have been introduced to us, it seems inevitable we shall be deprived; and that above all we shall have this treaty brought under our cognizance and criticism, which, so far as I can judge, will not otherwise be the case.

Sir, I must say I am at a loss to understand what objection Her Majesty's Ministers will make to the proposition with which I shall conclude. I should be exceedingly glad if I could obtain my purpose without asking the House to assent to my Amendment. The Amendment that I have put on the paper is one in accordance with the forms of the House, and I have no other object in it but to secure to the House an opportunity of constitutional discussion of this Treaty, and of asserting the privileges of this House, and of securing that right of debate which hitherto we have deemed so important.

I said that I would make no observation on the policy or provisions of this Treaty of Commerce, but I may be allowed to make one remark—first, upon the negotiator of the Treaty; and, secondly, on the form of the instrument in which the result of the negotiations is placed before us. And I do so because I cannot help feeling that they are in some degree the cause of the embarrassing position in which the House is placed upon this matter generally. Now, Sir, I am sure that the House will do me the justice of believing, and perhaps remembering, that I have never been slow in recognizing the great ability and the honourable and eminent position fairly gained in this country by the hon. Member for Rochdale. I have the satisfaction to state that I recognized his abilities before they were acknowledged by vanquished Ministers, and before he received the approbation of those sympathising statesmen of whom it seems, somehow or other, he is doomed never to be a colleague. But I cannot but feel, and I now give the reason of the sentiment to the House, that it was a most unwise selection on the part of the Government to appoint as their secret agent Mr. Cobden—for I may now use his name, seeing that it is appended as a signature to the Treaty itself—it was a most unwise thing to appoint Mr. Cobden as their secret negotiator. I should rejoice to see the hon. Member for Rochdale upon that bench in an honourable and recognized position, because then we should know that he was responsible for the policy which we believe Her Majesty's Government professes. But when I find him the secret agent for negotiating a Treaty of Commerce it is impossible for me not to trace in the Treaty something of the idiosyncrasy of the negotiator. Now, for example. There are objections to this Treaty—I do not make them myself now, because to-night I wish to avoid any controversy of the kind; but it has been objected that there is in the Treaty a wanton destruction of sources of revenue much needed at this particular time. But, then, it is perfectly consistent with the opinion of Mr. Cobden that he should recommend those sacrifices of revenue, because Mr. Cobden is never at fault in his opinions — openly, frankly, and honestly professed as they always are—Mr. Cobden is never at fault for a substitute for the revenue which he forfeits, and he finds that substitute in reductions of expenditure. But is that the opinion of her Majesty's Government? The Estimates on the table prove that it is not; and I am quite sure that if upon this subject they shared the opinions of the secret negotiator they would soon forfeit the confidence of the House of Commons. Then, again, there is another very important matter in this Treaty, upon which there has been considerable controversy, and upon which Mr. Cobden has a most decided opinion; and that is upon belligerent rights. It is the opinion of some that the rights of belligerents are very lightly treated under this Treaty; but it is perfectly consistent with Mr. Cobden's expressed opinions that he should not guard those rights which he has himself always denounced. Now, so far with regard to the character of the negotiator. Let me say one word now as to the form of the instrument. I will not enter into any controversy to-night, as to whether this is a reciprocity treaty or not. The subject is not exhausted, and I hope there will be an occasion to renew it, especially if Her Majesty's Ministers, as I trust they will, consent to the suggestions embodied in my observations. But if it be a reciprocity treaty then I must say that reciprocity was was never less adroitly managed. If, on the other hand, it is not a reciprocity treaty, then I can find no satisfactory cause why these negotiations should have taken this conventional form. I say, Sir, I can find no satisfactory cause: but I should be in error if I were to say that no cause or reason has been given. The noble Lord the First Minister, at the commencement of the Session, gave us a reason for these matters, under negotiation taking the form of a treaty, which, no doubt, he thought perfectly satisfactory. The noble Lord said it was owing to the peculiarity of the French Constitution, that peculiarity being this, that the Sovereign of France can enter into treaties of this nature without consulting his Legislative Chamber, interested though they are in transactions which so much affect the taxation and industry of the country. Now, Sir, during our conversation on Friday last, some notice was taken—and I regret the tone in which it was taken—of the Legislative Chamber of France. I make it a rule, Sir, to speak with unaffected respect of the constituted authorities of foreign countries. I think we may take it as a general rule that they would not be constituted were they not adapted to the exigencies of the time and to the character of the people among whom they exist. But, Sir, with respect to the Legislative Chamber of France, I am surprised that any Gentlemen who are what are called "advanced Liberals" should either speak in disparagement of that body or exult that they have not had the opportunity of exercising its functions. The Legislative Chamber of France is elected by universal suffrage. The Legislative Chamber of France is chosen by ballot. The members of the Legislative Chamber of France are sent to their seats from electoral districts. And if they be salaried members, why, when advanced opinions are triumphant, it will be recognized that they have only anticipated the idea of a British Member of Parliament. But, Sir, possibly—I give no opinion upon the matter—the Legislative Chamber of France may be inferior to us in political sagacity or in legislative skill. It may be that its members have not that high sense of political liberty which flourishes in this country. Perhaps —at least it is my opinion and I have often expressed it—in the old countries of Europe political liberty and aristocracy are inseparable. But, Sir, this cannot be denied; that a body of men elected under such circumstances and chosen under such conditions must at least represent the opinions, or, at any rate, the prejudices of the multitude that placed them there. Sir, my hon. Friend the Member for North Warwickshire (Mr. Newdegate) referred the other night with legitimate pride to the circumstance that the most powerful Empire in Europe, and the most flourishing community in the United States, still profess those opinions in favour of protection to native industry which in this House he has so long, so ably, and, all must admit, so honestly maintained. There is a country which, I hope, is not inferior either to Imperial France, or to that famous Confederation beyond the Atlantic, to which my hon. Friend referred, and that is the country of which we are proud to be members. We have not been faithful to those principles of protection to native industry which my hon. Friend still professes. England has repudiated those opinions which France and the United States still maintain. But although those two great communities still adhere to those opinions, I think it is some satisfaction to learn that whatever difference there may be among them respecting free-trade principles, it has come to light through these negotiations that there is the same sympathy for constitutional principles. Free-trade principles may be, and no doubt are, very good things, but I may be permitted to say that constitutional principles are better; and allow me to remind the House that they are much older. Now, this Treaty of Commerce before us appears to be an instrument which has been devised to silence the voice of one Legislature. Do not let it turn out that in carrying it into effect another Legislature is deprived of its privileges. That is what I wish to impress on the House tonight. I earnestly entreat Her Majesty's Ministers not to force us to any division upon this question. I ask them fairly to meet the points which I have placed before the House—that they will not merely by concurrence and co-operation, but by their leading agency, bring back the House to that path of public business from which they have, I think, so unfortunately deviated. I accuse the Government—I will not use the word "accuse," but I would impute to the Government in this matter nothing but inadvertence. It is, however, inadvertence which, if persisted in, will lead to great Parliamentary inconvenience, and ultimately, probably to great public injury. I maintain it is the right of the House of Commons that this Commercial Treaty with France should be submitted frankly by the Minister to our criticism and constitutional control. I maintain that if you persist in the course of business now recommended, all practical control over its provisions is lost. It is a question which concerns the privileges of this House, the freedom of debate, and all those considerations which, I trust, never will become party questions. I want Ministers to feel that they can take the line which I have indicated, not merely with honour but with dignity; for, Sir, I suppose the time has not yet come when an English Minister can feel that he is in a false position because he defers to the privileges of the House of Commons, and acknowledges the authority of Parliament.

Amendment proposed,—

"To leave out from the word 'That,' to the end of the Question in order to add the words 'this House does not think fit to go into Committee on the Customs Acts, with a view to the reduction or repeal of the Duties referred to in the Treaty of Commerce between Her Majesty and the Emperor of the French, until it shall have considered and assented to, the engagements in that Treaty,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER: Sir, the right hon. Gentleman, in the Motion which he has proposed to-night, abandoning for the most part, though not with entire consistency, throughout his speech those most interesting and important topics of general interest which are connected with the financial propositions of the Government, has called our attention to a matter which, however important, is strictly a point of procedure; and I think, when we consider points of procedure, it is for the convenience of the House that we should, as far as possible, avoid general and collateral discussions. On that account, Sir, I must confess that I do not see the peculiar advantage of importing into this discussion on procedure the criticism which the right hon. Gentleman has tendered on the character and competency of Mr. Cobden. I did not think it was at all necessary for the purposes and for the dignity of this House that the right hon. Gentleman should commence his speech by an explanation—however interesting it might be to us who had not the privilege of being summoned last week to a particular assembly, held at the house of a noble Earl—of the grounds that had induced him to think better of the decision which was then apparently arrived at, and to explain the change of purpose and of procedure which has taken place on the other side of the House. On this head I must say I should have greatly complained of the right hon. Gentleman if we had been deprived of the prospect that is held out to us of a general and comprehensive debate on the Motion to be made by the hon. Member for Essex—than whom, if he will permit me to say so, there is no Gentleman on that side of the House, especially of his standing, to whom an important party Motion could better have been committed. I make no complaint of the right hon. Gentleman; I merely state the reasons why I shall pass by those portions of his speech. Neither shall I at this time enter into a discussion on the constitution of France, or the conditions on which the Deputies occupy seats in that Legislative Assembly. With the permission of the right hon. Gentleman, I shall venture to reserve any share I may take in that discussion, at any rate till we come to the second reading of the Reform Bill promised by my noble Friend.

I proceed to the question which has been raised by the Motion of the right hon. Gentleman; and, notwithstanding that the point is, I think, a narrow one, I at once admit that it is of great importance. And here I must beg to tender my thanks to the right hon. Gentleman. He says we have caused the Queen to commit an unconstitutional and illegal act, and that we are pursuing a course which may end in the invasion and abrogation of the privileges of the House of Commons. If this must be so, I must say that I never knew a better opportunity for a broad charge on the part of a leader of the Opposition; but such is the chivalrous conduct of the right hon. Gentleman, that, casting over us his protecting arm, he says—"I have no doubt at all this was done in pure inadvertence." That is really the finest example of the great duty to which some of us yesterday were particularly exhorted—I mean the duty of Christian charity—that I have ever seen exhibited in this House. I cannot accept the apology which the right hon. Gentleman has kindly made for us, any more than, on the part of the Government, I can accept the Motion which he has placed on the books, and which he thinks we might, not only with propriety, but "with dignity," accept. The dignity of the Government is a matter on which different Gentlemen in different situations may have different opinions; but I confess that if we have been guilty of a course involving the consequences mentioned by the right hon. Gentleman,—if we have gravely erred in our duty to the House of Commons, the best attitude which we can assume in seizing the helping hand which the right hon. Gentleman holds out to us, cannot be the attitude of those who claim an unsullied dignity, but is rather the situation of penitents dependent on an adversary for their existence. But I contend that the right hon. Gentleman is correct neither in his facts nor in his principles; and that the course which we have adopted is that which is dictated by general propriety, by a regard to the privileges of the House of Commons, and likewise by that which he has never mentioned, but which undoubtedly has been much in the minds of the Government—namely, a regard to the interests of those great branches of trade out of doors which are dependent on the result and despatch of our decision.

I will give an instance or two to show what I mean by my allegations. The right hon. Gentleman says the Resolutions introduced by Mr. Pitt were essentially large and general, and totally incapable of forming the foundations of a financial measure. Here, Sir, is an enormous book from which we do not often quote directly, on account of its unmanageable size, but it contains the Resolutions proposed by Mr. Pitt, and the House will judge how far they are large and general.

MR. DISRAELI: I alluded to Mr. Pitt's description of them.

THE CHANCELLOR OF THE EXCHEQUER: I do not apprehend that Mr. Pitt is responsible for the publication of that day, whatever we may be for *Hansard* in ours. Here are the Resolutions: I think we may find in them a pretty large capital upon which to found a financial measure. I will take one as a fair example:—

> "That it appears to this Committee to be expedient that the duty hereafter to be paid on vinegar of the produce or manufacture of the European dominions of the French King imported into this kingdom shall be at the rate of £32 18*s.* 10*d.* on every ton containing 252 gallons."

Now, there is a specimen of a large and general Resolution incapable of forming the foundation of a financial measure. Give me that Resolution or Resolutions analogous to it, on the duties which we propose to the House, and you will soon see whether they are capable of forming the foundation of a financial measure. It was also said by the right hon. Gentleman—and I do not wish to quote him otherwise than with the utmost accuracy—that the treaty of Mr. Pitt contains no provisions other than those of a commercial character or relating to commercial duties. Why, the very second article of that treaty is one providing what shall happen with respect to personal safety and the security of the subjects of each Power resident in the dominions of the other in the event of war. That is neither a stipulation of commerce nor one of duty; and I quote it because it appears to me that the right hon. Gentleman amidst his researches has not had sufficient time to examine the instrument which he has taken the trouble to criticise. He says that after Mr. Pitt passed the Resolutions in Committee on the treaty, they were submitted to a Committee on Customs Acts. I beg the pardon of the right hon. Gentleman—they were submitted, not to a Committee on Customs Acts, but to a Committee on the simplification of the public accounts in their various branches, which, I venture to point out to the House, is quite another matter.

The next thing in which I think the right hon. Gentleman was entirely in error, and which requires but a single word from me, was with respect to the charge against the Government of having by their ill advice led the Crown to commit an unconstitutional and illegal act, by engaging not to exercise for a period of ten years the power which Parliament has put into the hands of the Crown with the evident intention that it should be exercised at any time during or beyond ten years, if sufficient occasion to justify it should arise—that is to say, we have stipulated not to prohibit the exportation of coal to France; whereas Her Majesty is authorized to prohibit by Proclamation or Order in Council the exportation, or even carrying coastwise, of arms, ammunition, gunpowder, military or naval stores, or any articles which may be deemed capable of being converted into munitions of war. And as that clause includes, or may, under certain circumstances, be held to include, coal as an article which is capable of being converted into munitions of war, the right hon. Gentleman says we have abandoned our right to prohibit the export of coal as a contraband article. I do not treat that as a mis-statement of fact, because it may be a matter of opinion, and the right hon. Gentleman has a right to entertain his own opinion on the construction of the Treaty; but so far as dependence can be placed on the view of the Government, on the intention of the negotiators, whose careful consideration the Treaty long received, or on the best advice which was at our command, or which we have yet had the opportunity of receiving, this Treaty has no bearing whatever on any rights that either of the Powers may possess with respect to contraband of war. The power to export or to prohibit the exportation of coal as contraband of war, is as clear and entire, in the view of the Government, as it was before the treaty was signed. ["Hear!"] I am glad to see that I am cheered by the hon. and learned Gentleman the Member for Belfast (Sir H. Cairns)—it is rather unfortunate that he was the only Gentleman whom the right hon. Member for Buckinghamshire had the opportunity of consulting last night, or the matter might have been settled.

Passing from these points, which are

collateral to the main issue, let me collect, if I can, into a short compass what I understand to be the main propositions of the right hon. Gentleman. He says that we have withdrawn the Treaty from the cognizance of the House, and that we have placed Parliament in such a position that it cannot exercise its due constitutional liberty of discussion; he says that we have done this in total abandonment of the precedent of Mr. Pitt; and he complains that we have committed a gross error by mixing up the Treaty with the financial arrangements for the year, which, he says, ought to be kept sedulously apart; and, lastly, he expresses his wish that we could agree with dignity to the present Motion. I am bound to say that I feel great difficulty on the score of dignity; but, likewise — without any reference to that consideration—I feel the most conclusive objections to the Motion which the right hon. Gentleman has made. In the first place, I do not know what that Motion means; and I am, further, so rash and presumptuous as to express a belief that the right hon. Gentleman himself is equally ignorant of its meaning. For it seems to me that he declines to go into Committee on the Customs Acts till the House has assented to the engagements of the Treaty. What does the Resolution mean? If the right hon. Gentleman asks me what I mean by assenting to "the engagements of the Treaty," I can inform him. He entreats the House in the strongest manner, and with a most remarkable inversion of what, if not common sense, at least of what convenience dictates,—when you have one article of a general character, and another specific and precise in its terms, he asks you to take no notice of the article that can bear only one construction, and consider the article that, if it stood alone, might really raise some doubt as to the sense of the Treaty. We are told that the validity of the Treaty depends on the 20th Article, which says,—

> "The present Treaty shall not be valid unless Her Britannic Majesty shall be authorized by the assent of Her Parliament to execute the engagements contracted by Her in the Articles of the present Treaty."

But now turn to the 14th Article. It says,—

> "The present Treaty shall be binding for the United Kingdom of Great Britain and Ireland so soon as the necessary legislative sanction shall have been given by Parliament."

That Article is perfectly specific; it defines completely the nature of the sanction of Parliament—the only sanction Parliament can give—that is, its legislative sanction. It is the 14th Article that requires for the present Treaty what Mr. Pitt required for his—the legislative sanction of Parliament. And if the right hon. Gentleman observes the construction of the Treaty, he will find that the engagements of Great Britain are contained in the 5th, 6th, 7th, and following Articles, and that before the 14th Article the special engagements of Great Britain terminate. Then the 14th Article explains in precise and distinct terms how the Treaty shall become binding for Great Britain—that is, as soon as the sanction of Parliament is given to it—its legislative sanction —by the final passing of an Act, by which alone that legislative authority can be conferred. Then, after the 14th Article, come the special French engagements; then the 20th, which says that the Treaty shall not be valid—that is, not valid for France—unless Parliament shall authorize the execution of those engagements. What does the right hon. Gentleman mean by this Resolution? It says that the House ought not to go into Committee on the Customs Acts "until it shall have considered, and assented to, the engagements of the Treaty." What engagements? Does he think the House of Commons ought to assent first to the engagement as to the Customs' duties to be levied *ad valorem* in the French ports? I know not what idea the right hon. Gentleman has of the functions of Parliament and the Crown; but I deny his proposition. The power the constitution has reserved to Parliament is this—it has fully secured to the House of Commons the right of giving its legislative sanction to those parts of the Treaty which require that sanction to have any effect; next, the House has the power of expressing to the Crown its general opinion of any treaty, either as to the whole or as to part, by means of an Address; and, thirdly, it has the power, if it disapproves any treaty, of visiting the authors of it with condemnation. Does the right hon. Gentleman claim for Parliament any more than this? I cannot accede to his Resolution, for, if I interpret it grammatically, it asserts that the House is to pass a specific consent in detail to each Article in the Treaty. Does he mean this, or does he not? For although in his speech he diverged sufficiently into details, the right hon. Gentleman carefully avoided saying a single word in explanation of the Motion he has laid on the table of the House. Now, Sir, I contend that, so far from having withdrawn this Treaty from the cognizance of the House of Commons —so far from having abandoned the precedents of Mr. Pitt, we have founded our course of proceeding in every substantial particular upon those precedents, with due allowance for those changes of circumstances in the condition of the country, and in our own system of commerce, which have occurred since the time when Mr. Pitt was occupied with similar arrangements. What was the course taken by Mr. Pitt? He announced the treaty of 1786 in the Speech from the Throne, which was not done on this occasion. But the treaty of 1786 was signed four months before the opening of Parliament. And, considering that the right hon. Gentleman has held offices that have placed him in immediate contact with the trade and commerce of the country, I was a little surprised to hear him, on such a question, recommend a strict adherence to the letter of the precedents in the case of Mr. Pitt's treaty, in complete defiance of their spirit. Did it not occur to the right hon. Gentleman that a more absurd proposal could not be submitted to the House of Commons than that the Government should advise the Sovereign to execute a treaty of this kind—a treaty acting largely on the revenue, and still more largely on the trade and commerce of the country—and, by a mistaken adherence to former precedents, to allow an interval of several months to elapse between the publication of the treaty and that legislative sanction which alone can enable merchants and traders to act upon it? The right hon. Gentleman has vindicated the memory of Mr. Pitt. I hope the House does not suppose I wish to depreciate the great merits of that distinguished man; I entertain a strong sense of the extraordinary advancement in the general opinion and understanding of his time, and the great vigour displayed by Mr. Pitt in concluding that treaty. Let the opinion of the present operations with respect to our trade and commerce be what they may, we shall deserve little credit or honour compared with that due to Mr. Pitt, who, having to confront such a mass of prejudice, proposed to, and obtained the assent of, Parliament to so great a measure as his treaty with France. Well, Mr. Pitt mentioned that treaty in the Speech from the Throne; the present Treaty has not been so mentioned. Why not? Because it was not within our knowledge at the time Her Majesty was finally advised on the terms of that speech that the Treaty had been signed, much less ratified. The right hon. Gentleman, therefore, out of veneration for Mr. Pitt, thinks we ought to have recommended to Parliament a treaty that had not been signed. Then the right hon. Gentleman says we ought to have made known this Treaty to the House of Commons by a Message from the Crown. On all points of Parliamentary lore we will freely submit to receive correction, if we have acted wrongly; but as to this Message from the Crown, such is not our impression. Of all the treaties of commerce we have made during the last century—treaties so numerous as to be almost innumerable—I do not recollect that any one was made known to this House by a Message from the Crown. There is, I admit, the case of the Treaty of Utrecht, which was so made known to the House of Commons; but it should be recollected that the commercial portion of that treaty formed part of a transaction involving a treaty of peace. And, with regard to treaties bearing on peace and war, and the vital condition of Europe, it is the practice that they should be made known to the House by a Royal Message. But whether we are right or wrong in having a treaty presented "by command" instead of by a Royal Message —which we should have heard with our hats off, and that is the main point of difference between the two modes—how, I ask, does the mode of receiving the Treaty bear on the liberty and discretion of the House in discussing it? What can the House do in a reply to a Message from the Crown that it cannot do upon papers presented to it "by command?" Really the question is puerile! If we cannot present an Address on papers presented, cannot we pass Resolutions upon them and on those Resolutions found an Address? And then we shall have the advantage of a double debate—a debate on each Resolution, and another on the Address itself. The right hon. Gentleman complains that the time allowed to the House to consider the Treaty has been too small and scanty, and refers to the complaints made by Mr. Fox with respect to the time allowed by Mr. Pitt for the consideration of his treaty. I shall be very curious to hear, in the course of these discussions, up to what point the right hon. Gentleman is anxious to enforce the opinions of Mr. Fox as to the French treaty; but they are not very relevant to the present case, as they were not acted on or admitted by the House. I frankly admit we have taken a view of the necessity of despatch in this case that differs very widely from the view of Mr. Pitt on the same point; and I apprehend, were Mr. Pitt living now, amid the present development of our commercial system, he would not trouble his brain about the time and dates of the intervals between the different stages of his treaty, but rather would have considered the exigencies of the great interests involved, and would have proceeded in conformity with the answer which his enlightened intellect would have supplied. What, I should like to know, is the use of quoting Mr. Fox in the matter? Mr. Fox did not demand delay because he was not ready to go on with the discussion as to the duty which should be imposed on a particular kind of wine, but because he said France was our natural enemy, and that the measure of Mr. Pitt was one which struck at the root of the constitution of this country—or rather at the root of the power of the Executive in the conduct of its relations with foreign Powers. Basing his opposition upon that ground, no doubt he was perfectly justified in asking for delay. Not so, however, the right hon. Gentleman opposite, who seeks to pursue the phantom of delay in imitation of Mr. Fox, though he is wanting in the motives which lent Mr. Fox's objection substance and meaning. Well, Mr. Pitt proposed a Committee of the Whole House on the commercial treaty with France; and Her Majesty's present advisers, after maturely considering the question whether they should take the same course, came to the conclusion that Mr. Pitt was perfectly right in the form which he gave to his proceeding, but that they would have been absolutely wrong if, under the influence of a blind superstition, they had adopted the same form under a state of circumstances entirely different. I may perhaps be treading on tender ground in dealing with the forms of this House, but the view we took of the matter was this, that Mr. Pitt's legislation was a legislation in favour of French produce; that the terms of his treaty were literally represented in the Resolutions which he submitted to the House of Commons, and that it was therefore competent to him to take the course which he adopted. But now let me ask whether the right hon. Gentleman thinks it would be consistent with the public welfare or convenience, or with what I may now call the universal opinion of the House—for the right hon. Gentleman has to-night avowed that Free Trade principles are very good principles—that we should have come before Parliament and proposed an exclusive legislation in favour of French products? Every hon. Member's good sense must supply him with the ready answer to such a question—that such a course would be quite impossible. Yet that was the only course which was open to us if we had proposed a Committee of the Whole House on the Treaty with France. We could not have asked the House to go into Committee on the Treaty, and then in that Committee enter into questions of commercial legislation which are beyond its scope. We could not ask you to go into Committee on the subject of French wines, and then call upon you to sanction a Resolution which never mentions French wines at all, but deals with the wines of all countries alike, making them all the subject of great remissions of duty. I now want to know who are they who act in reality in the spirit of Pitt? He was a statesman who endeavoured to push forward the commerce of the country by great and enlightened changes in her laws; and in order to effect that object he took a course which I believe to have been entirely in conformity with Parliamentary law and precedent. We are endeavouring —I shall not say to compare ourselves with him, for of Mr. Pitt it may indeed be said with truth, *Nec viget quidquam simile aut secundum*,—but, following up the work which he was among the first to begin, we, too, seek to accomplish something in the same direction. It was with that view that, as Mr. Pitt proposed to the House to resolve itself into that Committee that could deal with the matter, we propose to you that you should resolve yourselves into a Committee competent to deal with the subject-matter which we had to submit to your notice with the utmost freedom. We, in short, have sought to act in accordance with the spirit of Mr. Pitt's policy, and not regarding it from an antiquarian point of view, to snatch at its dry form as you in your blind superstition—["Oh, oh!"] I ask your pardon, and will use a phrase less exceptionable—your pardonable error would have us do, wasting your ingenuity, and eloquence, and declamations in the endeavour to impress upon our notice what is, after all, but the mere letter of this ancient formula, in contempt of its spirit. I have pointed out to you the course which was taken by Mr. Pitt. The House of

Commons at his invitation went into Committee on the French treaty: and what did he then propose? Precisely that which we are going to propose; he did not submit the engagements of his treaty for the assent of Parliament, for he knew his duty as a constitutional Minister too well to place the clauses of the treaty in the hands of the Speaker or of the Clerk at the table, and ask the House to come to a decision upon them. He did not hold the doctrine of the right hon. Gentleman opposite, that, although the Queen may make a treaty on paper, it rests with Parliament to ratify its provisions. [Mr. DISRAELI: I used the language of Mr. Pitt as given in *Hansard.*] Then I can tell the right hon. Gentleman that there is a wide difference between the language of Mr. Pitt and his acts, and I should very much doubt whether Mr. Pitt ever held a principle on which he did not act. It is not a little remarkable that he should have propagated such a doctrine as the right hon. Gentleman ascribes to him at the very moment when, having invited the attention of a Committee of the House of Commons to the treaty with France, he submitted to the consideration of that Committee no portions of the treaty except those which absolutely required legislative sanction. We, acting upon the spirit of his policy, held it to be our first duty, and without interposing any difficulty, to bring under the notice of Parliament the most vital and substantial parts of the present Treaty; for that, if the right hon. Gentleman had permitted us to take the course which we desired to follow, would have been the direct effect of our proceeding. Indeed, I doubt very much whether there is in this Treaty one single point requiring legislative sanction which is not embraced in the Resolutions of which I have given notice. If there be such an Article, it is one of doubtful construction—that with respect to trade patterns. Now, if I understand the right hon. Gentleman opposite—and I am very anxious to ascertain his meaning correctly—he seems to look upon it as a great offence that Ministers should advise their Sovereign to enter into a treaty, and include in its provisions matters requiring legislative sanction, and does not thereon ask the assent of Parliament. Let me remind him, however, that there have been Ministers so insensible to their duty as to have contracted engagements with foreign Powers requiring direct legislative sanction, and who—I suppose it was all through inadvertence — forgot to ask legislative sanction to those engagements at all. The last example of such conduct on the part of a Government which has occurred within my knowledge, was when a treaty was entered into between Her Majesty and a northern Power, by the 20th Article of which, the high contracting parties being desirous to secure each within its own dominion protection against fraud in the case of certain manufactured articles, Her Britannic Majesty engaged to recommend to Parliament to adopt the measures which might be required to accomplish that object; and I am sorry to be obliged to add that the Government which advised the Sovereign to enter into this engagement—and who were aware at the time, as we all knew, that the law was insufficient to effect the object—were so forgetful of their duty as never to have come to Parliament at all to ask its assent to the treaty, not only when they laid it on the table—for they did not send it by message—but at any period during their continuance in office. And, most of all, am I sorry to say that the Government which was guilty of that monstrous dereliction of duty was the Government which the right hon. Gentleman opposite led in the House of Commons. But, to return to the proceeding of Mr. Pitt with respect to the treaty, there are, I admit, some portions of it which, up to this moment, we have not imitated. They, however, lie in the future; and if the right hon. Gentleman will but have a little patience he will find that as up to this hour, so at every future stage of this Treaty, it is our earnest desire to conform to the spirit which has always regulated proceedings of this nature.

The right hon. Gentleman says, that in Mr. Pitt's case the House of Commons was called upon, after voting the Resolutions on the French treaty to express an opinion upon the treaty as a whole, and to state that opinion in the form of an Address. That is perfectly true, and the Government are, I apprehend, entirely free to take that course; but Mr. Pitt, be it observed, did not announce it to be his intention to take any such course to the House of Commons until they had given their assent to the great stipulations of the treaty in detail. Whether it was that he thought it would appear to interfere with the liberty of the House on each of those stipulations, or for what reason, I know not, but, so far as we are able to learn, the House was invited to vote upon the details of the treaty without even having been informed that it was the intention of the Government after the details had been adopted to take its opinion on the treaty as a whole; and, therefore, if we have erred on this point, it has been through a too rigid adherence to the precedent of Mr. Pitt. But as the right hon. Gentleman is so anxious to be assured that in some shape or other the House shall have an opportunity of expressing its opinion on the specific engagements of this Treaty, I have no hesitation in stating that it is the intention of the Government if the House shall think fit to adopt those specific enactments requiring legislative sanction, fairly to submit the Treaty to the House, and to ask the opinion of the House upon it as a whole. And, let me add, we do not intend to do it as supposing it to be necessary in order to fulfil the terms of the Treaty that require the legislative sanction of Parliament, because we hold distinctly that the only mode in which Parliament strictly can give its assent to a treaty is by giving effect to the stipulations it contains which require legislation. A Parliament cannot assent to a treaty. Parliament is a fluctuating body. The King never dies, but Parliament does; and you could not in any formal way bind Parliament to any terms of a treaty; Parliament might be dissolved to-morrow, and a directly opposite vote might be given by that which succeeded it. It is not, therefore, to enable Parliament to assent to the terms of the Treaty in any formal or judicial sense that we shall ask its opinion, but to add all the moral weight we can obtain to the instrument in order to make it fulfil all the great purposes for which it is intended.

I have detained the Committee longer than I had intended, and I have but one word to add on the charge of the right hon. Gentleman. He thinks he has lighted upon a great godsend when he finds that Mr. Pitt separated his treaty from his Budget, and he points out with exultation the regularity of Mr. Pitt's course. But he did not state it correctly. First of all, he says, there was a Committee on the treaty, then a Committee on the Customs Acts, (Mr. Pitt's proposal was to simplify the Customs Acts), and then, said the right hon. Gentleman, you had the Budget. Here, then, is the meaning of the commotion of the right hon. Gentleman. The real sin the Government have been guilty of is that they have combined the Treaty and the Budget in one. Very good. What ought they to have done? It is very easy to point out inconvenience in any course that may be adopted in carrying out a great and complicated subject. [Mr. NEWDEGATE: Hear, hear!] But I want to know what course should have been taken by the wisdom of Parliament, as represented by that hon. Gentleman who has just cheered. What construction has been put on our procedure by the right hon. Gentleman who made this Motion? I understand him and the right hon. Gentleman who made the Motion to say that we ought to have separated the provisions of the treaty, and the discussions on them from the financial arrangements of the year—that is, in the beginning of February we ought to have released French wines from duty by resolution; we ought to have reduced the duty on French spirits by resolution, and we ought to have repealed a great number of other duties on articles coming from France. Are hon. Gentlemen opposite aware of the usage of this House, now confirmed for a considerable number of years, that when duties are reduced the reduced duties take effect immediately after the Resolution has been reported to the House? Surely, after the profound and deliberate consideration of the question of procedure by the right hon. Gentleman, that must have been taken into account. I presume he would not have inflicted on importers and traders the penalty of hanging up this matter for some months? Very well; the upshot of this procedure would have been—you would have legislated to reduce duties on French wines and spirits and on other articles by resolution; that resolution would have taken effect in the usual manner at the Custom House the morning after they were passed by the House; and for three or four months we should have had what must have gladdened the heart of the hon. Gentleman (Mr. Newdegate), but, perhaps, after his declaration to-night, would not have gladdened the heart of the right hon. Gentleman (Mr. Disraeli) by a perfect revival of differential duties in all their deformity or beauty—call it what you will; and French wines would have been admitted at 3*s.* per gallon, while Spanish wines would have been paying 5*s.* 8*d.*, and French spirits would have been admitted at the reduced rate, while Dutch spirits would have continued to pay the highest duty. As this is, I believe, the first night the right hon. Gentleman has boldly declared that the principles of free trade are very good principles, I am very sorry at this his first essay on his mode of giving effect to those principles. In point of fact, Sir, our defence for mixing the Treaty and the Budget may be comprised in two sentences. We considered, in the first place, exclusive legislation entirely out of the question. That is one of the principles I want to see tested by the vote of to-night. That was our first principle; the second was one that had reference simply and exclusively to public convenience. We were about to propose to Parliament that it should give its sanction to a treaty with France that involved remissions of duty to an extent little short of £2,000,000, and a surrender for the year of revenue to an extent somewhat exceeding £1,000,000. Now, Sir, I want to know what would have been the position of the Government if they had come down to Parliament, not in this special year 1860, but in any year, stating we ask you to remit taxes to nearly £2,000,000, and to surrender revenue above £1,000,000, but we will not tell you yet what are to be the financial arrangements of the year. That is the justification of our combining the Treaty and the Budget; and I am certain that this House will not fail for a moment to see the sufficiency of that justification. Nay more, I venture to say this, had the right hon. Gentleman himself been Minister at the time; had he made this Commercial Treaty with France—for he is a great admirer of commercial treaties with France—had he been Minister, and had he made this Treaty, the force of circumstances, the force of reason, the fear of resistance, the fear even of ridicule, would have prevented him from proposing to the House to commit itself to proposals vitally affecting the revenue of the year, and at the same time telling the House of Commons that the financial arrangements were not to be considered in connection therewith. That is, I think, enough to show that under the form of raising a question of procedure and rectifying the mistake which the Government has committed, it is to be charitably presumed, the right hon. Gentleman says, through inadvertence, he proposes to us not only to rectify an error, but to commit an error of the grossest kind, and one which, if it ever entered into our intention to commit, the House of Commons would have speedily rectified in an unmistakeable form, by expressing its sense of the folly of our proceedings.

SIR HUGH CAIRNS: Sir, if any Member of the House could, by the liveliness of his imagination, make us forget the actual facts of the case as they lie plainly before us, that man is the right hon. Gentleman the Chancellor of the Exchequer. But I would ask you for one short moment to return from the great fancy he has displayed and actually to consider what is the point to be answered by him, and which, I submit with confidence to the House, has not in any way been met. I listened with some patience to hear from the right hon. Gentleman what explanation he would give with regard to those clauses in the Treaty which do point to the power and interference of Parliament; and, although he read at the commencement of his speech the two clauses which refer to the interference of Parliament, I was somewhat amazed to hear at the end that all these clauses mean, with the exception of the reduction of Customs' duty, is to give some moral weight to the Commercial Treaty entered into with France, and that in point of constitutional law the House has nothing to do with the Treaty but to sanction the alteration of Customs' duties, I want to test that doctrine, and I shall do so within the shortest possible compass. There are two articles in this Treaty, and I will not go beyond them, on which I will join issue with the right hon. Gentleman. One of them, you may say, is a comparatively unimportant one, and, as the right hon Gentleman himself admitted, is somewhat difficult to understand. Well, I should say, for the authors of the Treaty, it is rather early to admit that any of the articles are difficult to understand. One of the two articles relates to trade marks and copyrights of design. I say it is quite impossible you could give effect to an Article relating to copyrights of design without an Act of Parliament. This stipulation requires the sanction of the House of Commons; how can the right hon. Gentleman obtain that assent in Committee on the Customs Acts? But I come to what is a much more important Article, as to which I look for a very different answer from that just received. I took the liberty the other night of calling the attention of the House to that Article of the Treaty—the eleventh—with regard to coal. I pointed out that the Crown had a power, conferred by Parliament—an absolute power—to prohibit the exportation of coal, whether in time of war or the imminency of war, and that this power conferred by Parliament could not be surrendered by the Crown or be advised to be surrendered without the assent of Parliament. Now, what answer did the right hon. Gentleman make to that? He said, "We considered it very carefully; and we came to the conclusion that this part of the Treaty does not in any way touch the article of contraband of war, and therefore does not require the assent of Parliament." I ask, who ever talked of contraband of war? I certainly never said a word about it, nor did my right hon. Friend (Mr. Disraeli); and if the Chancellor of the Exchequer does not know the difference between contraband of war and the right of prohibiting certain exports, with great humility I would say, the sooner he studies it the better. Contraband of war has nothing on earth to do with this question; and, if the right hon. Gentleman has been advised that this article does not touch contraband of war, I entirely agree with the advice that has been given to him. In truth contraband of war is the common term used in reference to the proclamation made by a belligerent Power as to what articles it will seize if it finds them in neutral ships. But the right now under discussion is a right vested in the Sovereign by Act of Parliament, not a belligerent right. The Crown possesses it for two purposes—first, to prevent supplies of an important article from going to those who are or may become our enemies; and next, to enable the Sovereign in times of extremity, when naval stores may be essential to the salvation or the success of this country, to take care that we are amply provided with them. Do the Government mean to say that a power intrusted by Act of Parliament to the Crown can be surrendered by the Crown without the consent of the body which gave it? The Chancellor of the Exchequer certainly did not advance such a doctrine. He met the argument by merely saying—what nobody controverts—that the 11th Article of this Treaty does not touch contraband of war. Here, then, without going any further, are two engagements in this Treaty which I maintain it is the privilege of this House to consider, and give either its assent or its refusal to. The simple question I desire to ask is, when and in what form of proceeding that privilege is to be exercised? The Chancellor of the Exchequer has told us that the very next day after we agree to the Resolutions in the Customs Act, they will be acted upon by the authorities of the Custom-house; and it is a well-ascertained practice for this House never to withdraw from a Resolution which it has so passed. Why, that is our very case, and it is the plainest case in the world. You admit that wherever the assent of Parliament is necessary for the engagements in a Treaty, that assent must be given in some form or other. There are two articles here which require that assent. It cannot be given in a Committce on the Customs Act, but must be given in some subsequent proceeding. In the meantime, however, you are going into a Committee on the Customs Act, and to ask us to pass Resolutions which are immediately to be acted upon, and from which you cannot afterwards withdraw. The result is this,—if the House should afterwards refuse its assent to those parts of the Treaty which do not affect the Customs' revenue, you will have repealed the duties—you will have done the mischief, and you cannot go back. The House of Commons will have refused its assent to those engagements of the Treaty, which require its assent to give them effect, and yet you will have lost your revenue. The right hon. Gentleman says, "We ask you to go into Committee on the Customs Act, not as Mr. Pitt proposed to go into Committee on the French Treaty;" and his reason for that is that "the modifications of duty to be made in Committee are modifications on the produce, not of France, but of all countries." But the fact cannot be disputed that it is by treaty with France that you have bound yourselves to recommend to Parliament to repeal or reduce the duties on the manufactures and produce of all nations. Therefore, if you go into Committee on the French Treaty, according to the precedent followed by Mr. Pitt, the Treaty will be strictly within the province of the Committee, and the stipulation respecting the remission of duties, no matter what country the produce subject to them comes from, will be legitimately before it. And here I must say the Chancellor of the Exchequer can hardly remember his own Resolutions; for although he tells us that in the Committee on the Customs Act no mention is to be made of the French Treaty, but the whole question will be dealt with as a general reduction or repeal of the duties on the goods of all nations, I find that in one part of his Resolution he speaks of articles which are to be "free of duty under treaty." Yet he now says it would be foreign to the business of the Committee on the Customs Act to allude to the French Treaty, or to look upon the remission as applicable to French produce. The course taken by Mr. Pitt under similar circumstances is, I contend, the only convenient course that can be adopted in the present case to give the House the power of discussing these questions. He proposed that the Speaker should leave the chair, in order that the House might go into Committee on the French Treaty. No doubt Mr. Pitt in Committee moved only such Resolutions as he thought necessary to carry out the objects of the Government; but it was perfectly competent for every member of that Committee to discuss any term of the French Treaty, and propose any Resolution he pleased, approving or condemning it. That is exactly the difference between our position now and that in which Mr. Pitt placed the House. If we go into Committee to-night, or on any subsequent evening, on the Customs Act — and here I speak under Mr. Speaker's correction—it will not be competent for any Member to enter into the general policy of the French Treaty. I even doubt whether it will not be irrelevant to mention the Treaty at all; but it certainly will not be competent for—and the Chairman will not allow—any Member to propose a Resolution expressing an opinion on the whole or part of that Treaty. We demand, then, on the part of the House of Commons, some proceeding—no matter what, provided it is practical and convenient—by which we shall have this Treaty fairly presented before us, and that we may not be entangled—though I acquit the Government of any intentional desire to entangle us—into an approval of its stipulations in the shape of a Resolution on the Customs Act. I fully admit the importance to trade of expedition and certainty in this matter; but I demand what is even more important than the interests of trade—the observance and retention of one of the most valuable privileges of the House of Commons. If any undue delay has arisen the Government have themselves to thank for it; because if they had pursued a course that would have given this House the means and opportunity of expressing its opinion on this Treaty and all its details, they might to-night, in place of asking us to go into Committee on the Customs Act, have asked the House to consider a similar resolution to that proposed by Mr. Pitt on the French Treaty. The right hon. Gentleman says it is utterly contrary to practice to bring down any treaty with a foreign Power in the shape of a Message from the Crown, and such, he thinks, has not been the usage for many years past. I ask the Government, can they produce any example of the bringing down of a treaty of commerce to the House of Commons, which required its approval in order to give it validity, without accompanying that treaty either with a Message from the Crown, or without introducing it by the Speech from the Throne? The right hon. Gentleman produced nothing of the kind; and the only case which with all his diligence he could find was the treaty concluded with Russia in 1859, which, he says, was laid on the table of the House, and the provisions of which the Government so far forgot that it did not ask the House of Commons to give effect to one of the articles which required its intervention. The 20th Article of the Treaty with Russia, to which the right hon. Gentleman referred, is as follows. And here again the right hon. Gentleman has fallen into an entire mistake:—

> "The High Contracting Parties being desirous to secure, each within its own dominions, complete and effectual protection against fraud for the manufactures of the other, have agreed that any piracy or fraudulent imitation in one of the two countries of the manufacturers' or tradesmen's marks originally affixed, *bonâ fide*, to goods produced in the other, in attestation of their origin and quality, shall be strictly prohibited and repressed. Her Britannic Majesty engages to recommend to Her Parliament to adopt such measures as may be required to enable Her to give the more complete execution to the stipulations of this Article."

There is nothing there declaring that the Treaty shall not be binding till Parliament has legislated. But in the present instance the Treaty provides that it shall take effect only as soon as the necessary recognition shall have been given to it by Parliament; and in another part it is stated that it shall not be valid unless Her Britannic Majesty is authorized by the assent of Her Parliament to execute the engagements contracted under the Articles of the Treaty. I say, then, that the Amendment before the House is one that ought to be adopted. We do not ask for any delay, but we want to have an opportunity of discussing this question. We are quite prepared for its discussion; but we cannot discuss the French Treaty upon Resolutions moved in Committee on the Customs Act, nor upon the Bills introduced in pursuance of those Resolutions. We may discuss it on some future day, if you propose to address the Crown with reference to the Treaty. But what will be the consequence? We may differ from the Government in respect to the Treaty. We may approve certain parts of it, or we may object to this, that, and the other engagement. We may think it requires some of the modifications which scores of petitions presented to-night beg and pray for, and then the Government may say, "What! modify this Treaty after you have repealed £1,800,000 of Customs' duties! What did you remit those duties for? Was it not to give effect to this Treaty?" They may also say, "Has not this Treaty already cost you £1,800,000 of revenue? Don't you mean to adopt it after that?" That would be a plausible argument, and one which I dare say it would be most convenient for a Government to urge; but, on behalf of the privileges of this House, I submit a different argument. I ask that this House may not be put in that position, and that we may have the means of expressing a free and unfettered opinion on this Treaty before we can be told that the revenue of the country has been already given away. I submit that there could be no delay. It is in the power of the Government within a few days to bring down a Message, within a few days to go into Committee, and within a few days to obtain the opinion of the Committee and of the House upon those parts of the Treaty which are not mere reductions of Customs' duties; and then, when they find that there is nothing in the Treaty which is not approved and assented to by the House, with the exception of the Customs' duties, then, and not till then, let them ask us to go into Committee upon those duties. We shall then know that if the Customs' duties are dealt with as the Treaty proposes it will be complete as far as the House of Commons is concerned; and we shall not be told at the end, when we come to discuss the parts relating to those duties, that we are practically forbidden to discuss them, because the whole of the Treaty has been acted upon and acknowledged by Parliament.

THE ATTORNEY GENERAL: Sir, after the most eloquent, and, I may say, crushing speech of my right hon. Friend the Chancellor of the Exchequer, it is hardly necessary that anything more should be said in defence of the course taken by the Government; and when my hon. and learned Friend got up, I really thought that he had risen to redeem the promise given by the right hon. Gentleman the Member for Buckinghamshire, that if a pledge were given that an opportunity should be afforded to the House for the discussion of this Treaty, the object of his Motion would be fully answered. My hon. and learned Friend, however, used arguments and stated propositions, which are so entirely alien to the mistaken representations contained in the address of the right hon. Gentleman that—as, indeed, we might have expected from the account given by the right hon. Gentleman, that this Motion was the joint production of their consultation at a late hour on Friday evening last—there has been the most complete consistency between the errors of the one and those of the other. In fact, I have seldom heard more erroneous propositions brought forward than those which were advanced in the few sentences which have just fallen from my hon. and learned Friend. He tells us that it is inexpedient to discuss the Resolutions upon the Customs' duties, because, if the Treaty is not afterwards confirmed, there will be a gratuitous loss of revenue. My hon. and learned Friend, able as he is as a lawyer, is probably not so conversant with the practice at the Custom-house. All who are familiar with the transaction of business by that Department are aware that, although a remission of duty takes effect in favour of the trader, from the moment a Resolution is passed by this House, it is accompanied by this safeguard, that the payer of the reduced duty is required to give an undertaking to pay the full amount in case Parliament should not ratify the Resolution by passing the necessary statute. Therefore we may discuss these Resolutions without any apprehension of the danger which has been paraded by my hon. and learned Friend. Again, we are told that you will have no opportunity of discussing the Treaty in discussing the Resolutions on the Customs Acts. That, I humbly submit, is a very great error indeed. It is only necessary for the House to bear in mind why it was requisite for Her Majesty to introduce into the Treaty the clauses with reference to the assent of Parliament; and I may be permitted to say that in all these matters it is most essential that the proper line of the prerogative on the one side, and of the right of Parliament on the other, should be strictly observed and acted upon. The necessity for coming to Parliament is simply this—that the Queen proposes to enter into stipulations which are at present at variance with the provisions of Acts of Parliament, and cannot, therefore, be entered into, except subject to the assent and approbation of Parliament. It must always be recollected that so far as the Treaty deals with matters requiring legislative interposition, so far it is submitted to the necessary antecedent assent of Parliament; but those matters which are within the power and within the ordinary prerogative of the Crown are not submitted to that assent. It is the right of Parliament to criticize them, to express an opinion upon them, to censure those who have advised the Crown; but all those things which do not militate against the established law, are within the limit of the ordinary prerogative of the Crown, and they are not submitted for the antecedent assent of Parliament. My hon. and learned Friend made some very great mistakes with regard to two matters, the dealing with which by this Treaty he said required the antecedent assent of Parliament. First, with regard to the trifling subject of trade-marks. [Sir H. Cairns: Not trade-marks; patterns for designs.] Trade marks require no assent. [Sir H. Cairns: I said so.] Certainly, with regard to patterns of designs, there was no necessity for coming to Parliament at all; nor is there with regard to trade-marks. This is a stipulation introduced at the expense of the foreigner, and for the benefit of England; and with regard to which, therefore, Her Majesty was rightly advised that it was not necessary to make any recommendations to Parliament whatever. The effect of the Article is entirely at variance with what the hon. and learned Gentleman supposes. It is a concession made by a foreign Power for the benefit of the English trader, not a stipulation at the expense of the English trader, which the Queen would be obliged to ask Parliament to sanction and carry into effect. He was just as much in error with regard to the 16th and 17th of the Queen, the Customs Act, which gives to the Crown the right to prohibit, under certain circumstances, the exportation of all articles which may be judged capable of being converted into or made useful in increasing the quantity of Military or Naval Stores. Now, the military and naval stores which are there referred to are the military and naval stores of Great Britain, not those of a foreign country. This prohibitive power is not a statutory prohibition—it is a power given to the Crown; it is not a direction. It is matter of prerogative and right of the Crown, which is made subject to the arbitrium and determination of the Crown, and with regard to which, therefore, the Queen may most properly enter into any contract contained in this Treaty, for in so doing she acts within the limit and verge of the authority given to Her, and She wants no further Parliamentary sanction or authority whatever. With regard, therefore, to both these two matters which have been superadded to the other erroneous grounds of argument in defence of this Motion, I can only say that there has been community and identity of error between the right hon. Gentleman and my hon. and learned Friend. Let me now refer the House to the assertion that we cannot discuss the Treaty in discussing the Resolutions which are intended to be proposed in the Committee upon the Customs Acts. I beg the House to observe that those Resolutions are introduced simply because it is necessary to propose to the House of Commons an alteration of the law having reference to this very Treaty. When, therefore, you are asked to alter the law with reference to the Treaty you have before you the whole ground and reason upon which you are asked to alter the law, and may properly discuss it. The first Resolution which will be put into the hands of the Chairman for altering the existing law with a view to the reduction of a duty being a proposition with reference to this very Treaty, the whole Treaty, as a matter of Parliamentary cognizance, comes into the field, and you have a right to consider the propriety, expediency, and polity of that Treaty, as a whole, with reference to the law which you are requested to alter. It is impossible, therefore, to devise any mode in which there will be more constant, necessary, and legitimate reference to the Treaty than that of proceeding by these Resolutions. In point of fact, any other mode of proceeding would have been an anomaly and a contradiction, which would have involved those who proposed it in the greatest absurdity; for how in the world can you discuss a treaty when the existing law forbids you to carry it into effect? How could we have proposed any Address or made any humble representation to Her Majesty upon this subject until we had first considered the propriety of revoking and repealing those laws which stand in the way of the consideration of the Treaty? The only proper and legitimate mode of proceeding was to call the attention of the House of Commons to the fact that the existing law was at variance with the provisions of the Treaty, and to give the House of Commons an opportunity of considering the propriety of repealing that law in order to allow the introduction of the articles specified in the Treaty. A more correct form of procedure could not have been adopted than that adopted by the Government in the present instance. You are asked to consider the law. Why? Because it interferes with the Treaty. If you are satisfied to accept the Treaty as a sufficient ground for altering your law, you will remove the law out of the way of the Treaty, and, having taken away all impediment to the full affirmance and confirmation of the Treaty, you may proceed to enable the Crown to enter into engagements conclusively, which are now, to some extent, only conditional. I could not have thought that a great party would have occupied itself with a mere exercise of idle ingenuity. In fact, one epithet which I have heard used appears to me a most correct designation of the course which that great party has thought fit to adopt—it is a puerile proceeding. It has been held up to us as the result of grave and mature councils, but I hope that in future those councils will be directed rather to the forwarding than to the retarding, by such subtleties, of the great business of the nation, and that we shall find those disposed to enter into the great arena of proper discussion which is now open to the House of Commons, namely, the propriety and advantage of this Treaty, every part of which will be before you when you are invited to consider the propriety of altering the law in order to carry the Treaty into effect.

Sir FITZROY KELLY said, that the Members on his side of the House were greatly obliged to his hon. and learned Friend who had just sat down for his advice. He would venture, in return, to advise his hon. and learned Friend that, before he vouchsafed to instruct others in the construction of the Treaty, he should himself look to its terms and make himself master of its clauses. If he (Sir F. Kelly) had been surprised at the terms in which some of the clauses were framed, he was still more surprised to hear the construction put upon this Treaty by the Chancellor of the Exchequer, a construction which the Attorney General did not attempt to allude to. The question was, what was the true construction of the 7th, 14th, and 20th clauses of the Treaty? It was rather remarkable that whoever may have been the framers of this Treaty, they appear to have gone on from one confusion to another, introducing a reservation in the 7th clause, afterwards referred to in the 14th clause, making the effect of the Treaty conditional as regards the United Kingdom, without reference to what followed in the 20th Article, which made the whole Treaty dependent upon the sanction to it, as a whole, of the Legislature of this country. The effect of that 20th Article would be, that the Treaty would be invalid from beginning to end, and would be binding upon neither Sovereign, nor upon the subjects of either country, till the whole Treaty in its entirety was sanctioned by Act of Parliament. The 20th Article said, "the present Treaty shall not be valid," not that it might be modified or varied, but that it should not be valid "unless Her Britannic Majesty shall be authorized by the assent of Her Parliament to execute the engagements contracted by her in the Articles of the present Treaty." He need not say that there was only one way by which Parliament could signify its assent, and that was by an Act of the Imperial Legislature. Upon referring back to the 14th Article, he found it provided that "the present Treaty shall be binding upon the United Kingdom of Great Britain and Ireland so soon as the necessary legislative sanction shall have been given by Parliament, with the reserve made in Article VI. respecting wines." The effect of those two Articles, save as to the reservation in the 7th Article, was not that the Treaty would become invalid, but that, in fact, it should not be valid at all until it received the sanction of the Legislature. And now as to the course which the Government were disposed to adopt. They said they were following the precedent established by the treaty of 1787, and the course then recommended to Parliament by Mr. Pitt. He (Sir F. Kelly) considered, on the contrary, that they were departing from every precedent in existence. They proposed at present to lay aside the Treaty, but to deal with its provisions in Committee on the Customs Acts. Now, let him call the attention of the House to what might be the effect of this most unprecedented course. Every one knew that as soon as a remission of duty was determined upon in Committee on the Customs Acts, the immediate effect was that the duty, for all practical purposes, was remitted and repealed. Now, see the effect of this. If no opposition was made to the Motion that the Speaker do leave the Chair, in Committee a Resolution would be proposed by the Government to give effect to the 6th Article of the Treaty, which provided that the duty on French wines be reduced to 3*s.* per gallon. If that Resolution was carried, the duty upon foreign wines would be reduced from that very hour, as if an Act of Parliament was passed for that purpose—indeed, even at the present moment the merchants were asking the Government to allow a drawback upon the stocks they held. Now, supposing that Resolution was carried, the Chancellor of the Exchequer would proceed step by step to propose Resolutions ultimately to give effect to the whole of the Resolutions in the order in which they at present appeared. He would take the 11th Article of the Treaty, by which the two Powers engage not to prohibit the exportation of coal. Suppose the sense of the House to be taken with regard to this Article; suppose the Government to propose to the House a Resolution in conformity with this Article; there was nothing improbable in the supposition that the House, however disposed it might be to yield to a relaxation of the duty on wine, might pause before they consented to the stipulation not to prohibit the exportation of coal. He said that however the House might be led away by the eloquence of the right hon. Gentleman, sooner or later they must come to the consideration of what was the legal construction of the 14th and 20th Articles. Whether by Message from the Crown or not, certainly in some way or other—whether they took the Treaty step by step, clause by clause, line by line, or not, the Treaty in its entirety must be sooner or later submitted to the consideration of the House. He begged the House to consider in what situation the Government, the House, and the Queen herself would be placed, if this Treaty came before either House, Parliament having before expressed its disapprobation of one of its clauses. Then with regard to the 14th Article, which provides that the Treaty shall be binding for the United Kingdom only so soon as the necessary legislative sanction shall have been given by Parliament, he should be glad to know what course the Government would advise Her Majesty to take in case of the refusal of that legislative sanction to some one of the Articles? He would further beg to refer to one or two other Articles which express what Her Majesty had agreed to. She had not contracted to do what the Government were now doing—namely, at once to propose to Parliament to repeal certain duties. By the 20th Article the Treaty was to be of no validity unless Her Majesty shall be authorized to execute the same by Act of Parliament. Then, when the Treaty comes into operation, it is to become obligatory on Her Majesty, and then She is to propose to Parliament to repeal the import duties on French wines by Article VI. If so, was the Treaty to be performed by Her Majesty while it was yet uncertain whether the Treaty would ever come into operation or not? If any one adverse vote should be registered by the House, it would then be impossible to adopt the Treaty, inasmuch as it contained no provisions for modification or substitution in case of any Article or stipulation being rejected by Parliament. If it should turn out that the disapprobation of Parliament should be expressed, or any rejection of a vote should take place in the way in which the Treaty was now proposed to be laid before Parliament, Her Majesty would then be in this singular position, that whilst she would have undertaken to propose to Parliament to sanction the reduction of certain duties, the Treaty under which that undertaking was made would be no longer binding upon her. The consequence would be that in such a state of things Her Majesty would be completely paralyzed. The Treaty of 1787 contained no such clause as that which makes this Treaty conditional upon the sanction of Parliament. No doubt it never could have been adopted in this country without the aid of Parliament, but it was not at every step of its progress exposed to the risk of being negatived by some adverse vote. He asked whether it was possible for the House to take a course which was more fraught with danger than that which they were now taking, when they considered—and he supposed the Government did sometimes consider—that there was another branch of the Legislature, and that the sanction of the House of Lords must be given to every clause of this Treaty. The House of Lords might differ from that House in some matter not of finance, and then the whole Treaty must be rejected. By so framing the Treaty that it must be accepted or rejected as a whole, the Government had placed themselves in this inconvenient position that they were obliged now to propose to Parliament to go on vote by vote, though the disapproval of any part of the Treaty by either House would cause the whole Treaty to fall to the ground. If the course proposed by the Government should be persisted in, the House would be soon involved in a state of confusion and difficulty from which even the ingenuity of the Chancellor of the Exchequer would entirely fail to extricate it, and which might most injuriously affect the interests of this great commercial community. He said then that this Treaty, if it be properly called a Treaty, should have been submitted, as that of Mr. Pitt was, in the first instance, to the sanction of Parliament. And here he was bound to say that in the remarks his hon. and learned Friend, the Attorney General, had thought fit to make upon the prerogative of the Crown, his hon. and learned Friend knew the law too well not to know that he was trifling with the House. What, was it to be said for one moment that it was competent to Her Majesty to barter away her prerogative to a foreign Power without the consent of her Parliament? He hoped he should never see the day when that doctrine would be upheld by any Member of that House, especially by so distinguished a lawyer as his hon. and learned friend. He begged to apologize for having detained the House upon what might perhaps be considered a technical question; but feeling the vast importance of the question, and how deeply it affected the interests of the country, he thought it his duty to point out a danger which he thought must inevitably occur, in the course which the Government had thought fit to pursue.

Mr. NEWDEGATE: The right hon. Gentleman the Chancellor of the Exchequer has thought fit to refer to me in a somewhat uncourteous tone, by speaking of me as the "wisdom of the House." The House will perceive how puerile such observations are. I might just as well allude to the right hon. Gentleman as the "consistency of the House," the "deliberate judgment of the House," or the "frankness of the House." But such observations are beneath the notice of this Assembly. I wish the House to consider who is responsible for the time at which the Treaty is made. I wish to know who is responsible for having advised Her Majesty to accept the Treaty, which it is proposed shall become operative immediately in England, but which, with regard to the Customs' duties, will not be operative in France till eighteen months hence. A great deal turns upon this. I do not wonder at the right hon. Gentleman, the Member for Buckinghamshire, suggesting the inconvenience which must result from the hasty adoption of this Treaty. That is a legitimate subject for the consideration of this House. Is this House really consulted as to this Treaty? Or is it only required to act upon it? In 1787 Mr. Pitt left the substance of his treaty five months before the country, in order that the country might instruct their representatives whether they assented to that treaty or not. But now, what happens? Just at the opening of Parliament this Treaty is thrown upon the table. And what use does the Government make of it? They immediately tell the House "you must go into Ways and Means before you go into Supply, because we have negotiated a Treaty which imposes upon you that necessity." Now, is that consistent with the practice of this House? The Government bring our relations with a neighbouring Power to bear on the finances before we consider what Supplies for the maintenance of her establishments this country may require. And then we are told that it is all in the interest of peace. Peaceably it certainly is, if submission is to be the condition of peace, for it is no less than submission to the nation across the Channel, a sacrifice of the independence of this House and of the country. The question of time was entirely at the discretion of the Government. What need was there to conclude this Treaty now, or before July and October, 1861; That would have been time enough for France. She will not reduce her Customs' duties till then. Why should we anticipate her action? Is it for the sake of leaving our unhappy producers exposed to the competition with France, while burdened by her prohibitory tariff and high Customs' duties? Why has this particular time been selected? No answer has ever been given to that. The right hon. Gentleman, the Chancellor of the Exchequer, says—"You must act immediately now that the Treaty has been laid before you, for the sake of the convenience of trade, for the sake of the holders of stock." That is no answer to the questions, why the duties in England should be removed immediately while those in France are retained for eighteen months? What is the cause of all this? Is it fear? What other inducement is there to the conclusion of the Treaty at this particular time, and forcing it thus hurriedly on our attention? I can understand no answer but fear. I object to this Treaty as one-sided. It is somewhat strange that Mr. Cobden was chosen as the exponent of the opinions of the Government; we know this, that Mr. Cobden holds opinions against all Customs' duties whatever. There could not have been a more improper person to select as a negotiator than Mr. Cobden. He could not claim or enforce any kind of reciprocity. He went to Paris, the French Government knowing that he would not depart from the consistency of his life, and ask England to maintain Customs' duties. His very appearance told France she might make her own terms. And what is the result? That England is to resign her Customs' duties; but we are pledged to sanction France in the levy of Customs' duties of 30 per cent. And how are we to stand with the rest of the world? If we establish a precedent of a duty of 30 per cent in France, as in the case of silk, and then 25, how can we complain if other countries levy like duties on our goods? They will point to the Treaty with France as a justification of any course they may adopt. Supposing we address Spain, and the noble Lord instructed Mr. Buchanan that we were going to reduce the duties on wine, and that he should require some reciprocal action of Spain, Mr. Buchanan would say, "Reduce our duties below 30 or 25 per cent." What answer would he receive from the Spanish Government but, "You have abandoned your duties in favour of France, and sanctioned her retaining 30 or 25 per cent duties on your goods: you cannot expect us to reduce our duties!" This is reciprocity on one side, indeed. No doubt the noble Lord, and very rightly, desires to stand well with France. So do I. The French policy approves itself to my judgment, because I believe the French Government to be at the present moment standing up for religious freedom. But I am not prepared to sanction a policy of cowardly concession to France because France is opposed to Rome. No, no! the matter has been quite otherwise stirred. There sits the hon. Member for Birmingham. He has a scheme of finance by which Customs' duties are to be abolished; and he very honestly suggested that in their place every one should be taxed, either by a poll tax, which is impossible, or by a property tax, which the hon. Member prefers. But there lately appeared an able article on this subject in the *Edinburgh Review*, and the hon. Gentleman will forgive me if I am wrong, but it appears to me that the substance of that article satisfied him he could not propose his scheme, in all its nakedness, with any prospect of success. He seems, however, to have said to himself—"Oh, if my friend, Mr. Cobden, can but persuade the Government to enter into a commercial treaty with France for the abolition of the Customs' duties, I shall accomplish my object, through the pressure of French influence brought to bear on the House of Commons." There is no question but that the hon. Member for Rochdale has got this House into a very pretty fix. The position in which he has placed us — let us endeavour to avoid it as we may—is this, that at the very commencement of the Session, and before we have begun to vote the Supplies, or to provide for the defences of the country—before the House of Commons have even ascertained what will be necessary for the defence of the country, we find ourselves in this position — that we must either offend the Government of France, or we must abandon revenue which at the present time we can so ill spare, if we are to carry out those national defences which the people of this country are prepared to exact of their representatives. That is the position in which we stand. The Chancellor of the Exchequer may be very angry with me for saying this, but that will not change the circumstances of the case. The fact is, that this House is now in a position in which its natural relations are interrupted by the intervention of this Treaty, which places us in this position—that we must either accept its terms, or affront the Government of France; and, if the right hon. Gentleman will say that that is a position which befits the representatives of a free and independent people assembled for the purposes of calm deliberation, *credat Judœus*. I will not go further into this subject. It is clear this House has been trapped. These negotiations have been pressed upon us, to use the mildest terms, under the influence of France; and then we are told that it is for the convenience of trade that we should not deliberate before we act. Sir, perhaps I may be an old-fashioned Member—perhaps I may be imbued with some of the haughty spirit which we are told animated the House of Commons of 1787, but I must say I rejoice that the right hon. Gentleman, even by the intervention of a few hours, has given us this opportunity of considering and expressing our opinion. I shall vote for his Motion with great pleasure, and I have only further to say, that if the Government are not acting under the compulsion of fear, they show little respect for the House of Commons.

MR. AYRTON said, he rose for the purpose of stating the grounds upon which he should vote on the proposal submitted to the House; and he could not help expressing his regret that, instead of proceeding regularly and systematically to the consideration of the great subjects which Parliament was about to discuss, they should have put them aside in order to involve, and to some extent perplex themselves, by the examination of transactions which had taken place in former times. He thought it would be well to recollect that the Treaty involved not only the interests of people of this country, but the interests of people in other countries; beyond doubt the manner in which it was treated by the British House of Commons would be eagerly watched and closely scanned. Their course therefore ought to be without doubt or question. Independently of the privileges of the House of Commons, perhaps that was a reason which had always induced former Ministers to bring under the notice of Parliament in a most clear and distinct manner whatever engagements the Crown had entered into with Foreign States, so that no misapprehension could arise as to the course which Parliament adopted. Whether that was a sound view or not might be immaterial to the determination of the present question; but they found that upon every treaty, from the supplemental treaty which followed that of Utrecht up to the very last which had been entered into, a uniform course had been pursued by Ministers and Parliaments. They approached this question with the reflection that Government now, for the first time, invited them to depart from the established usages of the constitution, and to adopt a course which he believed was entirely unprecedented and unknown in our Parliamentary history. If there were precedents on their side, it was the duty of the Government to produce them, in answer to the right hon. Gentleman, the Member for Buckinghamshire, who did not think it necessary to quote more than one, because that was perfectly apposite to the circumstances of the present case. He would repeat the assertion of the right hon. Gentleman that the records of Parliament showed an uninterrupted series of precedents from the beginning of the last century down to the very last occasion when action was required, and that it had always been the practice either to take into consideration the Message of the Crown recommending the Treaty to the notice of Parliament, or the Treaty itself, in what was formerly called the Grand Committee, but which was now called a Committee of the whole House. Upon this occasion there was no necessity to draw the line where ancient precedents were to be passed by as obsolete, and where new precedents were to be adopted; because, whenever Parliament had been called on to vote the money of the people in execution of a Treaty, the course had been to go into Committee on the Treaty and there take the requisite votes. Although sometimes the Treaty alone had been referred to the Committee, and at others the Acts to be altered had been referred with it, the principle was the same. To name a precedent since the Reform Bill, there was the occasion when Lord Althorp had to deal with a Treaty of commerce and Navigation, and the very last was in March 1856, when the House went into Committee to take into consideration the Queen's Message with reference to a treaty with Sardinia. The Motion was made by the noble Lord at the head of the Government. Now he would not say, that the precedent ought to be respected by the Chancellor of the Exchequer, because he had frequent opportunities of seeing how much and how often the right hon. Gentleman differed from the noble Lord at the head of the Government; but the noble Lord himself ought to regard his own precedents; and however much he might stand pledged to this Treaty, he was bound to watch over the privileges of this House, and to enforce its constitutional course of action. He knew how difficult it was to frame a Resolution which would bear minute criticism, and he could not congratulate the right hon. Gentleman the Member for Buckinghamshire upon the one which he had submitted. But, passing that by as beneath consideration, and looking only to its substantive and distinct object, he intended to vote for it. He looked only to the avowed purpose with which the right hon. Gentleman proposed it — namely, to take the Treaty into consideration and express a deliberate judgment upon it, and beyond that he should not hold himself bound in voting with the right hon. Gentleman. It was of the utmost importance that forms —even if they were only forms—should not be lightly set aside when they regulated the proceedings of 600 representatives, and he deeply regretted that the Government should have refused to entertain the subject on Friday, when it was first brought under their notice by their own friends. The course which the right hon. Member for Buckinghamshire had taken was forced upon him. The Government treated the suggestion with disdain, and determined to abide by their designed act, as they were bound to do if they really believed it was for the interest of the country. But what was the ground on which they justified their procedure? They said that commerce was of that character that the House must pass Resolutions the instant a treaty was published which involved a prospective reduction of duties. But surely they would give the French Emperor and the French Government credit for understanding the interests of the trade of France; and yet the French Government did not hesitate to make prospective arrangements, and fix a future day when duties should be reduced; and therefore it was clear that time was not so important that the Treaty must first be kept back, and then Resolutions hurried through for the sake of the interests of commerce. What was the reason that Parliament was asked to depart from its usual custom in relation to treaties of this kind? Surely the Government could not be afraid of having the Treaty discussed upon the completion of which they seemed to pride themselves. If the Treaty were as good a thing as they said it was, the first thing they ought to do was to take the judgment of the House upon it. When the House was asked to go into Committee and to pass Resolutions giving effect to the Articles of it, they must take it as a whole, and either reject it and address the Crown to take measures to reopen the negotiation, or accept it as a whole. If the noble Lord below would look at the language of Mr. Fox, whose authority he would not deny, he would see that such was his opinion. The moment the first Resolution was passed, then the whole question was over, and the remaining Resolutions became mere matters of form. It must be borne in mind that these proceedings were being watched by the whole French nation, and they ought therefore to be such as would leave no grounds for imputations of shuffling or evasion. Either a Resolution ought to be passed declaring that Parliament would not accept the Treaty, or they ought to proceed to accept it honourably and honestly. When once a single Resolution had been passed, he would not consent to go into a division to question any one Article of the Treaty. If the House went into Committee on the Customs' Act, the Resolutions which it passed there were not to give effect to the Articles of the Treaty, but to modify and alter the present Customs' laws. There was an essential difference between the two proceedings. A statute passed to-day, if it contained the usual provision, might be repealed in the present Session. At any rate, the Parliament which met in February next, would be as free to repeal it as this Parliament was to pass it. But if the House passed a statute to give effect to this Treaty of Commerce, the Parliament which met in February next would not be free to consider it; the hands of Parliament would, in fact, be tied, and they would be deprived of all control over financial legislation in these respects for ten years to come. The two operations were in their essence totally distinct. The Resolutions which the Chancellor of the Exchequer proposed, therefore, were not a faithful execution of the Treaty on the part of Parliament. He was bound to take a Resolution on every Article of the Treaty, not for one year only, but for ten; and if he did not, he had not given that legislative sanction to the Treaty which he had bound himself to obtain. They must look to the effect of these commercial conventions upon our relations, not with France alone, but with Russia and other Powers, which were directly affected by its language. Substantially they had to decide this question that night, whether they would proceed immediately to sanction that Treaty, or whether Parliament was not bound to give its due deliberation to decide upon its policy, and to take into consideration the claims of the people of England who thought that their interests would be injured by it. There had been times when Parliament did not think itself quite so popular, quite so perfect a representative of the country as it seemed to think itself now. It was chary then how it dealt with the liberties of the people—how it sanctioned a summary disposal of their industry. Men were heard then at the bar of the House in support of the interests which they thought were affected. That, however, had been got over. The House was supposed more truly and completely to represent the whole people through their representatives than in former days; and believing that the course of procedure proposed by the right hon. Gentleman was the only one which would enable these representatives to give a deliberate and unfettered vote upon the important questions involved in this Treaty, he felt it to be his duty to vote for the Amendment.

Mr. MALINS said, he had noticed with regret the tone in which the speech of his right hon. Friend (Mr. Disraeli) had been received by the other side of the House. It was a speech characterized by great lucidity and temperate language, and the Resolution with which he concluded was of the most moderate character. It had been met, and especially by the Chancellor of the Exchequer, in a tone of bitterness and sarcasm, which had no application to the subject; and which was followed by the Attorney General in a similar spirit and tone, and he denounced the Amendment as "perfectly puerile." He asked what was in it that was "puerile"? The nation had been taken by surprise; they suddenly learnt that a Treaty of Commerce had been entered into, and this had given rise to various suspicions and anxieties. A large portion of the community believed that their best rights had been bartered away for no consideration, and that the bargain was a one-sided bargain when we engaged to admit French produce duty free, and France engaged to admit our produce at not less than thirty per cent duty. The Treaty provided in itself that it should receive the sanction of Parliament; and what the hon. and learned Attorney General called a "puerile proposition" was that it should be submitted to the judgment of Parliament. The Resolution of his right hon. Friend asked no more than that the Treaty should be submitted to a fair discussion, and that the sense of Parliament should be taken upon it, apart from the numerous other questions which were mixed up with it in the Resolutions upon which they were asked to go into Committee. The Chancellor of the Exchequer and the Attorney General had led the House to understand that it would be virtually discussing the principles of the Treaty if they went into Committee upon the Customs Acts; but they must have overlooked or suppressed the fact that there were several stipulations that did not involve Customs' duties at all, such as those with respect to coal, upon which no duty had ever been charged, and the differential duties charged by France upon foreign shipping, with which we had nothing to do, but which at the same time operated most injuriously upon the shipping interests of this country. Coal and iron were among the objects which had principally contributed to the greatness of England, and yet by the 11th clause of the Treaty their exportation was not to be prohibited for a period of ten years, except in the case of direct war with France; so that a nation with whom we were on the best terms might be destroyed in the interval, and we should be forced to furnish France with the sinews of war. Unless the terms of the Treaty were modified such must be the construction which every Member of the profession would put upon them. He had seen it announced in *The Times* that the French Government was willing to modify some portions of the Treaty; and it was above all things desirable that not only on this point, but on the 11th clause relating to the differential duties on French shipping, some alteration should be made. According to the present system it was actually the interest of a merchant at Calcutta to ship his goods in a French in preference to an English vessel. The Chancellor of the Exchequer had by his eloquence endeavoured to lead the House on a wrong scent, and, perhaps, to some extent he might have succeeded in doing so; but the country at large was not blinded by his statements, as was shown by the shoals of letters which poured upon Her Majesty's Government daily, and almost hourly, remonstrating in the strongest possible terms against the propositions contained in the Budget. Indeed, so large was the correspondence that measure had produced that it might go far to make up the deficiency in the revenue by the increase in the postal department. The course proposed by his right hon. Friend—namely, that they should follow the precedent set by Mr. Pitt—was free from all those objections. If the Treaty was such as to deserve the approbation of Parliament, that approbation would be given in a free and independent manner on the merits of the Treaty itself; if not, our domestic finance would not be complicated, bound up with considerations altogether foreign to the subject; and for these reasons he hoped that the House would support the moderate and constitutional proposition which had been made to them. He would call upon the House, in conclusion, to come to the discussion of the subject at once, instead of proceeding in such an irregular course.

Mr. BRIGHT: From the very earnest and animated manner of the hon. and learned Gentleman who has just sat down, a stranger might be led to imagine that there was some great question before us.

But after having listened to every sentence, I think, that has been spoken in the debate, I can hardly tell what it is we are debating. The right hon. Gentleman the Member for Buckinghamshire assured us it is not a party question; but I did not feel that he added any confirmation to that statement when he informed us he had consulted nobody but the hon. and learned Member for Belfast (Sir Hugh Cairns)—by no means a bad soldier to have at one's side when engaged in a party fight. Still, I can learn nothing from the speech of the right hon. Gentleman or of his supporter, because I am perfectly satisfied neither the one nor the other divulged the real object and purpose of this Motion. In the speech of the hon. Member for North Warwickshire I could get at something real. He digs up theories we thought were dead and buried, and never more to appear among us. I do not in the least blame him for the course he takes, though I cannot understand the point of view from which he regards this question. He does not believe in the Treaty, or in the principles which his leader pronounces good; and therefore, like a man, he stands up and says so; and, however absurd his views may be, or however erroneous in my opinion, still he discloses them frankly, and makes it no secret that his object in supporting the Motion is just to get rid, if he can, of this obnoxious Treaty. But what is the true object of the Motion? If I were on that side of the House—and it is not an uncomfortable side to sit on, as I know by pretty long experience—and held the opinion which many hon. Gentlemen opposite do, of the Budget and Commercial Treaty, instead of carping at them in private and making vicious stabs at them in the House, I would fairly avow I thought the Treaty a mistake, that the Queen had been badly advised in entering into it, and that the Government were to be condemned for their policy, and that Parliament should not adopt it. I would be open and aboveboard. I would take—I was almost going to say, the only rational—at least the only manly course. The real fact, I am bound to believe, is that a portion of the hon. Gentlemen opposite are very much annoyed at the Treaty from beginning to end; another portion do not like the side of the House on which they sit, and they think that an attack may be made on the Government with some success. Perhaps the Treaty may be altered in some respects; but I hardly imagine even that party will go so far as to overthrow it. This is why the Motion has been brought forward and is supported by hon. Gentlemen opposite. If those Gentlemen are really against it—if the House is against it—why do they not bring forward a Resolution and say at once that it ought to be rejected? The Resolution of the hon. Member for Essex does go, without saying it, very near meaning it, because he objects to the reduction of the duties as diminishing the ordinary revenue—the duties and ordinary revenue are necessarily reduced if the Treaty be adopted, and hence his Resolution goes a very long way towards condemning the Treaty altogether. I am free, for my own part, to confess I cannot exaggerate the greatness of the policy which characterizes the Treaty or the good which I believe it will do to this country and to France—indeed to Europe generally. It is a great question, and worthy of a great debate. Let there be one side of the House for it, the other against it; but let us debate it manfully. Do not take the course chosen by the leader of hon. Gentlemen opposite—a course which half of his own party, even if they vote with him, would rather in their hearts he had not taken. Do not put a Resolution on the paper which nobody can understand—which his principal recruit on this side of the House cannot even compliment as either grammatical or sensible, and which proposes a course which neither the right hon. Gentleman himself, nor any one who has spoken on that side of the House, has yet been able to give an explanation of. I am not going into the question of the Treaty in the least. We will talk about the coal difficulty by-and-by. Every one who knows anything about the matter knows that the whole navy of France does not consume in a year half as much coal as a single colliery in England can produce, and, after all, is only what the right hon. Gentleman (Mr. Disraeli), speaking of the national debt, called a mere "fleabite." If you are not adverse to the Treaty,—for I desire to give the right hon. Gentleman all the credit I can for his proposal, and to believe that he is merely anxious the House should take the most convenient and expeditious mode of considering this great proposition with the view to advance the public interests—let us consider what is the proper course to take. I am so much in favour of the Treaty I can vote for it altogether as it is. I am so much in favour of all the great free trade measures in the Budget that I can vote for it also as it is. But I do not insist others should do the same. I cannot expect the House of Commons to come by a leap, as it were, to a conclusion like that. But I ask you to consider that great interests are involved in the question, that it is one which ought not to be made the mere stalking-horse of party, and one we cannot fight over night after night without any definite proposition before the House. The question, it seems, is Treaty or Budget. On the other side they do not speak much in favour of the Treaty, but they are all very anxious the House should pass the Treaty at once. Suppose the Government had taken the course hon. Gentlemen opposite affect to recommend, in what position would the House have been then? Suppose the Chancellor of the Exchequer, or the noble Lord at the head of the Government, or the noble Lord the Secretary for Foreign Affairs, had laid the Treaty on the table of the House and asked you to discuss it—could you take the Treaty and go through it from beginning to end and put every single word, every sentence, every proposition to the vote? Do hon. Gentlemen opposite propose that? Or do they propose that the Government should have offered to the House a Resolution for an Address to the Crown expressing the general approbation of the House of the Treaty which the Queen has negotiated with the advice of Her Majesty's Ministers? If they did, then I would vote with them. But only look at the position the House would have been in after such a Resolution was passed. You could not then have gone into the details of the Treaty, you would have been prevented from considering all the propositions to which the Chancellor of the Exchequer invited your attention. A very large proportion of the propositions of the Budget are details of the Treaty; and if you had approved the Treaty in the bulk, and got rid of it, when you came to the Resolutions of the Chancellor of the Exchequer you would have been precluded from any examination of half of his proposals, you would have been shut out from exercising the most constitutional duty, privilege, and right of the House of Commons—that of examining *seriatim* every one of the features of the plan which the Chancellor of the Exchequer lays before you. Now, my notion of the course we should take to expedite business is this—we should go through the whole of the Budget, accept what we can accept of it, and reject what we do not like. I dare say there is something in it we do not like; but we should take it, as we do other things in life, a little bad with a little, or, it may be, a great deal of good. But, when we have gone through the Budget, including everything of the Treaty that can take effect through the Resolutions on the Budget, several things will be left in the Treaty not included in the Resolutions, which it will be still necessary for the House to consent to. When we have done this, it will be very easy to pass Resolutions expressing the approval of the Budget if the House does approve it, and the whole thing will be at an end. What can be more rational than such a proposal? As I understand neither the Chancellor of the Exchequer nor the noble Lord the Foreign Secretary has not the least objection to the House of Commons expressing its opinion on every point of the Treaty not involved in this Budget. Is this not a course, then, that hon. Gentlemen opposite may well adopt? I am afraid they have a very faint idea of the amount of inconvenience and suffering this state of things produces in the country. It may be assumed from the number of deputations that wait on Ministers, the letters that fill the newspapers, and are received by Members of this House. A very large portion of that which annoys persons in trade, when such changes as the present are proposed, is, not the ultimate result of such changes, but the torture, the perplexity and difficulty by which they are surrounded during the three or four weeks the subject is in suspense in this House. If you believe that the policy proposed is bad, the Budget bad, and the Treaty bad, you are perfectly justified in opposing it, or even in throwing out the Government on it. But you should meet it in a straightforward and manly way. We on this side of the House are mainly in favour of the proposition; you, on the other side, are mainly against it. We decide by majorities, and a result may soon be come to. Move a specific Resolution; let us have the debate on a well-defined question, and talk it out. The country will derive some information from the discussion, and, I hope, will be satisfied with our decision. Every Chamber of Commerce that has noticed this plan, almost every meeting, and every opinion given in the press, or by the public, except on details not very essential—has been in favour of the great changes the Government has proposed. Now, I ask the hon. Gentlemen opposite not to be led astray on this question, for any mere party interests; not to leave the whole trade and industry of the country in a state of suspense and partial confusion, till these great measures are settled. If I speak to any Member in private he agrees with me in this;—if these things are to be done let us get them done. I am not arguing in favour of any party; I urge it on behalf of the country and of interests ten thousand times dearer to us, I hope, than those of party. I do not speak in favour of these measures to keep one set of gentlemen in office or another set out. I only wish the hon. Gentlemen on the other side when they sat here had had the courage to propose a policy like this. They should have received from me as warm a support as I shall give the right hon. Gentlemen who now have the good fortune, if good fortune it be, to occupy the Treasury benches.

MR. SEYMOUR FITZGERALD said, they had for nearly five hours been discussing the Amendment which his right hon. Friend had proposed in a speech of singular clearness and ability, and—more than that—marked by a tone and temper befitting the great party he represented in that House; yet though they had been so occupied for five hours, and had heard several speakers from the other side of the House, yet no one had attempted to grapple with the point that Amendment set before them. My right hon. Friend was followed by the Chancellor of the Exchequer; but his speech was certainly no exception to the observation he had made, though if ridicule and personality, only so far veiled as not to become offensive, could establish a case, the right hon. Gentleman would have been successful; but never since he had had a seat in that House had he heard a speech in which a debater had dealt so unfairly with the arguments and statements of an opponent. The right hon. Gentleman represented his right hon. Friend as suggesting that the Treaty should have been made public four months ago, or at least, that a delay of four months should take place before Parliament was called on to decide upon it. That was never suggested by his right hon. Friend; all he said in narrating the circumstances attending the production of the treaty of 1786 was, that a certain time had been given before the debate on the treaty in the following year. Again, the Chancellor of the Exchequer stated that the effect of the suggestion of his right hon. Friend would be equivalent to a protective duty on French wines during the next two or three months. What his right hon. Friend proposed was exactly the reverse. He proposed to go into Committee not on the Customs Act, but on the Treaty; and no Resolution passed by a Committee on the Treaty could have any such effect. He had consulted the authorities of the House, and he found that this was the case. He was astonished that any one in the position of the Chancellor of the Exchequer should not have known this, and should have made such an attack in ignorance. The accusation against his right hon. Friend that he proposed to recur to an antiquated system of protection was utterly groundless. He would not follow the many misrepresentations of the right hon. Gentleman. He wished rather to recall the House to the strict point, that had not yet been dealt with from the other side of the House; that point was, whether the course taken by the Government in this instance gave the House a fair opportunity of discussing the Treaty. The Chancellor of the Exchequer had almost ridiculed his right hon. Friend, and charged him with paying a pedantic regard to musty precedents. But the right hon. Gentleman (the Chancellor of the Exchequer) had justified the course he was himself taking by saying he followed substantially the precedent of Mr. Pitt; but, so far from being the same course, it differed not substantially, but in some points essentially, from it. Mr. Pitt moved certain Resolutions in Committee on the treaty; the right hon. Gentleman proposed to go into Committee on the Customs Acts. The result of the two courses was perfectly different. If the House went into Committee on the Customs Acts, any reduction of duty it made would commence from the time the Resolution passed. If it considered the Treaty, such a reduction of duty would not commence till after the Treaty had been sanctioned by the House. and Resolutions in accordance with the Treaty passed in Committee on the Customs Acts. Then, in a Committee on the Treaty, any Member might move a Resolution in reference to any article in it. In a Committee on the Customs Acts this was impossible. The only clauses the Committee would be competent to consider were those clauses by which a reduction of duty was made. The effect of the difference between us is that the right hon. Gentleman wished to limit the House to the consideration of the Treaty to those portions of it which were contained in the Customs Acts; whereas those who sat on his side of the House said that it was the right of the

House to have an opportunity of discussing and giving an opinion upon every portion of the French Treaty that required the legislative assistance of the House to enable Her Majesty to carry it into execution. The Chancellor of the Exchequer had omitted to state what Mr. Pitt said in reference to a portion of the treaty of 1786. Mr. Pitt said that he would move resolutions in Committee relative to all those portions of the treaty that were of a commercial character, and that all the others could be carried out by the executive or the prerogative of the Crown. [The CHANCELLOR OF THE EXCHEQUER: Hear, hear.] The right hon. Gentleman cheered, and even now the right hon. Gentleman and the noble Lord (Lord John Russell) were unable to see the distinction between those parts of the Treaty which could be carried out by the prerogative and those which required the legislative interference of Parliament to carry them into effect. The Secretary of State for Foreign Affairs assured the House the other night in an apologetic tone that the 11th Article of the Treaty, relative to coal, was not proposed or discussed with any reference to a political object. Now, he could conceive it possible, from the experience they had had of the noble Lord in foreign affairs, that there might be a political interest attached to political subjects, and that the noble Lord might be unable to fathom the intentions of those who proposed particular measures. ["Oh, oh!"] He granted that this murmur of incredulity was justifiable, because the noble Lord in home affairs was sufficiently astute and farseeing, and it was therefore difficult for hon. Gentlemen opposite to admit that other persons might have an object in view in foreign affairs, and that the noble Lord would not be one of the first to see it. Whatever the noble Lord or Mr. Cobden might think, the French Emperor and the French people undoubtedly considered that this Article of the Treaty was not devoid of political interest. Was it not well known that the French steam navy had depended for their supply of coals upon this country? What was the good of having a steam fleet if you did not adopt the best means of propulsion at your command? Many hon. Members would recollect that contemporaneously with the appearance of this Treaty a conversation was said to have taken place between a distinguished Frenchman and an enlightened and liberal Englishman. If rumour might be trusted, the persons designated were the Emperor of the French and the hon. Gentleman who negotiated this Treaty. And what did the "distinguished Frenchman" state in that conversation? Reference was made to the supply of coal from this country, and the idea was thrown out that certain vessels were built for the purpose of making a descent upon our coast. "No," was the answer, "they are not built for that purpose; but the fact is that the French fleet are dependent upon England for their steam coal, and we wish to be dependent upon her no longer." The fact was that the coal we possessed was an enormous advantage to this country. France did not contain the best coal that could be supplied for this purpose, nor could she obtain it except from England. It was of the last political importance to France that she should always be able to obtain coal from this country, and in this Treaty, said to be purely commercial, was inserted an Article that would go far to deprive us, in case of imminent war, of the advantage which nature had given us. What he wished to learn and what no one would tell them was, was the House to have an opportunity of expressing an opinion upon that eleventh Article? The Attorney General had given an opinion, which he would not take upon himself to contradict, but which he ventured to say had been heard with astonishment by the lawyers on both sides of the House, that the power of prohibiting the exportation of military or naval stores was the common law prerogative of the Crown. If that were so, why did the Government in 1853 think it necessary to pass an Act by which it was enacted, not declared, that the Crown had certain powers which, according to the hon. and learned Gentleman, it had always possessed? Such a proceeding was so extraordinary that he preferred to give his confidence to those who thought that this power was not a part of the common-law prerogative of the Crown, but was simply a statutory power given by Act of Parliament. If that were so, could the Crown waive the power without an Act of Parliament? There could be very little doubt that if this power were not part of the prerogative of the Crown, it was a power that the responsible Ministers of the Crown might avail themselves of for the interest and security of the country. It was, in fact, a trust held by them from the Crown, for the exercise of which, when required, they were responsible, and one which it was impossible to waive. The legislative authority of the House was in that case necessary before the Treaty took effect, and he wished to know when it would be applied for. The Treaty contained a clause relative to shipping. There, again, was a most important clause which by itself the Government with all their strength could not pass any more than the Article regarding coal. When was the House to have an opportunity of expressing an opinion upon that Article of the Treaty? The House knew that if his hon. Friend the Member for Essex (Mr. Du Cane) moved his Resolution, and a division took place upon it, no further Amendment could be moved, and that in Committee on the Customs Acts it would be impossible to take into consideration the clause relating to shipping. They had been told that it was possible to raise the whole question on Resolutions and an Address to the Crown, and the hon. Member for Birmingham had recommended this as a manly way of meeting the question. But it was precisely because it was not a manly way of meeting the question that hon. Gentlemen on that side of the House could not vote for it, since it would put the issue in a shape in which it would be impossible to give an opinion upon the details of the Treaty; and they said that the only way of properly discussing it was by bringing forward Resolutions, which would enable the House to consider in detail every Article and clause that required the legislative interference of the House. It had been said on the other side, "Pass the Customs Resolutions, and then there will be an Address approving of the Treaty as a whole." No doubt those who advise the Government that that was the best form for themselves were correct. Many hon. Members would say, "I approve of so much of the Treaty that I shall not go the length of coinciding in any Address condemning it as a whole; others would say, I am in favour of one particular portion, and, although I disapprove of another, I cannot vote on an Address which condemns the whole;" so that, by this clever and skilful manipulation, the Government would get a great many votes more than they would get if the issue were plainly put before Parliament on every one of the clauses of the Treaty. On his side of the House they did not ask for any delay; they sought, as well as the hon. Gentleman who spoke last, to come to an early and satisfactory decision on the part of Parliament; but the simple proposition they put was that they could not come to a proper conclusion on this Treaty in Committee on the Customs Acts. They insisted that it should be submitted to the House in such a shape that every clause could be discussed. If the Treaty were good it would be as easy for Ministers to obtain the approbation of Parliament in a Committee so framed as in a Committee on the Customs Acts; but, as it was impossible to arrive at a satisfactory discussion in a Customs' Committee, they call upon Ministers to lay their propositions before the House in a clear, definite, and decided manner.

LORD JOHN RUSSELL: Sir, I was disposed to think that the right hon. Gentleman who made the proposition under our notice had taken a somewhat extraordinary course, for until I heard the last two speeches which were delivered on the opposite side of the House I confess I was at a loss to understand what that proposition meant. It seems to me, indeed, that the right hon. Gentleman, in submitting his Resolution to the House, must have borrowed a suggestion, not so much from what fell from other hon. Members on Friday night, as from some observations which were made by my right hon. Friend the Secretary for War in reference to the opinion which had been expressed in certain quarters as to its being desirable that the volunteers should learn to march in loose instead of in close order. At all events, the right hon. Gentleman instead of moving in close order, as the hon. Member for Essex proposed to do, has thought proper to direct his attack against our flank, in the hope, no doubt, that the irregularity of his advance may be attended with greater success. The real question, however, which we have to consider is, what this Resolution means, and by what arguments it can be supported. The right hon. Gentleman asks us to assent to the proposition:—

> "That this House does not think fit to go into Committee on the Customs Acts, with a view to the reduction or repeal of the duties referred to in the Treaty of Commerce between Her Majesty and the Emperor of the French, until it shall have considered and assented to the engagements in that Treaty."

Now, had this been merely a proposal to the effect that, instead of going into Committee on the Customs Acts, we ought to go into Committee on the Treaty, the answer which was given to it by my right hon. Friend the Chancellor of the Exchequer must, I think, be regarded as perfectly conclusive. My right hon. Friend says, "I cannot go into Committee on the Treaty, because the Resolutions which I would have to lay before that Committee would not carry my object into effect." Now, that appears to me to be a very just argument. Take, for instance, the Article of the Treaty which sets forth that the duty on the importation of French wine be reduced to 3*s.* per gallon. How, I should like to know, could it have answered my right hon. Friend's object to go into Committee on the Treaty and propose that that duty be reduced? The effect of such a course would be that from the moment the Resolution in those terms was passed the duty on French wines would be reduced, and not that upon Spanish or Portuguese wines; so that my right hon. Friend would have to propose another Committee to effect his purpose. It is obvious, therefore, that the course which the right hon. Gentleman opposite recommends is not the proper mode of proceeding. It now appears, however, that the scope of the right hon. Gentleman's Resolution is far more extensive than I at first supposed it to be, inasmuch as the hon. and learned Member for Wallingford (Mr. Malins) and the hon. Gentleman who spoke last (Mr. S. FitzGerald) inform us that we ought to enter upon the consideration of the Treaty with the view of discussing every one of its clauses. [Mr. S. FitzGerald: I alluded to those clauses requiring legislative sanction.] Yes; but then the hon. Gentleman puts his own interpretation upon the various clauses which he thinks ought to stand in that position. Then comes the interpretation of the hon. and learned Member for Wallingford, that every clause requires legislative sanction. Thus the whole matter comes to this, that a course at variance with the prerogative of the Crown is that which the Conservative party now think it their duty to recommend. But we differ from him altogether in the interpretation, and hold that to belong to the prerogative of the Crown which he considers to require legislative sanction. What they mean is evidently, that in the case of every treaty entered into by virtue of the Royal prerogative, instead of taking the course which has hitherto been pursued, and in accordance with which those parts of a treaty that require legislative sanction as proposing an alteration of duties are submitted to the notice of this House, you would have every clause and proposition in such treaty re-negotiated and re-confirmed or rejected by the House of Commons, as might be deemed expedient. Such a mode of proceeding as that is, I contend, one which has been up to this period unknown in the history of our constitution, and yet such is the proposal to which the right hon. Gentleman opposite now asks us to assent. Why, Sir, the right hon. Gentleman seeks to effect a great change in the constitution of the country. He demands for the House of Commons a larger power than is given to the Senate of the United States. There are articles in the Treaty by which no changes are made. The right hon. Gentleman in the course of his speech alluded to one Article of the Treaty—the third—which has, I think, been much misunderstood. But be that as it may, here we have a Treaty relating to commerce and manufactures and articles of production in both England and France; and it is said that, with respect to shipping, no alteration shall be made—shipping remaining in 1860 subject to the same duties as in 1859. Now, the Article which deals with that subject requires evidently no assent on the part of the House of Commons, inasmuch as we propose no change in our duties, nor do the French Government make any change in theirs, in the case of shipping. The right hon. Gentleman, nevertheless, contends that the clause which bears upon this point must be brought under the consideration of this House in Committee. It is, of course, perfectly competent for any hon. Gentleman—as, for instance, was the case of the hon. Member for Sunderland (Mr. Lindsay)—to bring forward a Resolution declaring it to be the opinion of the House of Commons that they do not consider the Commercial Treaty with France is worth having, unless the duties on shipping are altered; and it is quite competent for the House of Commons to affirm a Resolution which would put an end to the Treaty by declaring that no reduction of duty should take place in the way proposed until the differential duties on shipping were so altered. That might be a wise or an unwise mode of procedure, but it would be perfectly constitutional, and nobody could object to it. But to discuss a Treaty, part of which depends upon the prerogative of the Crown and part on the assent of Parliament, with the view of going into every Article, appears to me to be a monstrous proceeding. ["Not every Article."] I am glad to hear hon. Gentlemen opposite say so, because I think there is now some chance of arriving at a just conclusion as to what ought to be the conduct of the House in this matter. What, let me ask, was the course which was adopted by Mr. Pitt under similar circumstances? and in what consists the difference between that course and that which my right hon. Friend the Chancellor of the Exchequer has pursued? Mr. Pitt concluded a Commercial Treaty, which had been ratified four months before he submitted it to the notice of the House of Commons, and by means of which he desired to give certain advantages to France. That Treaty contained forty-seven Articles, in accordance with one of which Englishmen might travel in France without licence or passport. There were other Articles of the same kind to which he did not require the assent of the House of Commons, and, indeed, I doubt whether he wanted its sanction to any but the 6th Article, which embraced all the changes in duties which he proposed. Mr. Pitt, under the circumstances, acted in a rational and sensible manner. He asked for the assent of the House of Commons to those particular changes, and put them into some fifteen or twenty Resolutions. I may mention one of those Resolutions, which will show how entirely they were directed to the Customs' duties. The Resolution to which I refer states that the Committee deemed it expedient that the wines of the European dominions of the French King imported directly into this country should in no case pay a higher duty than those of Portugal paid. Here is a specific Resolution changing the Customs' duties on wine, and therefore requiring the assent of the House of Commons; and thus Mr. Pitt went on to deal with the various other provisions of the treaty requiring that assent. Having obtained that assent, Mr. Pitt moved an Address to the Crown, thanking the Sovereign for the treaty which had been concluded, seeing that it would tend to increase trade and manufactures, and to draw closer the bonds of amity between this country and France. Such, then, was the course which Mr. Pitt pursued, and such is the course which we propose to adopt. We desire to bring before the House all the Resolutions relating to the Customs requiring its assent, and, when those Resolutions have been agreed to, to move an Address to the Crown on the subject of the Treaty. The hon. Member for the Tower Hamlets (Mr. Ayrton) says that Ministers acted differently in those times, when that portion of the metropolis had no representatives—times, I may say, in passing, which he seems to regard as having been much happier than the present. Those, he contends, were times when manufacturers and commercial men were not listened to, and it was left to Ministers to bring before Parliament matters affecting the commerce of mankind. Does the hon. Gentleman, let me ask, conceive that we have been taking this absurd course, and negotiating with France a Treaty portions of which were expressly declared to require the assent of Parliament, and that then we laid the Treaty quietly on the table and meant to evade discussion with respect to its provisions? Many a Minister may have pursued an absurd course, but it is, I believe, a more stupid one, so far as I am aware, than any Minister ever pursued, to make such an arrangement, submit it to Parliament, and then say we mean to have no discussion on it. Our course is a plain course. It is the course which Mr. Pitt pursued in 1787, and it seems to me the only course which Parliament can rationally pursue. But then, the hon. Gentleman said, here is an Article which implies the surrender of the power of the Crown to prohibit the export of coal, which involves important political considerations, and which, therefore, ought to be brought specially before the consideration of Parliament. Now, I find in the Treaty of 1786 an Article of very considerable importance, which refers to many articles, and I will read part of it to the House. The 23rd Article of that treaty says—

> "These merchandises, which follow, shall not be counted among contraband goods—iron, lead, sulphur, coal, wheat, barley, cordage, sails, pitch, &c., but shall be free to be carried by both nations, even to places belonging to an enemy, except to such places as may be actually blockaded or invested."

Now, this was an Article which very clearly affected the export of these articles. Of course at this time coal was not an article which could be considered contraband of war; but there were other articles, such as sail-cloth, cordage, and other materials of that kind; you said that France might carry those articles to a country with which we were at war, if it were not actually blockaded or invested. That was a question clearly affecting the power of this country to carry on war; but did Mr. Pitt submit a Resolution to this House to carry out this Article of the treaty? By no means; it was not even mentioned; and yet, I repeat, it is an Article as much affecting the power of this country to make war as any Article that can be named. The House has heard upon this subject the eminent authority of the Attorney General. I have consulted another high authority, and I will read some words from the answer I received:—

> "As to the prohibition, this is merely intended by both sides commercially, and for commercial purposes it is most fair. While at peace her manufactures should be put on an equal footing with ours as to fuel. If war should break out with France, the prohibition has no operation. It was not meant to work, and it cannot work, politically. It has no effect upon belligerent or neutral rights. If war with France were apprehended in spite of this Treaty the export of coal might be prohibited, or if there were actual war with France we might refuse to permit any neutral to carry coals to France, coals being contraband of war or not, according to its distribution or the purposes to which it is to be applied."

That is the opinion of the Lord Chancellor, which shows clearly, if the Lord Chancellor is right, that the article is a commercial article and is intended for commercial purposes. The hon. Gentleman the Member for Horsham (Mr. S. FitzGerald) says I have not sagacity enough to discover that some political purpose is concealed under the Articles of this Treaty so far as France is concerned. I do not know that the hon. Gentleman has always shown any wonderful sagacity; because, when war was going to break out between France and Austria, although for six months before it was generally known to be imminent—I am sure I knew it, among many others—the hon. Gentleman and his colleagues at the Foreign Office seemed to believe that there was no chance of war. I do not know that his sagacity is very great, but I think that the sagacity of hon. Gentlemen who sit on the same bench with him is, on one point at least, too acute. They never hear of any proposal of the French Government that they do not immediately see some threatening danger to this country, and nothing will persuade them that its object is not war with England. My belief is that the Emperor of the French has seen the great advantages that we have derived in England from free trade; that he has seen how much richer we have become; that he knows—with his knowledge of France he must know—the enormous profits that are made, whether by the coalowners or manufacturers, at the expense of the people of France, who get their goods and coal at twice the price they need pay under a liberal commercial system; that while he wishes to make France strong in war against any enemy he wishes also to make her strong in peace, rich and prosperous, and that this Commercial Treaty has been intended to make the French people rich and prosperous; with this view, and with no sinister design of making war against this country, has this Treaty been proposed. That is a very simple belief. But, it is said, all these changes might be made in this country and France without any commercial treaty whatever. I think, besides other reasons that might be given showing that this Commercial Treaty differs entirely from those commercial treaties of old times against which Adam Smith pronounces his opinion, there is this to be said, that the Protectionist party in France is of such nature and strength that unless the French Government were enabled to say to the French people, "Here are great benefits which will come to a great portion of the people from the remissions to be made by England," these reductions of duty and the abolition of prohibitions could never take place in France. I will show what I mean in this short way:—Supposing the Emperor had proposed to make some diminution of protection, and that English goods should come in at 30 or 25 per cent; if the proposition was unaccompanied by any counterbalancing remission of the duties charged by us upon French wines and other products, it might be said by the French Protectionists this is mere loss to abolish these high duties. The French Government might say the English people would be induced to admit our wines; to which the Protectionists might reply, there is no provision for that. And if, on the other hand, we had proposed to abolish the duties without reference to a treaty, the argument of the English Protectionists would be equally valid; they would say—We have obtained all we wish, and any relaxation of protection will be a bare loss. But when the people of France see that their wines are to be admitted at a lower duty, and that that is part of an arrangement by which prohibition will be abolished and protection diminished, there is evidently a great interest raised up in support of the Government of France, by whose aid it will be enabled to set at defiance those particular parties who are desirous of maintaining the existing system of prohibition and protection. Therefore it becomes the interest of the people of France to see this Treaty of Commerce carried into effect as likely to be of great good to their country. I must say I believe with my hon. Friend the Member for Birmingham (Mr. Bright)

—I think this proposition, which is a large proposition, whether as a commercial treaty or a budget, ought to be met in some such way as that of which notice was given by the hon. Member for North Essex—by a Resolution asserting other principles. Let the principles asserted in this way by hon. Gentlemen opposite and the principles we have asserted by the propositions we have laid before the House come into open and fair combat, and see which have the assent of Parliament and the country. Allusion has been made to the course taken by Mr. Fox. On two occasions Mr. Fox endeavoured—once with success and at another time without success—to negotiate a treaty with France; but in the first instance he began with the resolution, saying that whatever might be the opinion of Parliament with respect to that treaty with France, Parliament would justly expect the faith of the Crown and the engagements which had been entered into by the Crown to be inviolably adhered to. That was a fair, an honourable, and a constitutional course. In the second instance, when the treaty of commerce with France was considered, as soon as the House went into Committee, at the end of the first Resolution, he proposed that the Chairman should leave the chair, thereby giving a negative to the whole proposition which had been laid on the table by Mr. Pitt. That was likewise a fair and manly course. His object was to defeat the treaty, and the treaty would have been at an end, if he had been successful. This is the way in which an honest and constitutional statesman proceeds; but to endeavour to embarrass the House by questions about the forms of proceeding—to propose, as the right hon. Gentleman seems to propose, that we should depart from all precedent by going into Committee on the Treaty, and that this House should assume the right of making a treaty with France, of negotiating article by article, saying, "This Article we won't have, this second we shall amend, and we shall place this third along with the exceptions," is unknown to the constitution, unworthy of a great party, and to which, I trust, this House will give no countenance.

MR. HORSMAN said, he did not intend to refer to the Articles of the Treaty, but he could not refrain from expressing his amazement that the expectations of the House, founded on the 20th Article, that their consent was to be asked to the Articles of this Treaty, should now turn out to be a delusion. The words of the Article were :

> "The present Treaty shall not be valid unless Her Britannic Majesty shall be authorized by the assent of her Parliament to execute the engagements contracted by Her in the Articles of the present Treaty."

And yet the hon. and learned Attorney General had told them that if anybody considered this Article to mean that the assent of Parliament was to be asked to those engagements, his conclusion was the result of an idle ingenuity. They had heard, also, from the Chancellor of the Exchequer that this Article was to receive a limited and qualified construction. On that point he would not enter into any controversy, but would simply content himself with expressing his surprise and his protest. They had always been accustomed to listen to the noble Lord who had just spoken with great respect as one of the highest constitutional authorities in that House ; but he should like to ask the noble Lord whether in all his experience he could recall a single instance — and he would appeal to the right hon. Gentleman in the Chair whether in his more extended researches he could cite a precedent—for the House of Commons being placed in the position in which it stood that night—being called on to vote on certain financial propositions of the Government so entwined with a political treaty that every vote they gave involved political considerations, and yet the treaty out of which those considerations arose was not permitted to be brought before them ? It was the function of that House to vote annual Supplies with relation only to national wants and interests; but they were now asked to pass financial Votes, every one of which carried with it political responsibilities and grave results, while the instrument out of which they sprang was not before them. The hon. Member for Birmingham (Mr. Bright) had given them some appropriate illustrations of the inconvenience of that course when he told the House that if the hon. Member for North Essex (Mr. Du Cane) carried his Resolution it would not be possible to carry out the engagements of the Treaty. Thus, if he (Mr. Horsman) thought the increased income tax grievous to his constituents, he was answered, "If you reduce it you shake the Treaty"—or, if he complained that the paper interest had been too strongly represented in the Cabinet he was told, "If you act on that view you will endanger our relations with France." Thus, every vote they gave entailed political responsibilities, and the freedom of discussion was seriously interfered with. The right hon. Gentleman (Mr. Disraeli) complained of this course and maintained that the Government were deviating from the usages of the House. Now the forms and usages of that House were of great value; they were the laws by which they regulated their proceedings, and whenever the Government proposed a serious deviation from them they ought to be able to assign potent reasons for so doing. The forms and precedents of the House were its great defences, the bulwarks behind which it could entrench itself against the assaults of too eloquent and persuasive Ministers. Why, but for these defences the House of Commons might have been at the mercy of the Chancellor of the Exchequer the other night, and he might have persuaded it to any Vote he wished to propose while it was still under the fascination of a speech which few who heard it were ever likely to forget. The great function of the House of Commons was to vote the Supplies for the expenditure of the year; but there was one unvarying and unalterable rule that no Minister had ever asked them to deviate from, and that was that they first voted the Estimates for the year, ascertaining what was the expenditure, and after that voted the Ways and Means. The principle on which this was founded was very obvious. It was a great security of economy on the part of the Minister. He had every motive for proposing the smallest Estimates when he knew that otherwise he would have a difficulty in obtaining the money; but if the order of this procedure were reversed the same motives for economy would not exist. The House never before, he believed, had been asked to grant the money first, and afterwards to sanction the expenditure that money was to meet. The right hon. Gentleman (Mr. Disraeli) reminded the Government that Mr. Pitt, when he concluded a commercial treaty with France, was so far from deviating from the usages of the House in such cases that he scrupulously acted upon precedents. He brought the treaty under the notice of the House first, and afterwards introduced his Budget. He thought the Chancellor of the Exchequer should have acted exactly as Mr. Pitt did. On that occasion it was stated by Mr. Pitt that serious injury had arisen to the trading interests of the country in consequence of the uncertainty that prevailed during the negotiation of the treaty; but Mr. Pitt, instead of deviating from the usages of the House in order to suit the convenience of certain trades, made the interests of those trades and commercial bodies subordinate to the policy and permanent legislation of the country. He said the treaty was the basis, and the Budget the superstructure, and he brought forward the treaty first as the foundation on which his Budget was to be raised. It was impossible to find any precedent more in point. In the first place Mr. Pitt brought down a Message from the Crown announcing the treaty. The word were,—

> " I have concluded a treaty of navigation and commerce with the Most Christian King, a copy of which will be laid before you, and I recommend you to take such measures as you may judge proper for carrying it into effect."

What were the words in which the present Treaty was announced to the House? They were,—

> " I am in communication with the Emperor of the French with a view to extend the commercial intercourse between the two countries, and thus to draw still closer the bonds of friendly alliance between them."

It would be difficult to present to the House a greater contrast than was exhibited in these two announcements. Mr. Pitt afterwards moved that the House should go into Committee to consider the treaty, and he opened the proceedings with a long speech, in which he gave political, commercial, and financial reasons for the treaty, laying stress on the fact—that it had been four or five months before the country; and he submitted Resolutions to Parliament to give effect to the articles of the treaty. But on the present occasion they had no Message from the Crown, no Committee on the Treaty, no speech from the Minister giving the political as well as the commercial reasons in favour of the Treaty, and then it had not been for four or five months before the country. Everything had been done in the greatest secrecy, and, though there was one Article making it incumbent on the Government to obtain the sanction of Parliament, they were surprised to find that that Article was to be entirely nugatory, and that the assent of Parliament was not to be taken on all the Articles of the Treaty. Mr. Pitt did not introduce his Budget for two months after he had submitted the treaty to the consideration of the House; but on the present occasion they had the Budget first, and afterwards they were to have the Treaty. Now, he must say, looking at the two periods, that the manner in which Mr. Pitt acted, the plain dealing with which he treated the country, and the respect with which he treated Parliament, formed a strong and favourable contrast to the secrecy of the negotiations, the secrecy of the provisions, the secrecy of the ratification of this Treaty, and the manner in which it was published and proposed to Parliament, and preceded by the Budget—all indicating something very like a consciousness on the part of its authors that there was that in the transaction which would not bear the light, and which, when brought to light, the country would not approve. But the real and marked difference between the conduct of Mr. Pitt and that pursued on the present occasion was this, that they were now asked to consider the question before them merely as a fiscal question, whereas Mr. Pitt laid it before the House as a political, commercial, and financial one. And that, in fact, was the triple aspect in which the proposition of the Government now came before them. First, there was the financial exposition for the year; secondly came the treaty of reciprocity—a national compact between France and England, revising and modifying their respective tariffs for their mutual advantage; and, thirdly, there was the political question, wearing, indeed, the outward and tranquil form of a commercial convention but having also a most significant effect upon the general policy of Europe. Beginning with it as a treaty, as they went on through each division they found it grow upon them in its scope and importance, owing to the laws of public policy it touched, the vast interests it disturbed, and the higher responsibilities it entailed. Treating it merely as a budget, they committed themselves only for a year; it was a purely domestic arrangement, for which they were accountable to no one but themselves. Taking it as a treaty of reciprocity, they committed themselves for future years, and incurred obligations to France as well as to England. But, as a demonstration of renewed, close, and intimate alliance between France and England, they challenged for it the attention of the whole world. It afforded matter for thought and reflection to every Cabinet in Europe. It was no longer a simple question of wines, calicoes, and manufactures. In the distracted councils of Europe it might be a sword thrown into the scale. It might affect the boundaries of Empires or the validity of treaties. It might mean a new Sovereignty for Savoy; it might mean an engagement to Switzerland; it might give a new mission to France. There was not a Government in Europe—Europe which had been in a state of disquietude since the present ruler of France filled the throne—there was not a Cabinet in Europe which might not turn doubtingly and despondingly to England, marvelling how she could a second time incur the heavy and lasting responsibility of giving to a dangerously predominant and aspiring military Power so vast an accession of character, and strength, and influence, not unlikely to be used for purposes which England could not afterwards control. Was he exaggerating the gravity of the questions before them? Was it right that their consideration should be prejudiced and marred by their being all huddled up together? Was it unreasonable to ask that they should be separated? The course forced upon them was the more uncalled for, because great questions of national interest were approached by every Member of that House with one principle and one sentiment. They were all anxious to co-operate with the Chancellor of the Exchequer in providing, as Parliament always did provide, liberally for the requirements of the year. They were all anxious to extend our commercial relations with other countries, while in doing so they were faithful to the great principles of commercial freedom which were now the law of the land. They were all anxious to cultivate the friendship and alliance of France. ["Oh, oh!"] Yes, to the utmost that was consistent with a vigilant regard to English interests and honour; and, let him add, consistently also with maintaining the respect and goodwill of the other Powers of Europe. But how could they turn their attention to questions of that description in the consideration of a Budget, which was itself a large financial scheme, and deserving of full and separate consideration? Such a Budget, one of the most important ever presented to the House, surely deserved to be taken on its own merits as a financial scheme. But the Government would not let them do so. The Budget was founded on a Commercial Treaty, and the Treaty, in turn, was founded on political considerations. What was the Treaty? What were the political considerations by which it was to be judged? Viewed as a financial measure, as a mere question of facts and figures, it might be subjected to some very simple tests. The first requisite in a Budget was that it should make the financial year close well. If it provided ample supplies for the year, and wound up the accounts with a favourable balance, the scheme, as a general rule, would be a successful one. If it tided over present difficulties by creating a deficit in a future year, and perhaps for a future Chancellor of the Exchequer to confront, it would not be a successful Budget. Let that test be applied to the scheme before them. The Chancellor of the Exchequer estimated the expenditure for the year at £70,100,000, and the income at £70,564,000. Thus far all looked satisfactory. But the question presented itself—Was that estimated income really all income? The answer to that question would not be very re-assuring when it was remembered that £250,000 was derived from the repayment of the Spanish debt, which was not properly revenue—that £1,400,000 came from calling up the malt and hop credits, and £2,500,000 more from income tax—which was to be anticipated and appropriated from the revenue of the following year, thereby creating a deficit in a future year. A deficiency of £4,000,000, then, was not a hopeful prospect. But if they ventured to criticize or complain of that, they were met with a ready and a fair answer from the Chancellor of the Exchequer. "That is a deficit," said the right hon. Gentleman, "which does not originate with my Department. You must take my Budget in connection with the Treaty. You will find it is a treaty deficit. The very first vote you will come to in Committee on the Customs Acts is a remission of the duty on French wines. That is not an English, but a French question. It arises entirely from French political considerations." ["No, no!"] What he meant was, that it was not a tax to be taken off, because it would be the most advantageous tax for England to repeal. It was a tax to be remitted because its remission would be a most agreeable measure to France. Therefore the Chancellor of the Exchequer has a right to say, "This is a political, not a financial, deficit—a French, not an English deficit. I create it, and make this remission, not voluntarily and as a free agent on this 20th day of February, but I do it to carry out an engagement of the Treaty with France." Well, it might be asked in return, "Where is that Treaty? Show us its terms. This deficit is the price we are to pay for it; is it worth the price?" That was the point to be discussed; but it could not be discussed without first considering the Treaty and then the Budget. In fact, the Treaty was the horse that was to pull that cart-load of deficit through the mire. Might he detain the House for a moment or two longer? He wished to show the House that they were establishing a very bad precedent, and involving themselves in grave difficulties by departing for the first time from the settled law and order of their proceedings. The Chancellor of the Exchequer, when asked how he meant to supply the deficit, said, "I call on you to follow in the footsteps of Sir Robert Peel. That great Statesman remitted taxes with a view to increase income. You know how his experiment succeeded. I call upon you to give me the same support in carrying further the same policy." A far less able and less popular Chancellor of the Exchequer would not make such an appeal in vain; but was the right hon. Gentleman really following in the footsteps of Sir Robert Peel? It might appear presumptuous in him to vindicate the policy of Sir Robert Peel from the misrepresentations of that eminent statesman's most distinguished disciple. But the House would easily detect the fallacy which lurked in the right hon. Gentleman's assumed analogy. There was this great difference between the policy of the Chancellor of the Exchequer and that of Sir Robert Peel, that while Sir Robert Peel lowered duties in order, by stimulating consumption, to increase revenue, the right hon. Gentleman did not lower duties, but abolished them altogether; he sacrificed revenue, and made up the deficit by direct taxation. There was the widest dissimilarity between the sound and cautious steps of Sir Robert Peel and the rash and innovating course of the present Chancellor of the Exchequer. Sir Robert Peel inherited a deficit, and he proceeded to repair that deficit by a judicious discrimination and diminution of duties. He relied for a permanency on the same sources of revenue; but he called in the income tax as a temporary and auxiliary tax, and not as a substitute. The Chancellor of the Exchequer also found a deficit; but by a process that was a violation of all principle and precedent he increased that deficit. He totally abolished duties to the extent of £4,000,000, and made up his deficit by increasing the income tax and by making it permanent. Might he tell the Chancellor of the Exchequer, by the use of a familiar illustration, what was the real difference between Sir Robert Peel's policy and his? Sir Robert Peel represented a gentleman who laid out a certain portion of his income in draining his land, expecting by a larger produce to raise money with which to pay his debts. The Chancellor of the Exchequer's, he was afraid, resembled more the irregularity of the spendthrift who squandered the money that might have fertilized the soil, and then, when his debts fell due, went upon the highway and robbed the first comer. The proposed abolition of the paper duty was beyond all comparison the most important financial measure which had been submitted to Parliament by any Minister in our day, not on account of the nature and amount of the impost itself but of the principle which the Government was establishing, and the grave consequences likely to arise from it. The constitutional maxim was only to reduce taxation when there was a surplus. But the abolition of a revenue tax and substitution of an income tax afforded no relief to taxation; it was only shifting the tax from one class to another. If that was to be done it was manifestly unjust that the Chancellor of the Exchequer should dwell eloquently for three-quarters of an hour on the frauds and evils of the tax he was abolishing, and pass by, without a single word of comment, the greater frauds and evils incident to the tax he was proposing. In that way they went on step by step, from year to year, remitting indirect taxation and adding direct taxes, without any inquiry whatever as to the justice of such a course; shifting, in fact, the whole taxation of the country indirectly, without public explanation or inquiry, from one class to another in a manner that became as oppressive as it was unjust. They might complain that the Chancellor of the Exchequer was inflicting heavy burdens on the community and introducing new principles of taxation. What was the right hon. Gentleman's answer? He replied that he was only carrying out the policy of the Government under this new treaty, and that he was but a unit in that Government. The policy of the Government was to have large war Estimates this year in order to obtain security against France. Security against France! Why, they had just concluded a treaty of peace and friendship with France. Let the House see that treaty, because they could then reduce the Estimates. "Oh, no!" was the answer, "the Treaty leads to a large increase in the Estimates." We have now two policies to pay for — we raise taxes for war and at the same time pay subsidies for peace; we addressed our Ally with a sword in one hand and a sop in the other; and while from one side of the account we take off £2,000,000 of taxes to enable us to meet France in the embraces of peace, we take care to add £10,000,000 to the other side of the account that we might meet him in the shock of war. He did not comprehend that double policy; it was not satisfactory to the country; we had to sustain the expense of peace and war at the same time. If we might have peace with France, let us make every effort which a civilized, Christian people could exert to establish it; if, on the other hand — which might Heaven avert! — we had to go to war with France, let us gird up ourselves for that war. But it was the present system of peace and war expenditure, without the policy of either, that was grievous and perplexing; for, although the Government told the country they had concluded a Treaty of peace, their armaments were far more eloquent than their Treaty; and it was little comfort to know they had peace on their lips when they had war in their Budget and their Councils. Therefore, he said, let them produce their Treaty. His hon. Friend the Member for Birmingham said, why did the House not manfully oppose the Treaty; and the Chancellor of the Exchequer cheered that observation. He (Mr. Horsman) said to the Government, why did they not manfully produce it and challenge the judgment of the House upon it? But he thought he could answer the question himself—there was a great blot in their Treaty. It was like everything else in the hollow and disingenuous alliance with France; it was but a screen and a cloak for the increased armaments of France we should still have to rival and confront. If the object was to negotiate a Treaty of peace, why did they not go more directly to the point? Why did they not tell the Emperor of the French that it was the rivalry of armaments which formed the great obstacle in the way of peace? Why did they not say, "We will abolish our duties in your favour, if you will dismantle your navy?" A proposal of that kind would have enabled Ministers to come to that House with clean hands; but a treaty which ignored all reference to the existing rivalry in armaments was delusive and unsatisfactory. Did any negotiation whatever turn upon the respective armaments of the two countries? If the French Emperor was not told that it was the rivalry in armaments which lay in the way of peace, a great duty was neglected, and great indifference was shown to the wants and wishes of the people. If any such negotiation was attempted, and if it failed, it would have been more befitting an English Minister to have declined to conclude an engagement which ignored so material a fact, for everybody knew that we had been arming to the teeth against France, as if a war was imminent. The people of this country did not understand the Government when they reduced the duties on French wines and taxed English beer—when they admitted the luxuries and taxed the necessaries of life; and did all that out of favour and friendship towards a ruler against whom we were arming, and fortifying, volunteering, and budgeteering, as if we apprehended a war, which, if it once began, would be a war to England, not for empire, but for existence. On these grounds he did protest against this uncertain and ambiguous, against this costly, erroneous, and unstatesmanlike policy; and if anything could make it less creditable to the House, it was that in its support they were now asked to subvert the whole order of their Parliamentary proceedings, and to consent to the remissions of duties specified in a treaty, the provisions of which had not been explained to them by the Ministers of the Crown. It was a question affecting the Parliamentary practices and the constitutional law of that House, and he therefore hoped that the Amendment would be adopted.

VISCOUNT PALMERSTON: I can assure the House that I shall detail them but for a very few minutes from that division to which I am sure that they are anxiously determined to come; indeed, I should hardly have felt it necessary to say a word had it not been for the speech of my right hon. Friend who has just sat down. The speeches which we have heard from the other side of the House have been so triumphantly answered by my right hon. Friend and by the noble Lord the Member for London—I say triumphantly—why, they have torn those speeches to rags. The right hon. Gentleman has not a leg to stand upon. Either he proposed that which is perfectly unconstitutional, or he proposed that which we have announced it to be our intention to do. If he means that we should go article by article through the Treaty, and give a Parliamentary opinion upon articles the execution of which rests with the prerogative of the Crown, his proposal is, as my noble and right hon. Friends have shown, fundamentally unconstitutional. Treaties concluded by the Crown, and containing engagements which the Crown by its prerogative is competent to fulfil, may, indeed, require or admit of the approval or disapproval of Parliament in the aggregate; but they are not treaties with which this House can constitutionally deal article by article. To maintain that they are, would, as my noble Friend said, be to place this House in the position of the Senate of the United States—a Senate which has the power of ratifying or altering, and which is not merely a legislative assembly, but also part of the contracting authority of the State. I say, therefore, that it would be fundamentally at variance with the established principles of the Constitution, and would establish a most dangerous precedent if this House was to take upon itself to deal article by article with those parts of this Treaty which require no legislative enactment, and which merely bind the Crown to the exercise of its acknowledged inherent prerogative. But, Sir, though one was rather led to infer from the speech of the right hon. Gentleman (Mr. Disraeli) that this was the object which those who sit opposite have in view—and though, by-the-by, the hon. and learned Member for Wallingford (Mr. Malins) went even beyond that, because he said that the Treaty could not be valid unless there was an Act of Parliament sanctioning it—that it required not merely votes in Committee expressing approval or disapproval, but that there should be a legislative sanction for the Crown's exercise of its legitimate prerogative. [MR. MALINS dissented.] I cannot be mistaken in my recollection of the Act of Parliament which was suggested by the hon. and learned Gentleman. Those who followed, seeing how utterly repugnant such a doctrine was to the essential principles of the British Constitution, narrowed the ground, and said that all they required was that this House should affirm or disaffirm those Articles of the Treaty which require legislative provision for their fulfilment. Why, Sir, that is exactly what Her Majesty's Government propose; that is the purpose for which we ask the House to go into a Committee on the Customs Acts. It is only in such a Committee that any Resolutions can be passed which can be the foundation of legislative enactments in regard to Articles of the Treaty; and, therefore, I say that the course which we are pursuing is so identical with the fair and constitutional drift of the proposal of the right hon. Gentleman, that I wonder he should even contemplate a division, and that he and those around him should not say, "We made our Motion in utter mistake and inadvertence; we are satisfied that you are going to do the very thing that we said you ought to do, and, therefore, we will not trouble the House to divide upon so foolish a proposition." However, it is said that the House ought to have an opportunity of expressing an opinion upon the Treaty itself. Well, my noble and my right hon. Friends stated that it is our intention to give the House an opportunity of expressing its opinion by an Address of approval to the Crown. When that Address is moved, it will be competent to any Gentleman to assign his reasons why, disapproving of any portion of the Treaty other than those which will have been the subject of preceding Resolutions upon the Customs, he objects to give his sanction to the Treaty in the aggregate. We are following precisely the precedent set by Mr. Pitt in every portion of its substance, and are going to bring the Treaty before the House in the first place in detail, as far as Legislative enactment is necessary, and afterwards in the aggregate by an Address to the Crown. We are going to bring this Treaty under the cognizance of Parliament in precisely the same manner in which Mr. Pitt brought the treaty of 1786 before it in the year 1787. I should have thought it needless to repeat the arguments which have been so conclusively and so eloquently urged by my right hon. and my noble Friends, if I had not thought it really necessary to say a word or two upon the speech of my right hon. Friend who has just sat down. My right hon. Friend, I see, entirely agrees with me as to the manner in which the arguments of Gentlemen on the other side of the House have been demolished by those who sit near me. My right hon. Friend, like a benevolent bystander, seeing that those for whom his sympathies are enlisted stood greatly in need of assistance, came to their aid like a good Samaritan, and made a diversion in their favour. He doubted at first how he could do it; but he bethought himself that he had ready a most eloquent speech which he had intended to deliver upon the Budget. He saw that there could not be a better opportunity, a fuller House, a finer audience upon which to bestow that eloquent argumentative oration which circumstances had precluded him from delivering upon a former occasion, and he thought that it would make an excellent diversion. Therefore he did not say a word upon the Motion before the House, but dashed at once into the Budget. I beg his pardon; I misrepresent him. Some few words he did say in the beginning about the Treaty, and most important words they were, because if his arguments and opinions have any value he ought not to move anything about the Budget, or about the course of proceeding; he ought at once to propose a declaration of non-intercourse between England and France. Why, his argument went to that. He said, "I object to your Treaty, because it tends to increase the wealth and prosperity of France." He could not deny that it would, by the necessary operation of international intercourse, tend to increase the wealth and prosperity of England; but he says that anything which tends to make France richer, more prosperous, more commercial, more industrious, is a danger to England. I say that if that is a danger to England, he ought at once to propose a law that we should have no intercourse with France. Let us have no more relations with France; let our industry go to other countries; let us abstain from anything which, by developing industry and a commercial spirit, may tend to make the people of France think more of the occupations of peace than of those of war, which may tend to unite and cement the two nations together; let us put France under a ban, and if we are to have commerce, let us have it with any other, or every other nation of the world.

Mr. HORSMAN rose amid confusion and said, the noble Lord, I am sure, will thank me for telling him that I did not say one single syllable—["Oh, oh!"]

Viscount PALMERSTON: I reaffirm that which I have stated. I do not pretend to have a better memory than other people, but I can recollect that which passed in debate a few minutes ago. I say, then, that if the right hon. Gentleman is consistent, that is the conclusion to which he ought to come. However, his object was to take the House off upon another scent, and he therefore delivered a long discourse upon the Budget of my right hon. Friend the Chancellor of the Exchequer—a speech, no doubt, very able and very full of argument, but one which had no earthly reference to the question under discussion. No doubt great latitude ought to be allowed to every Member of this

House, especially upon subjects which, either directly or indirectly, have reference to finance or taxation; but, really, the question now before the House, as raised by the right hon. Gentleman opposite, is not a question of finance or of taxation, but a question as to the mode and course of proceeding. I would take leave to say that my right hon. Friend was not less out of order in his speech than in the interruption he has just made. I shall not follow his example and discuss the Budget. My right hon. Friend near me is quite able to defend his measure. I will only add this, that the right hon. Gentleman (Mr. Horsman) said my right hon. Friend (the Chancellor of the Exchequer) had departed from the policy of Sir Robert Peel, who never made a deficit. I would request him to look back to those records which will show him what really happened, and he will find that Sir Robert Peel had a deficit in 1842, and that Sir Robert Peel increased a deficit in 1845. I need not trouble the House further, but I do hope we shall come to a decision upon this question, which is simply one as to the course of proceeding, and, as the explanations which have been given show that there is not any real difference between the course which the right hon. Gentleman suggests we should have followed, and that which Her Majesty's Government has pursued, I trust the House will not assent to the proposition of the right hon. Gentleman.

Question put.

The House *divided* :—Ayes 293; Noes 230 : Majority 63.

List of the AYES.

Acton, Sir J. D.
Adam, W. P.
Adeane, H. J.
Agar-Ellis, hon. L. G. F.
Agnew, Sir A.
Alcock, T.
Andover, Visct.
Angerstein, W.
Antrobus, E.
Arnott, Sir J.
Ashley, Lord.
Atherton, W.
Bagwell, J.
Baines, E.
Baring, H. B.
Baring rt. hon. Sir F. T.
Baring, T. G.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, Col. F.W. F.
Bethell, Sir R.
Biddulph, Col.
Biggs, J.
Black, A.
Blake, J.
Blencowe, J. G.
Bonham-Carter, J.
Botfield, B.
Bouverie, hon. P. P.
Brady, J.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Brown, J.
Browne, Lord J. T.
Bruce, H. A.
Bulkeley, Sir R.
Buller, J. W.
Buller, Sir A. W.
Burke, Sir T. J.
Butler, C. S.
Butt, I.

Viscount Palmerston

Buxton, C.
Byng, hon. G.
Caird, J.
Calthorpe, hon. Fred. H. W. G.
Campbell, hon.W. F.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Visct.
Cavendish, hon. W.
Cavendish, Lord G.
Childers, H. C. E.
Cholmeley, Sir M. J.
Clifford, C. C.
Clinton, Lord R.
Clive, G.
Cobbett, J. M.
Colebrooke, Sir T. E.
Collier, R. P.
Coningham, W.
Cowper, rt. hon.W. F.
Copeland, Mr. A.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Col. F.
Denman, hon. G.
Dillwyn, L. L.
Dodson, J. G.
Douglas, Sir C.
Duff, M. E. G.
Duke, Sir J.
Dunbar, Sir W.
Duncombe, T.
Dundas, F.
Dunkellin, Lord
Dunlop, A. M.
Dutton, hon. R. H.
Elcho, Lord
Ellice, rt. hon. E.
Euston, Earl of
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Ferguson, Col.
Finlay, A. S.
Fitzwilliam, hn. C.W.W.
Foley, J. H.
Foley, H. W.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Freeland, H. W.
Gaskell, J. M.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gladstone, rt. hon. W.
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir. F. H.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greenwood, J.
Gregory, W. H.
Gregson, S.
Grenfell, C. P.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Gurdon, B.
Gurney, J. H.
Gurney, S.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Hartington, Marq. of
Hayter, rt. hn. Sir W. G
Headlam, rt. hon. T. E.
Heathcote, hon. G. H.
Henley, Lord
Herbert, rt. hon. H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Hodgkinson, G.
Hodgson, K. D.
Holland, E.
Howard, hon. C. W. G.
Humberston, P. S.
Hutt, W.
Ingham, R.
Ingram, H.
Jackson, W.
James, E.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, Col.
Kinnaird, hon. A. F.
Laing, S.
Langston, J. H.
Langton, W. H. G.
Lanigan, J.
Lawson, W.
Leatham, E. A.
Levinge, Sir R.
Lindsay, W. S.
Locke, Joseph
Locke, John
Lockhart, A. E.
Lowe, rt. hon. R.
Lysley, W. J.
M'Cann, J.
Mackie, J.
Mackinnon, Wm. Alex. (Lymington)
Maguire, J. F.
Mainwaring, T.
Marjoribanks, D. C.
Marsh, M. H.
Marshall, W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Mellor, J.
Merry, J.
Mildmay, H. F.
Miller, W.
Mills, T.
Milnes, R. M.
Mitchell, T. A.

Moncreiff, rt. hon. J.
Monson, hon. W. J.
Morris, D.
Mostyn, hon. T. E. M. L.
Napier, Sir C.
Noble, J. W.
Norris, J. T.
North, F.
O'Brien, P.
Ogilvy, Sir J.
Onslow, G.
Osborne, R. B.
Owen, Sir J.
Packe, G. H.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Peel, Sir R.
Peel, rt. hon. F.
Peto, Sir S. M.
Pigott, F.
Pilkington, J.
Pinney, Col.
Pollard-Urquhart, W.
Ponsonby, hon. A.
Portman, hon. W. H. B.
Pryse, E. L.
Pritchard, J.
Proby, Lord
Pugh, D. (Carmarthenshire)
Puller, C. W. G.
Raynham, Visct.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Robertson, D.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Russell, F. W.
St. Aubyn, J.
Salomons, Mr. Ald.
Salt, Titus
Scholefield, W.
Scott, Sir W.
Scrope, G. P.
Seymour, Sir M.
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, H. B.
Smith, J. B.
Smith, M. T.
Smith, Augustus
Smyth, Col.
Somerville, rt. hon. Sir W. M.
Stafford, Marquess of
Staniland, M.
Stansfeld, J.
Steel, J.
Stuart, Col.
Sykes, Col. W. H.
Talbot, C. R. M.
Taylor, H.
Thompson, H. S.
Tite, W.
Tollemache, hon. F. J.
Trelawny, Sir J. S.
Turner, J. A.
Tynte, Col. K.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walter, J.
Warre, J. A.
Watkins, Col. L.
Weymss, J. H. E.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
Wickham, H. W.
Willcox, B. M'G.
Williams, W.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Woods, H.
Worsley, Lord
Wrightson, W. B.
Wyld, J.
Wyvill, M.

TELLERS.

Brand, hon. H. B.
Knatchbull Hugessen, E.

List of the NOES.

Adderley, rt. hon. C. B.
Annesley, hon. Capt. H.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Astell, J. H.
Ayrton, A. S.
Bailey, C.
Baillie, H. J.
Ball, E.
Baring, A. H.
Baring, T.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Bective, Earl of
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Bernard, T. T.
Blackburn, P.
Bond, J. W. M'G.
Bovill, W.
Bowyer, G.
Boyd, J.
Bramston, T. W.
Bridges, Sir B. W.
Brocklehurst, J.
Brooks, R.
Bruce, Major C.
Burghley, Lord
Cairns, Sir H. M'C.
Cartwright, Col.
Cave, S.
Churchill, Lord A. S.
Close, M. C.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Cole, hon. H.
Collins, T.
Cooper, C. W.
Corry, rt. hon. H. L.
Curzon, Visct.
Davison, R.
Dawson, R. P.
Deedes, W.
Dickson, Col.
Disraeli, rt. hon. B.
Drax, J. S. W. S. E. D.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunn, J.
Dunne, Col.
Du Pre, C. G.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Elmley, Visct.
Elphinstone, Sir J. D.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
FitzGerald, W. R. S.
Forester, rt. hon. Col.
Forster, Sir G.
Gard, R. S.
Garnett, W. J.
George, J.
Gilpin, Col.
Gladstone, Capt.
Goddard, A. L.
Goff, T. W.
Gordon, C. W.
Gore, J. R. O.
Gore, W. R. O.
Graham, Lord W.
Greaves, E.
Greenall, G.
Greene, J.
Gray, Capt.
Grey de Wilton, Visct.
Griffith, C. D.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Lord C.
Hamilton, Major
Hardy, G.
Hartopp, E. B.
Hassard, M.
Henley, rt. hon. J. W.
Hennessy, J. P.
Herbert, Col. P.
Heygate, Sir F. W.
Hill, hon. R. C.
Holford, R. S.
Holmesdale, Visct.
Hood, Sir A. A.
Hope, G. W.
Hornby, W. H.
Horsfall, T. B.
Horsman, rt. hon. E.
Hotham, Lord
Howes, E.
Hume, W. W. F.
Hunt, G. W.
Ingestre, Visct.
Jermyn, Earl
Jervis, Capt.
Johnstone, hon. H. B.
Jolliffe, H. H.
Kekewich, S. T.
Kelly, Sir F.
Kendall, N.
Kennard, R. W.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knox, Col.
Knox, hon. Major S.
Lacon, Sir E.
Leeke, Sir H.
Lefroy, A.
Legh, W. J.
Leighton, Sir B.
Leslie, C. P.
Liddell, hon. H. G.
Lindsay, hon. Col.
Long, R. P.
Longfield, R.
Lopes, Sir M.
Lyall, G.
Lygon, hon. F.
Lytton, rt. hon. Sir G. E. L. B.
Macaulay, K.
MacEvoy, E.
Malins, R.
Manners, rt. hn. Lord J.
March, Earl of
Maxwell, hon. Col.
Miles, Sir W.
Miller, T. J.
Mills, A.
Montagu, Lord R.
Montgomery, Sir G.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mure, D.
Murray, W.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Nicol, W.
North, Col.
Northcote, Sir S. H.
Packe, C. W.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palk, L.
Papillon, P. O.
Parker, Major W.
Paull, H.
Peacocke, G. M. W.
Pevensey, Visct.
Potts, G.
Powys, P. L.
Pugh, D. (Montgomery)
Quinn, P.
Redmond, J. E.
Ridley, Sir M. W.

Rogers, J. J.
Rolt, J.
Salt, Thomas
Sclater-Booth, G.
Selwyn, C. J.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Major
Smith, Montagu
Smith, Abel
Smith, S. G.
Smollett, P. B.
Somes, J.
Stanhope, J. B.
Stanley, Lord
Stirling, W.
Steuart, A.
Stewart, Sir M. R. S.
Stuart, Major W.
Sturt, H. G.
Sturt, N.
Stracey, Sir H.
Sullivan, M.
Talbot, hon. W. C.
Thynne, Lord E.
Thynne, Lord H.
Tollemache, J.
Tomline, G.
Tottenham, C.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Upton, hon. Gen.
Valletort, Visct.
Vance, J.
Vandeleur, Col.
Vansittart, W.
Vernon, L. V.
Walcott, Adm.
Walker, J. R.
Walsh, Sir J.
Watlington, J. W. P.
Way, A. E.
Whiteside, rt. hon. J.
Whitmore, H.
Williams, Col.
Willoughby, Sir H.
Woodd, B. T.
Wyndham, Sir H.
Wyndham, hon. H.
Wynn, Col.
Wynne, C. G.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Jolliffe, Sir W.
Taylor, Col.

Main Question put, and *agreed to.*

Mr. DU CANE said, that as the Amendment of his right hon. Friend had been negatived, he believed that, according to the forms of the House, a second Resolution by way of Amendment could not be moved upon the Question, That Mr. Speaker do leave the Chair. He begged to give notice that to-morrow upon the Motion for going into Committee on the Customs Acts, he should move a Resolution by way of Amendment in as nearly similar terms to the Motion which stood in his name as the forms of the House would permit.

Viscount PALMERSTON said, he was disposed to offer every facility to the hon. Gentleman, if, upon consideration, he thought it right to persevere with his Motion.

Mr. BRIGHT asked, whether it was quite understood whether the House would go on to-morrow with the Motion for Committee on the Customs Acts, as he had heard some doubts expressed on the subject during the division.

House in Committee; Mr. Massey in the Chair.

Acts *considered.*

Viscount PALMERSTON said, he proposed to go into Committee to-morrow, and he hoped that those hon. Gentlemen who had Motions on the paper for to-morrow would make those arrangements which it was understood the other day would be made on this occasion.

House resumed.

Committee report progress; to sit again *this day* (Tuesday).

SUPPLY.—ARMY ESTIMATES.

REPORT.

Mr. MASSEY brought up the Report of Resolution agreed to in Committee of Supply.

Sir HENRY WILLOUGHBY asked the Secretary for War to state the precise number of men paid at the present moment. He noticed that fourteen battalions of Queen's troops were going to China, while the right hon. Gentleman had only taken credit for five. How was it proposed to meet the cost of those fourteen battalions, and on what principle would the expenses of the nine battalions of Sepoys who were also going to China be calculated? The movement of troops from India to China was very expensive, the Indian allowances in such cases being very high. How would this large outlay be defrayed? He wished also to know whether it was intended that 92,000 men should be kept upon the Indian establishment during the forthcoming financial year. If so, it was quite clear that any chance of the Indian revenue righting itself was hopeless. There was an unjustifiable number of men kept up at the Indian depôt at Warley; 100 men would be sufficient for each regiment, but he believed there were nearer 200. It was not right that such heavy charges should be thrown upon the Indian revenue.

Mr. SIDNEY HERBERT said, he had stated the other night that the number of troops who were to be sent to China differed from that mentioned in the reports from India; and it would be found on referring to the Estimates that troops were put down there as being on the Indian establishment who in all probability had been moved from India to China, for the purpose of being transferred to our establishments. The War Office did not know at the time the Estimates were compiled what regiments would be sent to China; and, therefore, the list of regiments stated in the Estimates as being in India could not be relied on. The next mail would, no doubt, supply the required information on this subject. With respect to the depôts, the hon. Baronet was quite right in saying that there were two companies in depôt for each Indian regiment; but that was not different from the arrangement in respect to other regiments abroad. The question had been raised by the India House whether or not one company in depôt would be sufficient, and that was now a matter under discussion.

Resolution *agreed to.*

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, February 21, 1860.

MINUTES.] PUBLIC BILLS.—1ª Law and Equity; Plea on Indictments.
2ª Companies (1860).

LAW AND EQUITY BILL.

PRESENTED. FIRST READING.

THE LORD CHANCELLOR *presented* a Bill for the further Amendment of the Process, Practice and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster. The noble and learned Lord said the Bill had been drawn in compliance with the recommendation contained in Her Majesty's gracious Speech from the Throne that some attempt should be made for such further fusion of law and equity as might be necessary to insure that in every suit the rights of the parties might be satisfactorily determined by the Court in which the suit was commenced.

Bill read 1ª.

PLEA ON INDICTMENTS BILL.

PRESENTED. FIRST READING.

LORD BROUGHAM in *presenting* a Bill for removing Doubts on the Plea of Persons indicted, said, he quite agreed that the Bill of the Lord Chancellor, just laid upon the table, would be an excellent measure; for it was absolutely necessary to give additional powers to the admirable common law courts of this country, and he could call to mind numerous instances in which such an extension of power would have saved enormous expense and delay to suitors. He begged to lay upon the table a Bill rendering it unnecessary for prisoners to plead "guilty" or "not guilty" at their trials. Some such measure had long been earnestly desired by numerous visiting magistrates and chaplains of gaols, who had petitioned their Lordships on the subject. By the construction of the English law the plea of "not guilty" simply meant that the person pleading it wished to be tried; but it appeared by the number of petitions that had been presented by magistrates, chaplains of goals and others, that it very frequently happened that in the interval between commitment and trial the prisoner, either from the internal conviction of conscience, or through the exhortations of worthy and reverend men conceived that he would only be adding to the crime by pleading "not guilty;" the consequence of which was that many prisoners pleaded "guilty" to indictments upon which no conviction could have been had, rather than tell what they conceived to be a falsehood in the presence of the Court. To obviate this he had introduced the present Bill, which would enable prisoners to be put on their trial without calling upon them to say anything to which a conscientious objection could be raised. The question he proposed to substitute for the question at present put by the officer of the Court, whether the prisoner says he is guilty or not guilty was the question, whether he desires to be tried or pleads guilty; and in case the prisoner answers that he desires to be tried, that answer should be taken to be a plea of not guilty to all intents and purposes.

THE LORD CHANCELLOR observed that one of the Bills which he laid upon the table on a former occasion contained similar provisions to those proposed to be inserted in the Bill of the noble and learned Lord; but he failed to carry the measure. He hoped that better success would attend the present measure.

LORD BROUGHAM said, that he had looked through the various law Bills of the last few Sessions, and had failed to discover any provision of the kind; but he should be very happy if the noble and learned Lord would adopt this Bill as his own child, and carry it through.

Bill read 1ª.

ITALY—SIGNOR BONCOMPAGNI AND THE BRITISH CHARGE D'AFFAIRES AT FLORENCE.

EXPLANATION.

EARL GRANVILLE said, he wished to state to the House that Her Majesty's Government had received a letter from Mr. Corbett, Her Majesty's *Chargé d'Affaires* at Florence, with reference to his alleged attendance at the official reception of Signor Boncompagni on New Year's Day. Mr. Corbett denied that he had attended any official reception on that or any other occasion; but that he had attended a ball given by His Excellency on the evening of that day; that he was invited in his private capacity, and that as he had known Signor Boncompagni since his first arrival at Florence, he did not conceive that there was any impropriety in so doing.

THE MARQUESS OF NORMANBY said, that the explanation of Mr. Corbett was perfectly satisfactory, and no one heard it with greater pleasure than he did. If there had been any error he must have been led into it by the language which had been held by the Provisional Government at Florence.

Afterwards,

THE MARQUESS OF NORMANBY said, he wished clearly to understand the meaning of Mr. Corbett's letter. He understood the phraseology of that letter to draw a distinction between attending at an official reception and accepting an invitation to a ball. In point of fact, the ball given on that occasion was the sequel of an official reception, and was part of the official reception. The only explanation that was at all satisfactory to his own mind was that Mr. Corbett did not attend in his official capacity. He was only anxious to guard against admitting that this was a private affair, for the real fact was that it was an official reception.

EARL GRANVILLE said, he had better read the words of Mr. Corbett's letter:—

> "I was not present at any official reception of Signor Boncompagni on the 1st of January or any other day. I did indeed receive an invitation as 'Mr. Corbett,' not as Her Majesty's 'Chargé d'Affaires' to a ball given by his Excellency on the 1st January, which I did attend, and as I had known Signor Boncompagni since my first arrival in Florence, I did not conceive that there could be any impropriety in being present on that occasion."

CONSTITUTION OF TASMANIA.—THE LEGISLATIVE COUNCIL.—STATE AID TO RELIGION.

PETITIONS.

THE EARL OF CARNARVON *presented* a petition from the citizens of Hobart Town and Electors of the Parliament of Tasmania, praying for the Disallowance of the Act amending the Constitution of the Legislative Council in that Colony. The petitioners stated that there were two objections to the amended Act sent home —that it extended the period during which in certain cases Members of the Legislative Council enjoyed a seat in that Assembly, and indirectly it limited the franchise by excluding from a seat in the Legislative Council persons who, under the Constitutional Act of the Colony, had a right to it. The Constitutional Act of the Colony passed in 1854 contained a clause giving a seat to every one not disqualified by other special provisions, and who was twenty-one years of age. This amending Act excluded the Judges of the Supreme Court from the Council. Now, the petition stated that, two years after the Constitutional Act passed, the Judge of the Supreme Court was elected, by a greater number of votes than had been given for a candidate before or since, to a seat in the Legislative Council. Upon his return to the Legislative Council, he was elected Speaker of that Chamber, and by the admission of all parties he appeared for two years to have discharged the duty of Speaker with dignity and credit. The effect of the present Act was, however, to disqualify him and exclude him from a seat in the Legislative Council. The Act was passed by a bare majority in a very thin House, and the petitioners prayed that their Lordships would interpose, and by recommending its disallowance afford an opportunity for a further reconsideration of the question. These appeared to be the general facts of the case; but he was bound to say that the disallowance by the Crown of Acts passed by Colonial Legislature was a step to be very carefully weighed. Readily admitting that it was necessary and right in certain cases where Imperial interests were compromised, where great principles of natural justice, in which the dignity and faith of the Crown were involved, were at issue, that the Secretary of State should have recourse to this extreme measure, he came on the whole to the conclusion, that though the proceeding was anomalous, it was one scarcely so foreign to the practical working of a representative Government, that under the circumstances it was a case in which the House ought to proceed so far as to Address the Crown to withhold its assent from an Act which had passed through both Houses of the Colonial Legislature. He believed that the exercise of self-government by that and other colonies had been and would be productive of practical good; and it was better, if such occasional excesses occurred in the exercise of their privileges, that the colonists should learn by experience the difficulties and inconveniences to which such excesses would be sure to lead.

THE DUKE OF NEWCASTLE said, he should not think it necessary to go much into the question, especially as his noble Friend had himself expressed the same opinion as he (the Duke of Newcastle) thought it his duty to do in regard to the prayer of the petitioners. The Act to which the petitioners referred was intended to amend the constitution of Tasmania in two respects. The Act of the year 1857 which conferred representative Government on that Colony, provided that it should have two Houses of Legislature of which the lower one, known as the House of Assembly, was to consist of thirty Members, and the upper House, or Legislative Council, was to be composed of fifteen, of whom a certain number—five—should go out annually by rotation. It was found, however, that Members sometimes resigned their seats, and this had the effect of causing those below them to go out before their time in the usual course of rotation had arrived. In this way it might possibly happen that through a direct party manœuvre — of course he was putting an extreme case—the whole Council would cease to exist. In the Act then under their Lordships' consideration a provision was inserted which would prevent the possibility of such a contingency by enacting that the Members should not possess the power of resigning, but should retain their seats for the period for which they were elected. But the main objection of the petitioners was directed against another provision of the measure, by which judges were disqualified from holding seats in the Legislative Council. The petitioners had elected as their representative an eminent judge, and they naturally wished to retain his services in that character. The question thus raised was one which had been discussed in this country; and none who had heard it could fail to remember the celebrated speech in which the late Lord Macaulay had advocated the policy of leaving the English Master of the Rolls eligible to a seat in the House of Commons. But whatever opinion might be held upon that point in this country, he believed that every one who was at all acquainted with the condition of Tasmania must feel that the provision in the Act in question was a very wholesome one. The population of that colony was very limited; the legislative body itself consisted of only a few members, and the Judges had actually, upon some occasions, to decide upon the powers and privileges of the assembly of which they had hitherto been allowed to be members. It was further stated by the petitioners that the Act had been passed through the Tasmanian Legislature with undue haste. Now he admitted that measures apppeared to be sometimes adopted by our Colonial Legislatures with too much rapidity, but he thought at the same time that it would be a very strong proceeding on the part of the Crown to refuse its sanction to Acts which had received the approval of free assemblies merely because the Standing Orders had been suspended upon the occasion of their passing. On the whole, he saw no reason why the Crown should withhold its assent to the Act. He had not thought proper to advise Her Majesty to give it Her sanction while a notice upon the subject stood upon their Lordships' books; but, as the question had been introduced, he begged leave to inform his noble Friend and the House that it was now his intention, without any further delay, to recommend Her Majesty to assent to the Act.

THE EARL OF DERBY had also a petition to present from Tasmania, though relating to a point somewhat different from that embraced in the petition presented by his noble Friend, and not from so numerous a body. The persons from whom his petition emanated were the Clergy of Tasmania, on behalf of themselves and all other Colonial Chaplains of the Church of England whose interests are endangered, and they prayed their Lordships to advise Her Majesty to withhold Her assent to the Colonial Act to provide for the Abolition upon certain terms of State Aid to Religion in the colony. He had no hesitation in expressing his belief that the case he had to state on behalf of the petitioners was one which would justify the Colonial Secretary in advising Her Majesty to withhold her assent to the measure which had been passed by the Tasmanian Legislation. From the first formation of the colony there was set apart a large amount of reserves in land for the maintenance of the clergy of the Established Church. These were subsequently to a great extent reserved by the Crown, and in 1837 a measure was introduced enacting that wherever a church was erected on certain conditions a clergyman should be appointed under the authority of the Crown, at the yearly stipend of £200 for life, or during good behaviour. The Colonial Government from time to time made additions and allowances that raised the income of each clergyman to £310 per annum. He might state that the revenue of the colony had nearly doubled what it was in 1837. When the Constitutional Act was passed it was made a *sine quâ non* that £15,000 a year should be set aside and made one of the items of a civil list guaranteed to the Crown, and should be appropriated to the support of ministers of religion and to the maintenance of public worship. He was not certain whether that £15,000 a year was in addition to or in lieu of the previous provision which had been made for the colonial chaplains. [The Duke of NEWCASTLE: It was not in addition.] The noble Duke said it was not in addition. The case therefore which they had to lay before their Lordships was all the stronger from that circumstance. In 1859 a Bill was introduced into the Legislature of Tasmania for the purpose of abrogating the whole of that reserve of £15,000 a year—of which £9,000 had been given to the clergy of the Established Church, and 6,000 to those of other religious denominations—and substituting for the annual payment of £15,000 debentures to the amount of £100,000. The immediate effect of that arrangement, which was to take effect from January 1861, was to reduce the sum receivable by the Established Church from £9,000 to £3,000. An extraordinary part of the arrangement was that the Bishop was to be paid in full, the result of which was to diminish still further the £3,000 to be divided among the general body of the clergy. The substitution in question had placed the clergy in a position which they had no reason to anticipate. Their incomes had been reduced from about £310 a year to less than one-third of that amount. Although a clergyman might have been in possession for thirty years of a guaranteed income of £310 a year, and although a provision for the clergy was made a *sine quâ non* of the constitution, the *maximum* allowance which he would henceforth receive would be only £80 a year. He (the Earl of Derby) regretted to hear the noble Duke state that he did not consider that in itself the circumstance of a Bill having been passed with great haste in a thin House was a sufficient reason for the Secretary of State to recommend the Crown to disallow it. In a case where a Bill in itself was unobjectionable the fact of its having been passed in a thin House would not have been a sufficient reason for the withholding from it the sanction of the Crown; but if the measure was one which seriously invaded, as he thought this did, the principles of justice, and set aside one of the main provisions of the Constitutional Act, then, he thought, the circumstance of its having been carried in a thin House, and with great rapidity, and without notice to the persons whose interests it would immediately affect, did form a sufficient ground to justify the Secretary of State advising Her Majesty not to give Her assent to an Act passed, he might almost say, with indecent haste. He would state the circumstances under which the Bill had been passed. The Bill, after having been debated in the House of Assembly, was brought up to the Legislative Council on the 20th of September, when it was read a first time, and the second reading fixed for the following day. On the 21st of September the Standing Orders were all suspended; the Bill was read a second time, committed, and received the Governor's assent, so far as he was able to give it, and Parliament was prorogued on the 22nd. It was not passed with the full knowledge of the Members of the Legislative Council. The Legislative Council consisted of fifteen members; but at that time six out of the fifteen seats were actually vacant, and one member was absent in England. Of seven members who were present, exclusive of the President—there being a division—four voted in favour of the Bill and three against it; so that a measure setting aside one of the main provisions of the Constitution was carried in one day by a majority of one in a House consisting of only seven members. He thought, allowing the Colonial Legislature the fullest latitude to deal with their own affairs, he had made out a case—having regard to the importance of the object of the measure, the haste with which it was passed, and the infinitesimally small majority by which it was carried—to justify him in calling on the Government not to sanction the Act in question; at all events, to afford the Colonial Legislature an opportunity of reconsidering the position of so valuable a body of men charged with important public duties in the performance of which some of them had spent thirty years of their lives. If it was to be determined that in future no aid should be given by the State for the service of religion in the colony—a conclusion which he (the Earl of Derby) should deeply deplore—he held that it was the bounden duty of the Secretary of State to see that the persons who had gone out in the capacity of ministers of the Gospel, and many of whom had exercised their important public functions for, as he had said, thirty years, should be treated with something like justice and equity. He had a strong sense of the merits of the case of the petitioners, and did trust that he should receive from the noble Duke a more favourable answer than that given to his noble Friend (the Earl of Carnarvon).

THE DUKE OF NEWCASTLE agreed with the noble Earl that the Secretary for the Colonies was bound under all circumstances to see that in the Acts of the Colonial Legislature private and individual rights were protected. The noble Earl had no need to press that point upon him or upon the House, because he trusted before he sat down to satisfy their Lordships that he had not neglected that portion of his duty. But the matter was not so simple as the noble Earl appeared to regard it—chiefly because the noble Earl laboured under some slight mistake as to the real facts of the case. If, indeed, the Colonial Act to which the noble Earl referred had made it a *sine quâ non* that the £15,000 a year should in all time coming be devoted to religious purposes in the colony, then, indeed, the case would be simple, and he (the Duke of Newcastle) would be free from all responsibility in the matter, as well as from the great anxiety he had felt in arriving at the conclusion to which he had come.

THE EARL OF DERBY: I did not say that the Act made it a *sine quâ non*, but that the Secretary of State, in authorizing the Colonial Legislature to deal with this matter, made it a *sine quâ non* that they should reserve in the Act a fund for religious worship.

THE DUKE OF NEWCASTLE said, that practically the result was the same either way, but his noble Friend had not repeated quite accurately the words used by the Secretary of State. In reality, Lord John Russell's despatch in 1839 would rather tell against the petitioners than in their favour. His Lordship said that the exemplary persons who were now devoting themselves to the cause of religious instruction in these remote colonies must

> "Look for future support to the community among whom they are preparing to spread those inestimable advantages rather than to any pledge from the mother-country. It is, therefore, of great importance that all clergymen and schoolmasters at New South Wales and Van Diemen's Land, and especially all who may hereafter resort thither, should most distinctly understand that the continuance of their stipends cannot be absolutely guaranteed to them by Her Majesty's Government, who can be responsible only for the exercise of the legitimate authority and influence of the Crown with the local Legislatures for preventing any departure from the principles already sanctioned by those Legislatures on this subject."

The despatch, therefore, it would be seen, bore a different construction from that put upon it by the petitioners. But he would not lay any great stress upon this despatch, because subsequent instructions had been sent out by Colonial Secretaries, and it did not tell materially one way or the other. But the Act did not prevent the local Legislature from dealing with this £15,000 a year. It was expressly so stated in a despatch of his noble Friend (Earl Grey). The enclosure contained in that despatch, being a copy of one addressed by him to the Governor of the neighbouring colony of New South Wales, was to this effect:—

> "All other salaries except those of the Governors and Judges are placed by Parliament under the ordinary control of the Legislature. With regard to the mode of exercising this control you will, however, observe that reductions of fixed establishments, or of any expenditure provided for by permanent laws, can only be effected by Acts of the Legislature, which, of course, require the assent of the Crown, signified by yourself, and confirmed by Her Majesty; but I wish you distinctly to understand that there is no desire on the part of Her Majesty's Government to prevent prospective reductions of charges which, in the opinion of the colonists, will safely admit of being diminished. The interests of existing office-holders must be protected, because they accepted those offices with expectations which cannot be justly disappointed. But, subject to these interests, there is no objection to the Legislature fixing whatever scale of emoluments they may think fit for public servants to be hereafter appointed."

Now, what was the state of feeling in the colony with regard to the Church of England and the whole question of State endowments? The petitioners stated that the majority of the colonists had no desire to change the present system, and that the existing Legislature did not represent the opinions of the body of the people; but he had the authority, not only of the Governor, but the Bishop of the colony, for the exact reverse of this statement. From the facts which had been submitted to him, it would appear that in Tasmania the hostility to all State endowments was both strong and progressive. In 1858 a Bill precisely similar to that now complained of was introduced into the Colonial Legislature, but was successfully opposed. Next year it was again introduced, and was supported, and many who had opposed it in the first instance, having in the meantime consulted their constituents, changed their votes, and the Bill was thus carried by the support of those who had formerly opposed it. Under these circumstances it was felt by those most interested in the present state of things that some compromise was necessary. Two plans were proposed—the first, which was that adopted, being the substitution of a capital sum of £100,000 for the £15,000 a year heretofore given; the other plan being that all State endowments, whether in the shape of a capital sum, or an annual grant, should cease; with a due regard, however, to vested interests. It was felt that more benefit would result to the permanent interests of religion by the grant of a capital sum, than by a grant ceasing with the lives of the present holders; and this, therefore, was the compromise adopted. He could assure the noble Earl that there was not that unanimity even among the members of the Church of England to reject this measure that he supposed. He had received a letter from the Bishop, which undoubtedly, in its general purport, was opposed to the measure; but added, that if the time had really come for compromise, he did not object to that now suggested; believing that such a compromise would be best for the Church and for the interests of religion. Again, he (the Duke of Newcastle) had a petition in favour of the measure from a Church Synod, consisting of clergy and laymen, which had been recently formed in these colonies—that petition being signed by an archdeacon with several lay and clerical members, who did not indeed believe that £100,000 was a full and satisfactory equivalent for £15,000 a year, but who, knowing the state of feeling in the colony, and the powers conferred on the local Legislature, were anxious that the offer now made should be closed with, as the only means by which the Church was likely to save something out of the fire. And he must say that the clergy who had signed the petition presented by the noble Earl were supported by some very strange allies—by the Anti-State Church party both in the colony and in this country—the former of whom had petitioned against this measure, and the latter had lately applied to have an interview with him on this subject. Under all the circumstances, therefore, he should have been prepared to recommend to Her Majesty to signify her assent to this measure, if it were not for the entire neglect evinced by it for vested interests. If the clergy affected by the measure had viewed the matter in the light in which the archdeacon and others, to whom he had already referred, viewed it, and had given their consent to the measure, that would be a totally different thing; but they had petitioned against it; and it did not appear that the provision made was an adequate compensation for their stipends. In the case of civil servants such treatment would not be fair and just; but the case of the clergy was not entirely analogous to that of civil servants. The latter, on quitting office, might follow some other profession; but these clergymen, who had been long separated from all friends in England, when suddenly turned adrift on a most inadequate compensation, would be unable to find any other profession in the colony. Under these circumstances, it was his intention to recommend to Her Majesty to disallow this Act. He did not hesitate to say that he took this course not without reluctance; but, nevertheless, he considered the advice he proposed to give to the Crown was based on principles of justice; and it would in the end be found to be wise and expedient. At the same time, he did not close his eyes to the fact that, in that peculiar colony, where the moral feeling was not so high as Englishmen would wish to see it, great indignation might be felt at the course he intended to pursue, and the consequence might be that the cause, not of the Church of England alone, but of the other denominations that were interested in this endowment, might possibly suffer. Yet, agreeing with the noble Earl that it is the duty of the Secretary of State to support vested interests, he had come to the determination he had just stated to their Lordships. He trusted that the colony would view the decision in the spirit in which it was given, and that it would not take the course of which he had expressed apprehension, but that another Bill would be passed with an additional clause, either giving ample compensation to the petitioners, or continuing their salaries.

Earl GREY said, he saw no other course that the Colonial Secretary could have adopted. It was his duty, when Colonial Secretary, to bring in a Bill, under which the Colonial Secretary of Van Diemen's Land was to act; and in preparing that Bill the greatest care was taken that, while full powers were given to the Colonial Legislature to manage their own affairs, the Crown, on the other hand, should be armed with ample power to protect those who had accepted employment under a different *regime*, and the strongest instructions were given to Governors in no case to allow injustice to be committed on those who had sacrificed all their prospects in life for the purpose of accepting either civil or clerical employment in that distant colony. He thought the colonists had committed a grave error in thus sacrificing these religious endowments; but it was an error they were free to commit. But when the rights of individuals were interfered with, the Crown had no alternative but to disallow the Act.

After a few words from the LORD CHANCELLOR to the same effect, the subject dropped.

Petition to lie on the Table.

JOINT-STOCK COMPANIES (1806) BILL.

SECOND READING.

THE LORD CHANCELLOR, in moving the second reading of this Bill, said, that it consolidated all the Acts relating to joint-stock companies, both in their formation and winding-up. These subjects were under the peculiar control of the Board of Trade, and his noble and learned Friend (Lord Chelmsford) brought in a Bill last Session which received their Lordships' approbation, but did not obtain the sanction of the other House in consequence of the dissolution which took place. The subject had been again revived under the present Board of Trade, and their Lordships were asked to agree to the present measure, which was substantially the same as that of last Session. No disapprobation of the measure had been expressed in the other House, and he trusted that the Bill would now pass.

Bill read 2^a, and *committed* to a Committee of the Whole House on *Tuesday* next.

CHINA—EXPLANATION.

THE EARL OF SELKIRK moved an Address for Copies or Extracts of certain Letters connected with the Earl of Elgin's Mission to China, and not contained in the Correspondence hitherto presented.

THE EARL OF ELGIN: My Lords, I do not rise to object to the Motion; but as the papers for which the noble Lord has moved, relate to a matter affecting myself, not in the position I now hold as a member of Her Majesty's Government, but in the position I occupied in China, I trust I may be permitted to address to your Lordships a very few words by way of personal explanation. I am not in the habit of trespassing on your Lordships' attention; and therefore I hope that when I proffer this request, as I do most reluctantly, and only from the conviction that an explanation is essential to vindicate my character and conduct, I shall meet with your Lordships' indulgence. I am aware of the great inconvenience, and, as a general rule, of the great impropriety of referring in this House to what passes "in another place." At the same time I cannot help thinking that my position as ex-Minister to China, more especially in the present critical state of our relations with that country, is one of a somewhat peculiar and anomalous character, and this may perhaps justify me in the expectation of receiving something more than an ordinary measure of indulgence from your Lordships. It does so happen that both Administrations —the one from which I received my first official instructions, and the other under which my important duties were performed—have passed from their political state of existence. At the present moment, therefore, there is no person in office who is personally cognizant of many of the transactions which occurred during the greater part of my mission in China, or who is able from his own knowledge to answer any inquiry that may be made, or to remove, by an explanation of facts, any erroneous impression that those transactions may have produced. Perhaps I may be allowed to mention, in illustration of what I mean, that a few days ago, when it was asked in the House of Commons, with something like a taunt, which elicited a cheer, why the noble Lord who negotiated the treaty of Tien-tsin, did not himself proceed to Pekin to exchange the ratifications, if there had been in the other House any official person qualified as I have described, the answer might have been given that, in point of fact, I was never charged with the duty of exchanging the ratifications of the treaty, that the treaty was never placed in my possession; that I never had the option of going to Pekin. I do not mean in making that statement, to cast the slightest reflection upon my noble Friends opposite for the course they adopted in regard to the treaty of Tien-tsin. On the contrary, I think they acted properly and naturally in charging the Minister who was to remain permanently in China with the duty of exchanging the ratifications of the treaty; but I venture to say that, if the question to which I have alluded implied any insinuation—if it implied—as I suspect from the manner in which it was put it did imply —any doubt as to my willingness and readiness to discharge a difficult and disagreeable portion of my mission, the sting of the implied accusation would have been removed by such an answer. Upon another occasion, when some very severe reflections were cast upon me by an hon. Gentleman whom I do not consider to be quite responsible for those reflections, because I read them, as well as the greater part of the rest of his speech, in an American review some days before he addressed the House of Commons—when I was charged, almost in the words of an article, of which I think I am capable of saying who the author was, with having shown undue harshness to the Chinese, and with having pressed demands upon them, which some of the representatives of other nations did not venture to put forward, my accuser might have been reminded that I did not go to China without instructions; that it was not altogether a matter of choice to me whether I should make this or that demand upon the Chinese Government; and, above all, that I should have assumed a serious responsibility if I had abstained from pressing the demand for a resident Minister in Pekin, in the face of the positive and peremptory instruction from my Government, that if I were forced to have recourse to coercive measures, I was not to make a permanent arrangement with the Government of China—by which was meant, I presume, because we always use euphemisms in speaking of China, that I was not to make peace with China—except after having obtained that concession. Here again, I do not mean to rest the justification of my demand for a resident Minister in Pekin upon the fact that such was my instruction. I am ready to justify that demand upon its merits; for I am confident that if we intend to maintain permanent pacific relations with some 400,000,000 of the human race, scattered over a country some 1,500 miles long by as many broad; if we intend that our merchants shall conduct their trade and commerce with that vast population in peace, in some shape or other, under some modification or another, we must establish direct diplomatic relations with the Imperial Government of Pekin. It is not because I doubt the propriety of the demand that I should have wished an explanation to be given in the House of Commons, but because I think the answer which I have suggested would at least have relieved me from the imputation of having been unduly harsh and severe in my conduct towards the Chinese, and from the still graver imputation that the spirit indicated by the tone of my despatches was totally different from that by which my acts were characterized. These inconveniences were very little felt by me last year, because at that time a certain halo which surrounded all the results of my mission—although, no doubt, many of the proceedings to which I was a party were fairly open to inquiry—indisposed persons to raise objections or to indulge in criticism. But the circumstances of the present time are very different. A great calamity has occurred, and it is perfectly natural and right that the acts of the diplomatic agents who have been employed in China for some time past should, so far as they have a bearing upon the present state of affairs, be open to investigation and censure. I do not complain of that. All I ask is, that when I am attacked where I have not the means of defending myself, and where there is no Member of the Government personally conversant with the facts and capable of answering for me, I may be excused if I take the liberty of making my defence in my place in this House, and if I appeal to your Lordships for permission to do so. With respect to the particular subject referred to in the despatches which have been moved for by my noble Friend opposite, I shall only say that it has given me more pain and distress than all the other circumstances which occurred in connection with my mission put together. I gather from the usual sources of information that a gallant Admiral with whom I was associated in the discharge of very important duties in China, took advantage—and it was very natural that he should do so—of an opportunity afforded to him by a discussion upon Chinese affairs some short time ago in the House of Commons, to enter into a review of all the transactions in which he had been engaged in China, from the commencement of the unfortunate affair of the lorcha *Arrow* down to the last transaction with which he was connected in that country, the capture of Canton; and in the course of that review he gave his own version of the circumstances which prevented him from supplying me in the north of China in April, 1858, with that particular description of force—namely, gun-boats drawing little water—for which I had applied, which I certainly understood him to have promised, and which I considered to be essential to enable me to carry out the policy which I was endeavouring to pursue in that quarter. I cannot, of course, be expected to acquiesce altogether in the view which the gallant Admiral takes of the transaction in question; but that view was so temperately expressed, and it was so natural that he should desire to place before the public his own version of the affair, that if his statement had stood alone, I should not have thought it necessary to take any notice of it whatever. But I must say I read with some feeling of surprise the observations which fell from a right hon. Baronet, the late First Lord of the Admiralty (Sir John Pakington), who referred to a verdict which he stated had been pronounced upon the unfortunate misunderstanding which has arisen between the gallant Admiral and myself—a verdict which I have never seen, and the grounds of which I do not know. It does seem to me to be a most unusual proceeding, when differences have occurred between two persons in any position of life, that a verdict should be given in favour of one of the parties without the other being informed either of the result which has been arrived at or of the grounds upon which it is based. I presume I shall know with the rest of your Lordships what the verdict is when the papers now moved for have been placed in your hands. Of course I do not intend to enter into the question now. I shall only say that I think when those papers are laid on the table, your Lordships will see that I was placed in a position of very great difficulty at the commencement of 1858, after the capture of Canton, with the forces at my disposal reduced by the demands of India and the requirements of the Canton garrison, with instructions directing me to obtain from the Chinese Government concessions which amounted to an entire subversion of the traditional policy of that great empire, and with orders to prosecute my mission in combination not only with the representative of France, with whom I was associated, and with whom I acted in the most friendly concert throughout, but also with the representatives of two other Powers, Russia and America, who were still in the position of neutrals, and from whom, if we were forced into acts of hostility, we must entirely have broken off. My Lords, I think you will gather from these papers that I had some good reason for believing that prompt, direct, and energetic action in the shape of a demonstration in the neighbourhood of the Court of Pekin was the only expedient which seemed to afford any hope of our being able to bring to an early close, and without bloodshed, the hostilities in which we were then engaged with China upon conditions consistent both with my instructions and with what I believed to be required by the honour and interests of this country. I can assure your Lordships that when I proceeded to the north I went in the firm belief that the gallant Admiral was entirely cognizant of the policy I intended to pursue in that quarter, that he thoroughly sympathized with that policy, and that I might count upon his ready and energetic support. I do not refer to private communications which passed between us, and of which no record is kept, but I had in my possession at the time a despatch, to which I may now refer, because it is before your Lordships—a despatch written by the gallant Admiral in answer to my applications for gun-boats, not stating that he did not know the object for which I wanted them, or that the monsoon or any other difficulty would prevent him from supplying them, but, on the contrary, stating most distinctly that the subject had been under his consideration for a long time—this despatch was written on the 2nd March—that one of the gun-boats had already started, and that arrangements were in progress for others to follow. The most conclusive proof I can give of how thoroughly I supposed I was acting in full concurrence with the gallant Admiral is the fact that I went to the north at all; because it would have been an act of absolute insanity to do so had I not felt assured of the gallant Admiral's support when I arrived there. The Admiral arrived on the 24th of April, and informed me, that so far from the gunboats being at hand, very few of them had been ordered to leave Hong Kong, and that those few would not leave until a period long after that at which I had been led to understand they were to arrive in the north. I confess that information filled me with the greatest possible disappointment, and it is very probable that the despatches which I wrote at that time bore the reflex of my feelings. My disappointment arose from the fear which I entertained, not only that the policy I was engaged in carrying out in that quarter would be compromised by the non-arrival of the gun-boats; but that the honour of our country, our commercial interests, and even the lives of Europeans in the different open ports of China would be placed in jeopardy; because I apprehended that if we made an abortive attempt of that kind in the north, the Emperor would be very likely to send down word to the authorities in the different provinces to attack the Europeans in the open ports. Our apprehensions on that head are entirely borne out by what has actually occurred. The Emperor did send down such a message as I anticipated to the Provinces, but it took effect only at Canton; there the war was revived; and in consequence such urgent representations were made to us to send back from the north the forces we had collected there on our advance to Tien-tsin, that we were obliged, as soon as the treaty of Tien-tsin was signed, to give up the intention I had always had of proceeding direct to Pekin, there to carry out the policy which I believed to be absolutely essential to the perfect execution of the treaty, and to return to Canton. I believe that to that unfortunate omission the whole of our present disasters are due; because I believe that if I had been able to deliver that letter of credence to the Emperor at Pekin, I should have been able to have made such arrangements with the Imperial Court as would have disposed of that delicate question of the personal reception of the British Minister, and then none of the difficulties we are now involved in would have occurred. There is another point I must refer to, because the misconstruction repeatedly put on it in various quarters has created, very naturally, a strong prejudice against me. It has been observed that the despatches to which I have referred, which were written home at the time, were not shown by me to the gallant Admiral. That is perfectly true. I have been for seventeen years employed in the public service, and I do not think I ever showed to any one a despatch which I had thought it my duty to write to the Secretary of State; and I am quite sure I never saw any despatch written to the head of a Department in which my own conduct was commented upon. I have always understood that despatches addressed to Secretaries of State by public servants are private and confidential, and that the Secretary of State alone was at liberty to relieve them from the condition of secrecy. At the same time I must solemnly say that when Admiral Seymour made to me the communication I have referred to, I stated to the gallant Admiral that it was absolutely necessary, not only for my own vindication, but also in order that Her Majesty's Government might be in possession of the facts of the case, that I should report in the fullest manner to the Government the extent to which, in my opinion, the prospects of our mission in the north were compromised by the failure on his part to furnish me with the armament on which I had relied. I added that if he had any counter statement to make, if he thought anything in my conduct, either in the way of omission or commission, was the cause of this failure, I begged of him to make a corresponding report to the Admiralty, in order that the whole case might be laid before Her Majesty's Government. My Lords, I state this on my honour as a Peer, and am quite ready to repeat it in any other more solemn form in which an asseveration can be made. I ought to add, and it is the only sentence in the whole of this address which I have any satisfaction in uttering, that, apart from the unfortunate misunderstanding I have alluded to, and which the looseness and forgetfulness pertaining to verbal communications may, perhaps, explain, nothing could be more loyal, more cordial, more generous, or more gallant than the support which I received throughout the whole of these transactions from all the officers commanding Her Majesty's forces. I must say I think there were some performances of the British navy during that period of a most remarkable character. I think the manner in which we visited many parts of the coast of Japan and the expedition for 600 miles up an unknown river, without pilot or chart, accomplished both in going and returning with perfect safety and good order, were transactions reflecting the highest credit on the gallant officers who were engaged in them. In alluding more particularly to these circumstances, I wish to say at the same time that an equal degree of gallantry and skill was shown by the whole of the fleet in all the operations which occurred, whether belligerent or otherwise; and I have only to repeat what I have more than once said in private and official communications, that to the happy audacity of my gallant Friend Captain Osborne, on board of whose ship I was for sixteen months, I was much indebted for the success of my mission.

LORD COLCHESTER said, that an imputation of the utmost gravity had been cast upon the conduct of the gallant

Admiral who commanded in China at the time the events referred to by the noble Earl took place. He would not then go into the question which had been raised; but he begged their Lordships to suspend their judgment on the matter until all the papers bearing upon it were before them.

Motion *agreed to.*

House adjourned at Seven o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 21, 1860.

MINUTES.] PUBLIC BILLS.—1° Administering of Poison.
3° Consolidated Fund (£407,649).

EXTRA BATTA TO THE PERSIAN ARMY. QUESTION.

MR. ADAM said, he would beg to ask the Secretary of State for India if he will state the substance of any Communication which he had lately received from the Government of India, regarding the payment of extra batta to the Troops engaged in the Persian War; and whether Her Majesty's Government are prepared to recommend the payment of such batta?

SIR CHARLES WOOD said, it had been agreed to grant a donation for six months' batta in lieu of claims for prize money to the troops engaged in the Persian War, one-half of the extraordinary expenses of which war, according to agreement, was to be paid out of the Indian revenue, and one-half was to be borne by this country. He had applied to his right hon. Friend the Secretary of State for War to know if he was willing to pay his share of this claim for extra batta, and, though he had not received any official answer, he had been apprised that Government had acceded to the proposition, and no time, therefore, would be lost in making a formal grant of batta to the troops engaged in that War, whether by land or sea.

THE CHINESE WAR OF 1857. QUESTION.

LORD BURGHLEY said, he wished to ask the Secretary of State for War when the Field Allowance claimed by the Officers of the Artillery and of the Line, who were sent in the year 1857 to the Attack of Canton, in lieu of the Consolidated Allowance which they were ordered in April, 1859, to refund, is to be paid?

MR. SIDNEY HERBERT said, the allowance due to the officers engaged at Canton had been paid to those who remained in China. Those who came to England had for the most part applied to the War Office and had been paid, and if any officers who had not yet received their allowance applied to the War Office, and stated the particulars of their claim, the money would be forthcoming.

VOLUNTEER CORPS OFFICERS' FEES. QUESTION.

COLONEL NORTH said, he rose to ask the Secretary of State for War if the Fees to be paid by Officers of the Volunteer Corps for their Commissions will be the same in all counties; and, if so, what amount will they be called upon to pay.

MR. SIDNEY HERBERT said, he had no authority whatever to adjudicate upon the amount of fees; but in 1853, when a great difference of opinion arose as to the amounts claimed by the Lords-Lieutenant of Counties in regard to the Militia, his noble Friend the Member for Tiverton had issued a circular recommending the adoption of a uniform scale of two guineas for Field Officers, and one guinea for Officers of a lower rank. It was intended to pursue the same course in the present instance; but it must rest with the Lords-Lieutenant to adopt the recommendation or not, as they thought proper. Should they agree to it, however, it would obviate a great deal of inconvenience.

ANNEXATION OF SAVOY TO FRANCE. QUESTION.

MR. PALK said he would beg to ask the Secretary of State for Foreign Affairs, Whether the Communication made to Her Majesty's Ambassador was to the effect that, in the case of annexation of Central Italy to Sardinia, the French Government was of opinion that it would be necessary for France to have some increase of territory on the side of Savoy; and whether the Secretary of State for Foreign Affairs will lay the Despatch containing this Communication upon the table of the House?

Lord JOHN RUSSELL: When my hon. and learned Friend the Member for Bridgwater (Mr. A. W. Kinglake) sought to bring on a Motion in asking for papers on this subject, I requested him to postpone his Motion; accordingly he did postpone it till this day se'nnight. I think, therefore, I had better reserve my answer to the hon. Gentleman till that day.

THE NORWICH ELECTION.

QUESTION.

Mr. EDWIN JAMES said, in the absence and on behalf of his hon. Friend (Mr. Mellor), he would beg to inquire of the Attorney General, Whether his attention has been called to certain proceedings at Norwich, with reference to the alleged bribery of one Joel Fox; and to the refusal of a witness, a Magistrate of the said City, to answer certain questions, on the ground that the answers thereto might tend to criminate himself; and to the conduct of certain other Magistrates in voting for the adjournment of a charge in which they were alleged to be implicated.

The ATTORNEY GENERAL said, he would beg to state that he had read a large volume of evidence which was taken relating to certain accusations which were made, and also to certain counter accusations, arising out of an election at Norwich. After an examination of the whole matter, he thought it was unnecessary for him to say anything further than that he had not felt it incumbent upon him, nor did it appear to him to be necessary for the purposes of justice, that he should interfere by filing an *ex-officio* information. The parties were prepared to bring the persons inculpated before the Court by criminal indictment; they had taken proceedings for that purpose, and he did not think it necessary to interfere.

REGISTRATION OF BIRTHS, &c. (IRELAND).—QUESTION.

Lord DUNKELLIN said, he wished to ask the Chief Secretary for Ireland, Whether Her Majesty's Government propose to take any steps towards the promotion of a general system of Registration of Births, Deaths, and Marriages in Ireland during this Session of Parliament?

Mr. CARDWELL, in reply, said, a Bill had been drawn, which he hoped to have an early opportunity of introducing.

Mr. Palk

EDUCATION COMMISSION.

QUESTION.

Sir JOHN PAKINGTON said, he wished to ask the Vice-President of Committee of Council on Education how soon the Report of the Royal Commission on Education is likely to be presented to Parliament?

Mr. LOWE said, he had not received any official communication from the Commission which was now sitting on the subject of Education; but he had learned, in answer to inquiries which he instituted, that they hoped to embody their opinions and suggestions in a Report before the conclusion of the present Session of Parliament. The Appendices and Statistical Returns, however, which they desired to include in their Report could not be ready by that time.

THE FRENCH TREATY.—IRON ORE.

QUESTION.

Mr. LYALL said, that seeing the Vice-President of the Board of Trade in his place, he was desirous of knowing in what manner the admission of Iron Ore into France would be affected by the Treaty.

Mr. HUTT replied that since the Treaty of 1826, iron ore of any description coming direct from this country was admitted duty free into France, whether carried in French or English ships; and there was nothing in the present Treaty which at all limited the benefits that were granted to commerce and navigation by the former agreement between the two Countries.

THE TREATY WITH FRANCE.

QUESTION.

Mr. BALL said, he wished to know, Whether, in the case of any of the Resolutions to be moved in Committee on the Customs' Acts being rejected or altered, any corresponding alterations could be made in the Treaty of Commerce laid on the Table of the House?

Viscount PALMERSTON said, the Treaty as laid before the House was a complete Act; but if any alterations were rendered necessary by the Resolutions as passed in Committee, they might be embodied in a Supplementary Treaty, which it would be open to the other party to accept or not.

On Motion that the House at its rising adjourn till *To morrow*, at Two o'clock—

RULES OF PROCEDURE. AMENDMENTS IN COMMITTEES OF SUPPLY AND WAYS AND MEANS.

SIR JAMES GRAHAM said, he would avail himself of the opportunity afforded him by the Motion of the noble Viscount to say a few words upon a point of order. Last night, although the House expressed different opinions in regard to the application of strict rules and precedents on the matter then before them; yet he observed with pleasure the unanimous feeling of respect for those rules and precedents, and an anxious wish on the part of the House to carry them into effect. The hon. Member for North Essex (Mr. Du Cane) had given notice of a Resolution to be moved "in Committee on Customs Acts." Now it appeared to him that that notice was not in accordance with the established rules of the House. He conceived that no Resolution could be moved as an Amendment upon a Vote in Committee of Supply. It might be that it was competent in Committee of Ways and Means to move a Resolution as an Amendment. In 1853, in a Committee of Ways and Means upon the income tax, the right hon. Gentleman the Member for Hertfordshire, the late Secretary for the Colonies (Sir Lytton Bulwer) was allowed to move a Resolution in reference to the income-tax. He thought that a dangerous precedent, and one that, if possible, ought not to be followed. But the proposition of the hon. Member for Essex was not an Amendment that should be moved in the shape of a Resolution in a Committee on the Customs Acts. The Resolution, to be in form, should be one that dealt with the sources of revenue arising from Customs, and should be confined within the limits of the Customs Acts. Now he submitted, subject to the correction of Mr. Speaker, that it was not competent for the hon. Member to move a Resolution in the Committee on the Customs Acts which was not confined to the revenue arising out of the Customs. If that were the rule of the House, as it appeared to be the desire of the House to have a discussion on this subject, it was still in the power of the hon. Gentleman to bring forward his Resolution without the violation of their rules. He would suggest a course which would avoid that difficulty. On that day it was usual to give Notices of Motion priority over the Orders of the Day. It was, therefore, competent for the hon. Member for Essex to bring forward his Resolution as a substantive Motion before the Order of the Day. By doing so, the rules of the House would be strictly observed, and they would have the advantage of having the Speaker presiding over the discussion. Before he sat down, he ventured to appeal to the right hon. Gentleman in the Chair whether he was correct in his statement of their forms of proceeding?

MR. SPEAKER: By the rules of this House the Chairman of the Committees of Ways and Means is the judge of all matters of order which arise in Committee; no doubt the Chairman would rightly rule any question which might come before him for discussion. I should, perhaps, be going beyond my province were I to pass by anticipation a judgment upon any Resolution to be proposed in Committee; but as my opinion has been asked as to the general practice of the House, I will with pleasure give an answer. The right hon. Baronet has, in my judgment, correctly laid down the rule of the House in regard to Committees. It is competent in a Committee of the Whole House for any hon. Member to move a Resolution so long as it is relevant to the matter referred to the Committee; but any Resolution must be confined to the subject-matter referred to the Committee. I restrict myself to a statement of the general rule of the House, leaving to the Chairman of Committees to express his judgment upon the fitness of any Resolution which may be proposed.

VISCOUNT PALMERSTON said, the hon. Gentleman who had given notice of his Resolution was of course the best judge of the course he ought to take under the circumstances — whether to shape his Motion in accordance with the principle laid down, or to submit his Resolution in a substantive form. As far as Her Majesty's Government were concerned — although there was an understanding that the House should go into Committee that night—they were willing to submit to any arrangement that would suit the convenience of the hon. Member for Essex; and if the hon. Gentleman thought proper to act upon the suggestion made to him, and to bring forward his Resolution as a substantive Motion, the Government were ready to waive their right of moving that the House should go into Committee upon the Customs Acts.

MR. DU CANE said, his object was to move a Resolution affecting the whole scope of the financial propositions. It would be a source of regret to him if, by the forms of the House, he was prevented from touching upon the prominent features of the financial statement of the Chancellor of the Exchequer. He threw himself upon the indulgence of the House, and would accept the proposal made to him by the noble Lord.

THE CHANCELLOR OF THE EXCHEQUER wished to give an intimation which might be useful to the hon. Member for Finsbury (Mr. T. Duncombe), in regard to the course of business in Committee as regarded one point of some importance—namely, that part of the treaty which related to foreign spirits. That particular part stood second on the paper, immediately after the Resolution upon the wine duties. He should not move that Resolution in any case before Friday next.

MR. E. P. BOUVERIE referred to the Speaker to decide whether it was competent for any hon. Member to move a Resolution as an independent Motion on the Order of the Day, without giving due notice of it?

MR. SPEAKER: The course is quite irregular—it can only be done by the general consent of the House. If the House chooses to sanction this course of proceeding I need not tell the right hon. Member it is in its power to do so.

Motion *agreed to.*

House at rising to adjourn till *To-morrow* at Two o'clock.

REVENUE AND EXPENDITURE.—RESOLUTION.

THE COMMERCIAL TREATY WITH FRANCE.—THE BUDGET.

(FIRST NIGHT.)

MR. DU CANE:—Sir,—In rising to move the Resolution of which I have given notice, I trust that it is almost needless for me to say that I stand before the House under circumstances of no ordinary difficulty and embarrassment. The scheme of finance to which I am about to offer my opposition, is one of so intricate and so complicated a character, and has moreover been submitted to the House in a speech of such remarkable eloquence and subtlety of reasoning, that I feel that nothing but the kindest indulgence and forbearance on the part of the House itself, and a confident sense of the justice of my cause, can sustain me to the end in the task I have undertaken. I have no doubt that during the progress of the discussion to which my Resolution will inevitably give rise, it will be my fate to hear a cry re-echoed in this House that which has already been faintly whispered out of doors, that in bringing forward this Motion I am allowing myself to be made the instrument of a party and a factious movement. If, Sir, by a "party movement" may be interpreted to mean any desire on my part needlessly to interpose between the House and the discussion in Committee of these financial proposals with a view solely to embarrass Her Majesty's Ministers and thereby to check the further progress of useful and beneficial legislation, I trust that it is indeed unnecessary for me to enter my most emphatic disclaimer against any such intention. On the contrary, I believe that I am interpreting, not merely my own feelings, but the feelings of the large majority of those Conservative Members I now see seated around me, when I say that it is with sincere regret that we have found that the financial proposals of the Chancellor of the Exchequer are not such in their leading features at least if not in all their minor details, as to entitle them at our hands to an honest and independent support. But if, Sir, on the other hand, openly and fearlessly to throw down the gauntlet to a scheme of finance I believe from my heart to be as dangerous as it is unjust, openly and fearlessly to vindicate that which I believe to be a sound and true Conservative policy towards the people of this country, if that by any chance can be construed into a party move, then I say that I frankly, nay more, that I gladly, accept the term. And this much, perhaps, the Chancellor of the Exchequer will permit me to say as the only and perhaps the best return for the graceful compliment he was pleased to pay me yesterday evening, that if I cannot give his financial proposals a warm support, he shall find me to be that which I for one think better than a mistrustful adherent or a lukewarm partizan—an open and a candid enemy. Now, Sir, with the permission of the House I will state as concisely as I can the main reasons I have for objecting to these proposals. I object to the Budget in the first instance because it appears to me not merely to fail to grapple with the financial exigencies of our present position, but to leave the country rather worse off than it found it, in a state of increased and increasing financial deficiency. I object to it in the second instance, because the principal remissions of taxation which it proposes, I allude more especially to the reduction and abolition of the duties on wine and paper, unobjectionable perhaps in themselves at the proper time, appear to me to be singularly inopportune and uncalled-for at the present period, when we find that the income tax is to be reimposed at a higher rate than was ever before known in time of peace. And last, certainly not least, I object to the Budget, because it appears to me to be based on an uncalled-for and a one-sided commercial Treaty. I certainly was in hopes that the result of last night's discussion might have tended to relieve me from entering at all upon this latter objection, but in that expectation I have been somewhat disappointed. By the vote of last night we have been placed, I think the House must agree, in this somewhat extraordinary and anomalous position. We cannot at any future period venture to amend in any essential point the Treaty itself, without vitiating at the same time some important feature of the Budget; we cannot now venture in any essential point to amend the Budget, without running the future risk of vitiating and annulling the Treaty. We are called upon in short, by Her Majesty's Government to open our mouths to their widest possible stretch, and swallow in one great gulp the Budget and Treaty combined. And all I can say is, that if the constitution of Parliament and the country can stand the dose, it must make up its mind from henceforth to swallow anything.

Now, Sir, I fear it will be necessary for me to detain the House for a few moments while I recount as briefly and succinctly as I can those which appear to me to be the main features of our financial position as laid down by the right hon. Gentleman himself and the manner in which he proposes to deal with the difficulty of our situation. And first as regards the question of an increased and increasing deficiency. The right hon. Gentleman, estimates the income of the country for the present financial year at £60,700,000, and its expenditure at £70,100,000, the deficit for the year being thus, £9,400,000. Well, this being so, the right hon. Gentleman, acting upon a very simple, but at the same time a very novel principle as applied to financial matters, that his deficit,

> "Is great, because it is so small—
> Would it were greater, then 'twere none at all"—

proposes further to increase it by the reduction of some duties and the total abolition of others to the extent of £4,000,000 upon articles which, for the most part, to use the words of the noble Lord, the Member for London in his first despatch to Lord Cowley and Mr. Cobden—

> "Are not in general articles of such primary necessity or such universal use among the people of the United Kingdom as to entitle them upon that ground to the special attention of the Government."

The right hon. Gentleman next in order proceeds to reduce this deficiency to the extent of £2,000,000 by means of sundry savings proposed to be effected in the Revenue Department by making certain allowances for increase of consumption as the natural result of the reduction of duties, and by certain other charges of an entirely new character. This, according to his own Estimate, still leaves the total deficit for the year at £11,500,000. Now this deficit he proposes to supply by re-imposing in the first instance the income tax at 10*d.* in the pound, bringing to the revenue a sum of £8,472,000. He then re-imposes the extra duties upon tea and sugar, and he calls in the malt and hop credits to the amount of £1,400,000. These sums amount in all to £11,972,000, and thus, according to the right hon. Gentleman's own statement, we shall have a surplus of £470,000.

Now I will ask the House to observe in the first instance that out of these sums there is one item of £535,000 that must be regarded as being altogether of a speculative character, as it is supposed to be derived from the increased consumption that the right hon. Gentleman looks to as the first result from the diminution of the duties upon wine and spirits. And further let us remember that should this scheme meet with our sanction, we shall have next year to submit to a further reduction of these duties to the extent of £250,000. I will next ask the House to observe that by anticipating the malt and hop credits to the amount of £1,400,000, the right hon. Gentleman is in point of fact, calling in the latter portion of a sum of £2,500,000 which has hitherto been considered, and by nobody more so than the right hon. Gentleman himself, in the light of a loan by the Government to the malt and hop interests of the country. While, therefore, on the one hand by anticipating these credits, very considerable annoyance and in many instances positive injury will result to the smaller members of the malting community, the right hon. Gentleman is availing himself at the same time of an entirely temporary expedient, and I take it we are fully justified in assuming that no such sum will be forthcoming next year to meet the financial exigencies of the country. I will next ask the House to observe that the right hon. Gentleman proposes to postpone altogether, for a period of three years, the payment of £1,000,000 of Exchequer bonds which became due in the present year. These bonds accordingly will have to be re-issued, and therefore one of the very first happy results of the year of bliss that was to result from the falling in of the Terminable Annuities, is a considerable addition to the unfunded debt of the country. And lastly, I will ask the House to remember that the income tax of 10*d.* in the pound and the war taxes on tea and sugar are only to be re-imposed for one year, and therefore the Chancellor of the Exchequer for the year 1861-2 whoever he may have the good or bad fortune to be, for I confess I have never considered the position of the Chancellor of the Exchequer to be a very enviable one, cannot possibly reckon on a renewal of these taxes without obtaining the formal consent of Parliament. Now, Sir, let me carry the House with me for a moment in imagination to the commencement of the year 1861, and let me ask them to contemplate what will in all probability be our financial position. I take it in the first instance that unless, which in the present aspect of the Continent is most improbable, the House shall agree to sanction any very considerable reduction of the Army and Navy Estimates, our expenditure will be very much the same as at the present period, to wit £70,100,000; and to this, as I have shown, we must also add £1,000,000 of Exchequer bonds. But what, let me ask, will be the state of our income? We shall, as I have already shown, virtually have parted with the income tax and the tea and sugar duties; we shall have anticipated the malt and hop credits, and we shall have done something more: we shall have pledged ourselves to a further reduction of the wine duties to the amount of £250,000; we shall have pledged ourselves also to a further sacrifice of paper duty—and, if at the same time we allow for a sum of £250,000 as the remaining portion we have yet to receive of the Spanish debt, I think the House will find that our total loss of revenue will amount to £12,172,000. Now, if we deduct this sum from the present revenue, it will leave us exactly £58,392,000 to meet £71,100,000 of expenditure, and the Chancellor of the Exchequer will therefore have to announce to the House of Commons the pleasing intelligence of a deficit of £12,700,000. But if we take also into consideration, as I think we are bound to do, the probability as I shall presently endeavour to show, that instead of an increased there will be a diminished consumption resulting from the first reduction of the wine duties; or, supposing I am here in error, a diminution of the malt tax resulting from a diminished consumption of beer, I think we may be very safely justified in assuming that our total deficiency will not be far off £13,000,000. Now let me ask the House seriously to consider what is likely to be the position in which Parliament at that time will find itself situated. Sir, the night of February 20th, 1860, must, I think, have been long ago destined by the Fates to be a very remarkable era in the annals of Parliament. It is not often that our Parliamentary bill of fare is so luxuriously catered for, that we have a choice presented to us of dainties of the first class for our discussion. Animated debates on subjects of interest are, I fear, rapidly becoming the exception and not the rule, and I should think that seldom, if ever, has it happened to a Government to have to choose on the same night between three subjects of such vital consequence to the future welfare of the country, as a French Treaty, a Budget, and a Bill for the Amendment of the Representation of the People. I have not, I fear, the honour to agree on many political questions with the hon. Member for Birmingham; yet, I think from what I have read of his speeches out of doors, he will agree with me when I say that the two subjects of a Budget and a Reform Bill are somewhat intimately allied. For it must be the general tone and character of a Parliamentary majority that will ultimately determine the general nature and incidence of the taxation of the country. The noble Lord the Foreign Secretary, owing to circumstances over which he, perhaps, had no control, has postponed the introduction of his Reform Bill to what he imagines to be, and I sincerely hope he may find to be, a more auspicious moment. It is not for me, on the present occasion, to widen the field of discussion by indulging in speculation as to the probable provisions of his measure; but I think, at the same time, I shall be fairly interpreting the general feeling both of the House and the people of the country, when I say that there is a growing desire amongst both that this great constitutional question should not be made the stalking-horse by which to hurl Ministry after Ministry from office, and that we should, if possible, during the present Session endeavour to effect its settlement upon a fair and an equitable basis. Well now, I will ask the House to indulge in what, at the present moment, they may possibly think a rather wide stretch of the imagination. I will ask them to conceive that we have passed the Budget, that we have passed the Reform Bill, and that somewhere about the commencement of next year, a new Parliament, returned by constituencies into which new and popular elements have been introduced, is assembled in this House for the first time. What will be the position of affairs with which that Parliament will inevitably have to grapple. They will find, in the first instance, awaiting them, a deficiency of £13,000,000, and they will find also renewed for one year only and shortly about to expire an income tax of 10*d.* in the pound. But in what state, let me ask the House, will they find this tax? They will find this tax, the retention of which as a permanent feature in the taxation of the country almost every statesman, from Mr. Pitt down to Sir R. Peel, and from Sir R. Peel down to the present Chancellor of the Exchequer, has condemned in the very strongest terms, existing at the highest rate ever known in time of peace, in its most odious form and controlled by no prospective legislation as regards its diminution. Consider then for a moment what must be the inevitable consequence. They will stand between Scylla and Charybdis. You will have cut off from them by this Commercial Treaty several of our surest and safest sources of indirect taxation, and you will see one of two evils inevitably happen. Either you will see the engine you have left so ready to hand, seized with avidity, established in a graduated form as a permanent feature in your taxation, and mounting to a rate which will soon render it utterly oppressive and unbearable even to the most ignorant and patient subject for taxation; or, on the other hand, you will see adopted a hardly less pernicious course. You will see ignorant impatience running riot in the House, and developing its first fruits in the restoration of that miserable and cheeseparing system of economy which has already wrought us such disastrous fruits, which disbelieves in war till the enemy is thundering at your gates, and laughs to scorn the very idea of national defences. Sir, I say to Her Majesty's Ministers, I say emphatically to the right hon. Gentleman, "Beware what you are about with this great chasm yawning before you in increasing this tax to its present rate." I ask the right hon. Gentleman, "Can it be you, you who have exhausted your matchless eloquence and powers of reasoning to demonstrate the hardness of this tax, its unequal incidence, its inquisitorial character, and yet withal its enormous power if reserved as an engine for national emergency. Can it be you, who now without a thought or heed of future consequences, throwing aside all regard for prospective legislation, recommend to the country its re-imposition in its present most aggravated form?" I will not weary the House by quoting *Hansard* as I could do, column after column, upon the subject of the income tax. Who is there, let me ask, that does not remember the Budget of '53, and that elaborate essay which has since been, as it were, a very textbook to every political schoolboy on the question? Who is there that does not remember how every form in which this tax could be permanently retained, or its incidence graduated, was successively paraded, minutely analyzed, torn to shreds, and scattered to the winds. And now, when the year has arrived that was to have brought to us our hour of financial millennium, the hon. Gentleman remorselessly adds to the burden on our backs, cuts the rope from the vessel of State, and sends us groaning into the future of a financial purgatory. And yet, Sir, I venture to maintain that there are reasons why a reduction of this tax, however slight, would have come at the present time with peculiar grace at his hands, and have been regarded as a peculiar boon by the people of the country. They had long regarded him as the very champion of its extinction. In time of war they had borne its increase without a murmur, for they knew that the extraordinary exigencies of the country required extraordinary demands on their part, both of patience and of patriotism. They had submitted too to see the burden of taxation heavily laid upon the necessaries of life, for they thought that there was a day at hand that should bring to every cottage in the land an hour of joyful and of welcome relief. The hour arrives and their hopes are doomed to a cruel disappointment. They learn for the first time that a new and startling financial doctrine is henceforth to be paramount. They hear for the first time that to assist a neighbour in difficulties, who is himself (for we cannot and ought not to conceal it) the cause of our own extravagance, justifies our adding to the weight of our domestic burdens. That a lavish and uncalled-for generosity to France is openly vaunted as a nobler aim for the Government of our country than a fair and impartial justice to England. They learn this and they will ask you to render them an account. If you say, we could not help it, we had no alternative, I think they will meet you with a very simple question. They will ask you "where is the £4,000,000 of indirect taxation you are thus recklessly to cast into the ocean of a blind and a speculative future?" That is the question the people will ask, that is the question we are asking for them. And when we are told of party in connection with this question, I say, thank God that the names and traditions of party are not yet extinct! thank God that there is a party yet left in the land, call it Conservative, call it what you will, that will put forth its strength and animate its ranks on behalf of the people of the country, and assist the effort of an independent Member to confront oppression and to quell injustice.

I have now, Sir, dealt with the question of the deficiency and the income tax, and I will proceed next in order to offer a few remarks to the House on the reductions of taxation by which the deficiency already created is proposed to be increased to the extent of £4,000,000. And first and foremost let me deal with the reduction of the wine duties. Now, I am not prepared to say that in the due course of events and dealing first with those taxes which are really at this moment pressing upon the *bonâ fide* necessities of the people, it would have been inexpedient to let the duties upon wines and spirits come in also for their share of reduction. But putting aside altogether the priority of claim that the duties on tea and sugar or the malt tax may have to be dealt with in the interests of the consumer, let us deal with the abstract question of the expediency of the reduction of the wine duties at the present period. I have made it my business during the last few days to make inquiries upon this subject from authorities who have better means than I have of obtaining information on this subject, and I find existing an almost unanimous opinion that whether we look at the question as a matter of revenue, or whether we take it in the interests of the consumer, there never was a period so utterly inopportune as the present to make this reduction. The right hon. Gentleman drew indeed a pleasing fiction of the halcyon days that are soon to arrive when wine is to be no longer the luxury of the rich, and the choice products of the vineyards of France and Spain were to be brought to their very doors at a cost next to nothing. But I fear it must be my painful duty upon the present occasion somewhat rudely to dispel his dreams, and recall him to the more sober realities that beset the question. It is a fact to which I boldly invite contradiction, that at this moment, partly from vine disease and partly from a succession of bad vintages, the stock of wine both in Spain and the south of France is so reduced in quantity that it will need a succession of three or four most abundant harvests to restore it again to its normal average. It is a well-known fact also that ever since the first announcement of this Commercial Treaty the Bordeaux wine-merchants, in anticipation of a very considerable rise in price as the first effect of the reduction of the duty, have been withholding all the stock they possibly can from the English market, and that in many instances the principal Spanish dealers are refusing to part with their stock upon any terms whatever. I believe it also to be a well-known fact that the great bulk of the retail dealers in this City are now engaged in laying in their stocks for the year in order if possible to escape the rise in price which they foresee as the inevitable result of the first reduction of the duty. Well, Sir, but let us inquire for a moment what, presuming that no rise occurred, that price is likely to be even for the cheapest wines. I hold in my hand an extract from a circular from the London correspondent of one of the largest and best known houses at Bordeaux. I find from that circular that the lowest priced wine they can possibly send at this moment into the English market, a pure wine certainly, but of the thinnest and poorest character, would be at the rate of £10 a hogshead at Bordeaux, or from 26*s.* to 27*s.* a dozen in England at the existing rate of duties; 21*s.* or 22*s.* should the duty be taken off. Now, this is a wine, as I said before, of the very thinnest and poorest character, utterly unsuited, unless a complete and sudden change should take place, to an English taste and palate. And yet this is the cheap wine which you fondly expect to bring by this Budget to the poor man's door; which is in one moment entirely to supplant beer, the national beverage, at more than treble its price; which is to check the cultivation of barley and inflict thereby an irreparable injury upon the farmer, the maltster, and the brewer of the country. Why, the very idea appears to me to be so absurd upon the face of it, that I wont presume on the present occasion to start an agricultural grievance, and stand before the House in the once well-known character of a farmer's friend, on the question of the malt tax. But I may at least presume, by the way, to ask the right hon. Gentleman what sort of even-handed justice is this which, upon his own showing, proposes while carrying out the doctrines of free trade to their fullest extent to leave the home producer of the staple beverage of the country heavily taxed, to enter into competition with the untaxed foreigner. As regards Spanish wines the case may perhaps be slightly different. No doubt that there are several of the lighter Spanish wines that would in time grow into greater favour with the people of this country; but here again remember that you will have to contend, as far as the prospects of the revenue are concerned, in the first instance with repeated bad harvests, and a diminution of the stock in the hands of the merchants. Well, Sir, but to pass on to another part of the case against the wine duties, I think the House can hardly have forgotten the right hon. Gentleman's pathetic narrative of the sufferings to which we are all of us liable from the adulterated concoctions of the British merchant. One would have thought as we listened to his description that adulteration of wine was a crime utterly unknown upon the Continent, and peculiarly indigenous to a British soil. But I fear that the blue-book recently published on the trade and vineyards of the Continent tells us a somewhat different story. Adulteration, I fear, is a crime common to every country, and to none more than the regions round about Bordeaux. Why, one-half the cheapest wines manufactured at Bordeaux are nothing more than a sort of Arragonese or Catalonian syrup which is in the first instance imported across the Spanish frontier into France, doctored at Bordeaux with vinegar, and then reimported into Spain to be sold in large quantities as prime Bordeaux. There is again in the Gulf of Lyons a seaport called Cette, the chief trade and business of whose population is nothing more or less than wholesale adulteration and imitation of every species of French wine. The adulteration too, of Austrian wine is perfectly notorious. And can the House suppose for a moment that, supposing the duties are reduced and the price of wine cheapened to the extent that the right hon. Gentleman supposes possible, we shall not have the British and Foreign adulterators competing with one another for English custom, with what results, to use the right hon. Gentleman's own expressive language—with what results to a discerning public I need not pretend to say. But let me revert for a moment to the subject of pure wine, and let me give the House an instance of the sort of market even a cheap pure wine is likely to command in this country, judging by the reception it not unfrequently meets with elsewhere, and let me take the case most analogous to England itself—the case of Australia. A few years since one of the largest firms at Bordeaux sent to a house at Melbourne a large consignment of wine of all growths, including some 4,000 dozen of a light and pure wine, which cost about 10*s.* a dozen at Bordeaux. At the time I am speaking of there had been a succession of good harvests; the price of wine was generally cheaper, and consequently the wine itself was of a better quality than could now be obtained at the same price. Well, the cargo reached Melbourne, and after an interval the Bordeaux merchants received a letter from their correspondent at Melbourne, stating that the wine in question had met with no sale whatever among the middle and working classes, upon whom they chiefly depended for custom, and requesting that by the next ship they would send them a wine of a far higher quality and price. And yet this is the reduction of taxation for which in the present year alone we are to allow to the revenue a sum of £530,000 for increased consumption. For the sake of a mere speculative theory like this we are to be asked to supersede our native beverage by taking off duties upon wine which was now and must for some time continue to be emphatically a luxury of the rich, and yet at the same time you call on us to continue the war duties on tea and sugar, which are emphatically the necessaries of the poor.

I cannot better conclude my observations on the subject of the wine duties than by quoting a remark made to me a day or two since in conversation by a friend who had long lived in the neighbourhood of Bordeaux and who was conversant with all the mysteries of the wine trade. This gentleman thus summed up the whole case in a nutshell:—"If," said he, "I were a Bordeaux wine merchant, I should be in raptures with this Commercial Treaty. If I were an English wholesale dealer, depending for my custom upon the upper classes of society, I should be indifferent to it. But if I were an English retail dealer, depending for my custom upon the lower classes, and having, as I inevitably should, to encounter increased price and diminished consumption as its first results, I should go against it tooth and nail."

I will now, Sir, having dealt with the question of the wine duties, proceed next in order to offer a few remarks on the proposed abolition of the duties on paper. Now I trust that the House will not imagine that I stand here to advocate the retention of the paper duty as a permanent feature in the taxation of the country, or that I would wish to uphold the justice of any tax as a tax *per se* that might tend to retard the spread of sound and useful knowledge and education. I will not attempt on the present occasion to follow the right hon. Gentleman into that interesting and ingenious narrative he gave us of the various branches of trade in which paper at this moment forms so conspicuous an ingredient. And as regards the pleasing prospect of studding our villages and streams with thousands of paper mills bringing employment and prosperity to a happy and contented rural population, I am well contented to leave the right hon. Gentleman in the hands of the great Leviathan of the Press, who but two days afterwards utterly dispelled the illusions of fiction No. 2 of the Budget of 1860. But when the right hon. Gentleman told the House that he felt himself bound in no slight measure as regards the remission of this tax by the opinion it had embodied in a Resolution some two years since, I must confess I was considerably surprised. If an expressed opinion of the House that it is inexpedient to retain a tax as a permanent feature in the taxation of the country, is an adequate and valid reason for proceeding to its immediate abolition, without reference to present financial requirements, how does the right hon. Gentleman pretend to justify for one moment the retention of the income tax. If there is one tax above another that this House has condemned, not by a vague and solitary Resolution, but by its voice as speaking through repeated majorities led by the right hon. Gentleman himself, and even by statute of Parliament, it is the income tax. If, again, there is one tax above another that the Government ought not to have parted with at the present moment in accordance with their previous professions, it is the paper duty. And yet you select a period when a deficiency of nine millions is apparent, by your own showing, to increase the one and to abolish the other. What has been the history of this duty on paper in connection with previous Budgets. In his memorable Budget of 1853 the right hon. Gentleman refused in any way to deal with either the duties on wine or on paper. He had the whole world of taxation then before him to pick and choose from, but he left them both untouched. Well, Sir, time went on, and from the year 1853 to the year 1857 I take it this House and the country heard little enough of reduction of taxation. But in the year 1857 the right hon. Baronet the present Home Secretary (Sir G. C. Lewis), then Chancellor of the Exchequer, brought forward his financial statement; and now, let me ask, did he deal with the question of the paper duty, and the advantages its remission was likely to confer on the public as regards the spread of literature and education?—

> "I confess," he says, "having carefully considered the subject, I do not believe that the total abolition of the paper duty would produce to the ordinary purchaser of books any appreciable advantage. Therefore, Sir, without at all denying the claims of the paper duty to be considered at a time when our expenditure may be less and our revenue may be greater, I cannot admit that at the present moment it is a proper subject for remission."

Well, but what was the state of our finances in the year 1857. Why, the right hon. Baronet was positively that *rara avis* in the history of finance, a Chancellor of the Exchequer with a surplus. He was in such a state of financial plethora that the hon. Baronet, the present Member for the West Riding, who moved the Address to the Crown at the commencement of that Session, said that he could only compare him "to a prize ox in the midst of a circle of butchers." And how, let me ask, did the right hon. Baronet further proceed to justify his retention of this and other taxes? He did so upon a theory of taxation, in which for the most part I cordially agree, but which I maintain to be the direct opposite of that upon which the present Budget is based. The right hon. Baronet quoted the following extract from the writings of Arthur Young:

> "If I was," says Arthur Young, "to define a good system of taxation, it should be that of bearing lightly on an infinite number of points, heavily on none. In other words, that simplicity in taxation is the greatest additional weight that can be given to taxes, and ought in every country to be most sedulously avoided."

Now this is a theory of taxation to which, as I said before, I venture to give my cordial assent, but which is diametrically opposed to the principle of the present Budget. The present scheme is nothing more or less than a system of financial complications to result in complete simplicity of taxation. But a few days afterwards a still more extraordinary scene took place in the House. The present Chancellor of the Exchequer seized his opportunity to make a furious onslaught upon the whole financial statement, which he condemned as being founded on principles of finance contrary to those which for years past had regulated the whole course of the taxation of the country. But it now appears that the Nestor of Tiverton has been able to compose the differences of this financial Achilles and Agamemnon, and that they can sit side by side in the same Cabinet united in bonds of brotherly affection. I now come to the year 1858, the period at which the House affirmed the memorable Resolution which has exercised such irresistible influence with the right hon. Gentleman, and I will ask hon. Members to listen to the terms of the Resolution itself.

> "That this House is of opinion that the maintenance of the excise on paper as a permanent source of revenue would be impolitic."

Now I think the House must see at once that this is a Resolution asserting a mere abstract principle of the very vaguest character which cannot, put upon it the widest construction you will, be construed in any way so as to fetter us as to any particular time in which to deal with the duty. And perhaps hon. Members will agree that one of the shortest and at the same time most sensible speeches ever delivered in the House was made on that occasion by my hon. Friend the Member for Norfolk, who interposed before the question was put from the chair, and said, "I only want a single word. I presume we all fully understand that the Resolution means nothing." But it is a somewhat remarkable fact that the nearer we approach to the present period the stronger appear to have been the objections of Members of Her Majesty's present Government to deal in any shape with this duty. The right hon. Baronet the Home Secretary used rather strong language with respect to the proposed abolition of the tax in the year 1857; but in the year 1858 the noble Lord the Foreign Secretary was really quite abusive. The noble Lord said on this occasion—

> "The House would recollect that last year the Chancellor of the Exchequer proposed that the income tax should be kept up at 7*d.* in the pound, and instead of 1*s.* 3*d.* the duty on tea should be 1*s.* 5*d.* with a proportionate increase of the sugar duties. This year they had allowed the income tax to fall from 7*d.* to 5*d.* in the pound, but they had kept up the duty on tea to 1*s.* 5*d.* and retained the proportionate increase of the sugar duties. It was, therefore, almost a matter of good faith that when next there was a reduction of taxes those duties on tea and sugar should be reduced, which were in fact war duties, and there could be no greater claim for reduction than upon articles which entered so largely into the comforts of the people."

Now, Sir, these are arguments to which I most unhesitatingly give my assent, and than which I feel that if I were to talk for an hour upon this subject I could not advance any that are likely to have greater weight with the House. But what a change now appears to have come over the spirit of the noble Lord's dream! The Chancellor of the Exchequer in 1860, in the face of a deficiency of nine millions, proposes to increase the income tax, to retain the war duties on tea and sugar, and to abolish the paper duty. And the noble Lord sits by his side and applauds the proposition. Sir, there appears to me to run throughout the whole of this elaborate scheme, dexterously veiled, it is true, but more apparent here than in any other part of it, a desire to conciliate at all hazards and at any price the favour and good will of a certain section of politicians beneath the gangway, without whose support we are plainly told that no Administration can endure for a day. I remember to have read, that in the days when the struggle between free trade and protection was at its fiercest height, the hon. Member for Rochdale, to whom we are so indebted for the construction of this French Treaty, told this House that he addressed them in the name of the people who live in towns, and who will govern the country. The day has come when we are called on to witness the fulfilment of his prophecy. We have here before us a Budget which bears but too plainly the image and superscription of people who live in certain towns; and if there is one epithet that I have heard applied to it oftener than another out of doors it is that it is simply and essentially a Manchester Budget. The right hon. Gentleman the President of the Board of Trade is, as we all know, an able and distinguished Member of this House. His administrative abilities may be, doubtless, as useful inside the Cabinet of the noble Lord as his destructive powers have been effective against it outside. But, great as those abilities may be, I cannot help thinking that the people of the country will imagine that the noble Lord has purchased them somewhat dearly by dear tea, dear sugar, increased income tax, and a million of money. The Chancellor of the Exchequer told us the other night that if he wished to scatter a thousand blessings on the land we should set free the trade of its people. To that doctrine, honestly and impartially carried out, I give my entire concurrence; but I think he will find that at this moment the middle classes feel themselves but poorly compensated for increased income tax by a dream of cheap wine. He will find too that the great masses of the working population are but sadly recompensed by a fiction of paper mills for dear tea and sugar.

I have now, Sir, stated my opinion as regards the merits of the leading features of the right hon. Gentleman's scheme, and I will not upon the present occasion weary the House by going at length into other and less important details. I will not, therefore, follow him into the second or supplementary part of his scheme as regards the minor alterations in Customs' duties. There are several to which I see no objection, there are others to which objections may be raised, but which I think are already provided with champions in this House to do battle in their defence. I will not, therefore, on the present occasion, discuss the grievances of the silk manufacturers with the right hon. Gentleman the Member for Coventry (Mr. Ellice), nor will I open the sores of the licensed victuallers. The hop-growers of Kent and Sussex have abler advocates by far than I am to fight their battles; but serious as each of these questions doubtless are, they do not appear to me to go to the heart of the Chancellor of the Exchequer's proposals. We shall, therefore, I think, should my Resolution be negatived, be enabled to discuss them with greater advantage in our progress through Committee. And then I must say, that if I may judge from the number of Amendments that are gathering thick and fast on the notice paper, from the number of public meetings which have been held throughout the length and breadth of the country, and the number of private grievances which each hour has placed in my hands from the moment that I first gave notice of my Resolutions, I think the right hon. Gentleman will find a nest of hornets awaiting him. But I will now pass on to consider briefly the last of the objections I have advanced to the Budget, that it is based on a one-sided and uncalled for Commercial Treaty. Sir, there was no part of the right hon. Gentleman's eloquent narrative that elicited a warmer burst of applause from those who sat around him than when he said, "What we have done is good, nay, doubly good, good for ourselves if France had done nothing; doubly good, because France has done a great deal." But I presume the right hon. Gentleman will not deny that his proposition may have a converse, and that if what he has done can be demonstrated to be financially bad, it must be doubly bad when fettered and restricted by a one-sided Commercial Treaty. Now, Sir, I certainly did not receive the very slender political education I ever had in a free-trading school, but it was my fortune to enter this House for a brief period in the year 1852; I witnessed on that occasion the closing scene of that great and prolonged struggle between free trade and protection, and I was one of those who went through the ceremony which I believe at that time was familiarly spoken of as "bowing to the voice of the country." I made my bow and very soon afterwards, through the intervention of five impartial Gentlemen in a committee-room upstairs, I retired into private life. But in thus bowing to the voice of the country I had always understood that we had pledged ourselves from henceforth to carry out the policy of free trade in its fullest and most extended sense. Now the more I scrutinize the provisions of this Treaty the more I am puzzled to discover on what principle you pretend to base it. I ask myself in the first instance, "Is this free trade? if so, why in the name of the first free-trader do you fetter and restrict free trade with a treaty?" I ask myself in the next instance, "Is this reciprocity?" and here indeed my mental confusion becomes worse confounded. I had always thought reciprocity to be reciprocity should be arranged upon fair and equal terms to both sides. To give a familiar illustration of what I mean, I would say, "If I ask a friend into my house one week, and he invites me in the next week to return the visit, and sets before me as good an entertainment as that which I have offered to him, that is my notion of a fair and a perfect reciprocity." But what are you calling on us to do? You are calling on us to admit into our house to-morrow, and from henceforth at all times and at all seasons a crotchetty neighbour who keeps his doors resolutely slammed in your face for a year to come and then only promises to open it half way for nine years more; keeping a strong chain up all the time, while he reconnoitres your personal appearance before he lets you in altogether. And to think for one moment to whom it is that we are mainly indebted for this enormous blessing. We were told the other night that our old friend Protection, driven from the palaces of our country, had sought for refuge in holes and corners. That was unkind treatment doubtless, and I think my hon. Friend the Member for West Norfolk, when he so gallantly announced his intention of defending these relics of his ancient faith might have added, had he thought of the quotation—

> "Extrema per illos
> Justitia excedens terris vestigia fecit."

But here, methinks, we have the unkindest cut of all; we have the great high priest of free trade himself recanting, abjuring the worship of his favoured deity, and falling prostrate on his knees before the *monstrum horrendum* of one-sided reciprocity. Well, Sir, but again I had always thought that one of the privileges which this House had ever held most dear, was the power of retaining in its own hands the power of remitting or imposing taxation. But if you pass this Treaty in its present shape, not merely will you cut off from henceforth several of the most valuable and harmless sources of our indirect revenue, but you will fetter and restrict in the most arbitrary manner for years to come the whole system of the future taxation of the country. No matter how great may be our financial exigencies; no matter how complicated our political embarrassment, unless, which I think the House will agree with me is not very likely, we agree to annul this Treaty by mutual consent; or unless, which God forbid! we are involved in a French war, what we have once done we shall never again be able to undo. Fetter the taxation of the country in this way for ten years to come! why then do you leave the income tax and tea and sugar duties without prospective legislation even for a year? Legislate in this way for ten years! is there any man amongst us, let me ask, who can tell what one year, what six months may bring forth? You have tried your hand before at this far-sighted legislation. In 1853 you tried to cast the horoscope of 1860, and with what result? The financial sky was then bright and clear, there was but a small speck darkening the future of the Continental horizon, but you saw it not, and in one short year we had drifted into war upon a Budget of peace. The financial sky is now dark and gloomy, the clouds are gathering fast upon the horizon of the Continent, and yet you fondly hope that upon the shoulders of this Treaty and with a Budget of war, we shall drift into the haven of everlasting peace. Sir, I may be blind, but I think at all events I shall not be without companions in my misfortune when I confess that I am utterly unable to discover the benefits we are to derive from this Treaty. Is it, as has been so frequently stated, that we may enable the Emperor of the French to exhaust our resources of steam coal, and supply himself with one of the principal munitions of naval warfare? An excellent object, doubtless, that for France, but one which I protest against on behalf of England. The hon. Member for Birmingham told us last night with his accustomed frankness, that we know nothing whatever about the subject when we alarm ourselves on this head, and that any one who knows anything at all knows that one North colliery contains coal enough to supply for a year the whole French navy. [Mr. Bright: Hear, hear!] That may be so, and my ignorance of this matter may be very profound; but let me ask the hon. Member to explain to us, if such is the case, how it is that at this moment the price of coal in this City is rapidly rising in price, and that which has hitherto been a blessing and a necessary alike to rich and poor, threatens to become an expensive luxury to the rich alone. If the object of this Treaty be to stimulate free trade, how can you justify for a moment the retention of the differential dues on foreign shipping? If it be to return to the days of reciprocity, why, when you reduce the duty on French wines, do you make no stipulation for a corresponding reduction of the French duty on English beer? Why, when you add to the income tax to abolish the paper duty? do you make no attempt to have the prohibition removed from French rags, which would be the greatest boon you could achieve for the manufacturer of paper. And, above all, if this be a fair and impartial free-trade Treaty, why have you so studiously endeavoured, from first to last, to stifle a fair and open discussion of its terms? Why has it been, as it were, smuggled into the House in a clandestine manner, and shaken out upon the table from the same bag with a Budget that I must say is in every way worthy of its compeers? You have told us that a similar treaty was one of the most glorious acts of Mr. Pitt's brilliant and statesmanlike career, but it appears, withal, that the policy of Mr. Pitt is so antediluvian that it is necessary to reverse it. Mr. Pitt took treaty first and Budget afterwards, but we are called upon imperatively to discuss at once both Treaty and Budget, and then when the Budget is passed and the mischief is effected beyond recall, we are promised the luxury at some future period of a separate discussion on the Treaty. I know why it is said that this haste is necessary. It is necessary, we are told, in order that we may render the Emperor of the French independent of the will of his own Legislative Assembly, which is opposed to this change, and which speaks in this instance the wishes of a large majority of the French nation. If that be so, I can only say it is an additional reason why this measure should receive at our hands the strongest opposition. Remember, as we were told last night, that the Legislative Assembly of France is elected by ballot and universal suffrage and every other appendage of the most wide-sweeping Reform Bill that the hon. Member for Birmingham could desire. You tell us that the grand result of this Treaty will be the vast extension of our commercial intercourse with the people of France, and that it will carry with it to the furthest end of Europe the blessings of peace and civilization. That is an object which I trust it is needless for me to say will at all times command my most hearty support, but I venture to question the policy of the means by which you are proposing to effect your object, and to doubt the permanence of an alliance cemented at a moment of mistrust and danger. Sir, I have now brought nearly to a close the remarks I have ventured to make on the financial proposals of Her Majesty's Government, and I feel that an apology is due from me to the House for the length of time I have ventured to detain them. I have endeavoured to show that the scheme we have before us is one which fails to grapple honestly and manfully with the exigencies of the time, and disappoints the just expectations of the people of the country. I have endeavoured to show that it is a scheme which is based on unsound and dangerous principles of finance, and that it is clogged with a treaty which forces, uninvited, commercial changes upon an irritated and an angry nation. In conclusion, Sir, allow me to observe that I listened and I shared in the thrill of admiration that ran through the House at that magnificent peroration in which the right hon. Gentleman commended his financial policy to a fair and impartial trial at the hands of an English Legislature and an English people. That fair and impartial trial I cannot doubt for one moment that we shall both of us receive at your hands. But the right hon. Gentleman has so often charmed the ear of this House with his eloquence, his tongue has so often "dropped manna," and has made "the worse appear the better reason," that he has left to the newly initiated novice in the mazes of Parliamentary discussion a somewhat wide choice of impassioned finales to select as his model either for future study or for present imitation. If in the course of his varied career he has shown that he can invoke an English House of Commons with signal success to sanction his own elaborated schemes of finance, he has shown us also that for the measures of a rival he has spells that can arouse them to censure and to condemn. It may be that in the hands of an uninstructed novice the charm of the arch magician may lose its power, it may be that the arrow I am now venturing to borrow from his quiver will recoil upon myself, but I cannot refrain from concluding these my imperfect observations in the words in which but eight years since the right hon. Gentleman summoned the House to pronounce the doom of a Conservative Budget, and sign the death warrant of a Conservative Administration—

> "I am sure, as Englishmen, you will tolerate me when I tell you that if you give your assent and high authority to this most unsound and destructive principle on which the financial scheme of the Government is based,—you may refuse my appeal now,—you may accompany the right hon. Gentleman the Chanceller of the Exchequer into the lobby; but my belief is that the day will come when you will look back upon this vote—as its consequences sooner or later unfold themselves—with bitter, but late and ineffectual regret."

The hon. Gentleman concluded by moving the Resolution of which he had given notice.

MR. BENTINCK seconded the Motion.

Motion made, and Question proposed,—

"That this House, recognizing the necessity of providing for the increased expenditure of the coming financial year, is of opinion that it is not expedient to add to the existing deficiency by diminishing the ordinary revenue, and is not prepared to disappoint the just expectations of the Country by re-imposing the Income-tax at an unnecessarily high-rate."

MR. GOWER said, he would not attempt to consider in detail the comprehensive Budget which had been laid before the House, but would leave it to be dealt with by abler hands. On the general question, however, he must beg leave to express his dissent from the opinions which had been expressed on the previous evening, for he regarded the scheme of the Chancellor of the Exchequer as a continuance of the commercial policy and principles of Sir Robert Peel, which had conferred inestimable benefits on the country, and it would therefore receive his warm and cordial support. The issue really narrowed itself into the question whether that policy was or was not to be continued, and he must say that the question was very fairly raised by the Resolution they were now considering. If its spirit were taken as exemplified in the very fair and moderate speech of the hon. Gentleman, it must appear directly opposed to the policy of Sir Robert Peel, and such as might fairly have been brought forward in 1842. But, with regard more especially to the French Treaty it was very desirable to know what were really the opinions of hon. Members opposite with respect to free trade. It was highly satisfactory to hear the right hon. Gentleman at the head of that party say on the previous evening that he approved of free trade, but there was a certain want of heartiness in the way he expressed himself that made him (Mr. Gower) doubt not the sincerity, but the strength of his convictions. He had also remarked that whenever throughout the debate any Protectionist's argument or sentiment was uttered, it had always been received with the loudest cheers by hon. Gentlemen opposite. Again, in the speech to which they had just listened, the House had been told by the speaker that he bowed to free trade; this was not what they wanted to know, but whether hon. Gentlemen opposite believed in those principles; because the assurance that they were ready to act contrary to their convictions could not be very reassuring to the country. Free-traders held that measures of that class were beneficial to the country which adopted them; and if the opponents of the Treaty were prepared to make this admission, there was no force whatever in the objection urged by them that this was a one-sided measure. Therefore, if hon. Gentlemen opposite were earnest in their adhesion to free trade a great deal of time might be saved and the country might proceed at once to carry out the stipulations which had been entered into. The Chancellor of the Exchequer had clearly explained that what we stipulated to do was beneficial to ourselves; there could not be, therefore, any question of indemnity. The hon. Gentleman opposite held that it was contrary to the principles of free trade to engage in any commercial treaty whatever. This was a doctrine which had been very much put forward, but he could not understand upon what ground. No doubt Free-traders had hitherto condemned treaties of commerce; but for what reason? Because they had invariably been passed on principles of restriction—they nearly always aimed at favouring the manufactures of one country at the expense of the other. But in order to judge of a commercial treaty it was necessary to look at its stipulations, and if they found nothing in them of a restrictive character, he did not see how the Treaty itself could be regarded as opposed to free trade. It was perfectly preposterous to suppose that a treaty between two countries, made in order to carry out a policy, could in itself be opposed to it. One of the principal stipulations in this Treaty is a total abolition of commercial restrictions; was that contrary to free trade? This abolition he advocated as a matter of justice. The community ought not to be taxed for the benefit of any particular class. Protective duties were an injustice to the consumer, and by retaining them England was rendered liable to the charge of insincerity in her advocacy of free-trade principles. No doubt there were great alarms in some districts as to the effects of the proposed measures; but no great commercial reforms could be undertaken without causing similar apprehensions. It was not for the permanent interest of any trade to have to rely on artificial prices. In bad times it was the protected trades that suffered most because their market was a limited one, and when the Home demand failed they had no other market to go to. They could not compete in the general markets of the world. When Mr. Huskisson proposed to reduce the protective duties, Mr. Williams, the then Member for Macclesfield, gave a most melancholy description of the distress of that manufacturing town; he said that one-third of the population were in a state of destitution, and begged the Government not to inflict such a blow on the place as the reduction of the duties would be. The appeal was not listened to, and the blow was inflicted. What since then had been the condition of Macclesfield? He believed no manufacturing town had been so prosperous. The great objection made to the reduction of wine duties was that it could not increase consumption. One of the reasons stated was the failure of the wine crop abroad. But he had been assured that the vintage of last year was a very good one; in the Spanish wine-growing districts they had not skins enough to contain the wine. It was stated that for other reasons they could not expect any great increase in the consumption of wine. But it was laid down by Mr. M'Culloch that in every instance in which and adequate reduction of duties on an overtaxed article had been made, the reduction had been followed by the cessation of smuggling and increased consumption. It is true that there had been reductions of duty that were not followed by increased consumption, as in 1829, when Mr. Huskisson reduced the duty on sugar three shillings per cwt. But it was because the reduction was not sufficient. In 1847, however, a liberal reduction of the duties on sugar was followed by an enormous increase in the revenue from that source. It was asserted that French wines would not find any great consumption in England on account of climate; but he doubted the statement, if it was placed within reach of the population. The quantity of claret imported into Holland was five times that imported into England; as England had ten times the population of Holland, the consumption of wine per head in the latter country must be fifty times our own. Yet Holland had a cold, damp climate, not unlike that of England, if climate affected the consumption. In Sweden, Denmark, and Hanover. and other countries in the north of Europe, though the disproportion was not so great, yet relatively there was more wine drunk than by the population of England. They were told that wine was a luxury, and that the working classes would be discontented if the duties were taken off it. He did not think so. Some years since an association was formed in the Potteries, a district which contained 100,000 inhabitants; the object of the association was the reduction of the duty on wine. The working men did not advocate the reduction, from a wish to drink wine themselves, but because they knew they never could expect a free trade with France as long as high duties were continued on her produce. The right hon. Member for Stroud (Mr. Horsman), had on a previous evening alluded to the probable duration of the supply of coal. He fixed it at 300 years. There was no authority for such a statement except in an article in the *Edinburgh Review;* and the calculation there applied only to one coal-bed. The best authorities gave from 1,200 to 2,000 years as the probable duration. He thought, therefore, they might defer the consideration of this subject for about 1,500 years. But then there was the military argument connected with it; this was supposed to be a very serious matter. They were told the Treaty would furnish France with cheap iron and coal; but at present the French Government paid no duties on these materials when imported for its own use. Again, in the event of war with France, we should be in the same position as if the Treaty had never been made. Besides, France had plenty of coal for marine purposes if she would only go to the trouble and expense of raising it. As to the question of war with any third Power, he knew of no Powers except Russia and America with whom, during the next ten years, there was any possibility of England being engaged in a maritime war. America had immense coal-fields of her own. Russia had some in the South. English coal, besides, could not be excluded from Russia unless its export was totally prohibited. Did hon. Gentlemen imagine that England would inflict such a blow on one of our most important and growing interests, and likewise indispose neutral Powers towards us at a moment when we should be most bound to husband our resources. If such a measure is contemplated, it was not unreasonable for the Emperor of the French to protect himself against an emergency which would so greatly disturb the manufactures of that country. Now one word with regard to the Emperor of the French. He had never been an admirer of the policy of the Emperor of the French, and it was not his intention now to say a word to flatter him. But he must express his belief that the Emperor had not been fairly treated by some hon. Members in the discussion upon this Treaty. For years they had been advising the Emperor in that House to adopt free trade in France and to break through the commercial restrictions which were inflicting so much injury upon that country. The Emperor, at last with great moral courage, undertook to break through these restrictions, and what was the return he met with? Why, they cavilled at the mode in which he had done it. He should be delighted if there existed in France free institutions, a free press, the right of political assembly, and a Chamber of Deputies freely elected in which the matter might be publicly canvassed. But the Legislative Chamber was at present an exclusive body made up of old officials imbued with the traditions of protection, and if free trade depended upon their support, the interests and welfare of the whole country would be sacrificed to obsolete opinions. These difficulties ought to be weighed when the Emperor of the French took a course that he had always been assured in that House would confer inestimable benefits upon France. A petition had been presented in which the petitioners expressed a hope that the provisions of the Treaty would cause "perpetual peace between the two countries." He was not quite so hopeful, but he entertained no doubt that if France, imitating our successful example, left her industry unfettered; and if, abandoning false ideas of military glory, she devoted herself exclusively to the arts of peace, she would take a far juster view of what constitutes the real greatness and nobleness of a nation. If she did so, that House would incur a great responsibility if it rejected a measure fraught with such inestimable benefits.

LORD ROBERT MONTAGU said, that if he desired notoriety, or if singularity were his object, two courses were open to him. He might either be the only one to disparage the ability and eloquence which the right hon. Gentleman the Chancellor of the Exchequer had exhibited the other night, or he might be the only one to praise the Budget which he had propounded. He should take neither course. The former was debarred to him because he entertained a great admiration for the right hon. Gentleman and his dazzling talents; and the latter course was precluded for reasons which he would presently mention. No one ever sought to find fault with that which was entirely bad. If a thing was utterly worthless it was at once cast aside. They only picked flaws in that which was essentially good. It might, therefore, well be that the system which the right hon. Gentleman had proposed was good in a commercial point of view. But there were other considerations which must be regarded. The hon. Gentleman who had just sat down had assumed that all who sat on the Opposition side of the House were necessarily Protectionists. That was not the case, for there were many Free-traders amongst them. These might, however, support the system usually upheld by Protectionists, but not upon Protectionist grounds. The treaty with France, for instance, could not be so well defended politically as it could from a commercial point of view; and while Protectionists might regard it as contrary to Protectionist principles, others might object on purely political grounds. It reminded him indeed of an old tale with which they were all well acquainted in their youth, of a man who desired to obtain an old but valuable lamp, and who went about crying "New lamps for old ones." The Emperor Napoleon had gone about declaring that the protection of British shipping system was old and effete, and said to the Government, "Give me this old lamp, and in exchange I will give you a French moderator, spick and span new, from the Imperial factory. So also the restraint on the export of coal is part of a musty-fusty system, and Customs' revenue likewise. These are all old lamps; but you shall supply the French dockyards with coal; you shall increase the French merchant shipping as a nurse to her navy; you shall encourage French merchandise by impoverishing your own; these are new lights, which you shall have in exchange." The Treaty assumes an exchange, but he (Lord R. Montagu) would ask, why there was any treaty at all? Were we not competent to repeal our Customs' duties ourselves? We surely did not need the signature or leave of an Emperor for that purpose. But if there were to be a treaty surely the conditions ought to be equally balanced. We ought to get as much as we gave, and the same freedom of commerce should be given to us that we conceded to them. The whole of this Treaty proceeded upon a totally different assumption. It would be seen in the third page of the Correspondence that for a slight reduction on the other side we were to make a clean sweep of articles subject to Customs' duties. If hon. Members compared what the Treaty gave the Emperor with what the Emperor gave this country, there was no approach to equality. On the side of France there was a transition from high to moderate duties—on the side of England a total remission. Now, if at any future time the Emperor should wish to make a further reduction, would he not ask for fresh favours from us, and then what should we have to give him? Look again at the third Article of the Treaty. The Emperor was to retain all the existing differential duties against English vessels entering French ports, but French vessels were to come here free of duty. He supposed that every hon. Member had that morning received a statement relative to the Island of Mauritius. The trade to that island was at present carried on principally by French vessels. In former times, however, English vessels used to have the preponderance of the carrying trade from that island. The same change would now take place with regard to France under this present treaty, as it would be cheaper to export English goods in French vessels; since otherwise the French vessels would have to return in ballast. Now, with regard to coal—another vexed question. It had been said that the French had as good coal as we. Then why, in heaven's name, did they not dig it? And what is the use of the 11th Article of the Treaty? By that article Her Majesty resigns the power she now possesses by law, of prohibiting the export of coal. But there was this difference between a law and the Treaty. The law might be repealed when Parliament should so determine; but under the Treaty it must be continued for ten years. Another anomaly in this part of the subject was this, that we were going to allow coal to go to any part of the world free of duty, with one exception, and that exception was our own metropolis. And what were the arguments that were advanced in favour of this treaty? They were told that it would cement friendship with the kingdom of France. How was that to be brought about? The noble Lord opposite (Lord J. Russell) had stated that the form of a treaty had been chosen because by the French law it could be forced on the Chambers without consulting their wishes. It was therefore to be forced on France against its wish. Was that likely to cement a friendship between the two countries? France was not a commercial nation like ourselves; it was not influenced by commercial considerations, but by passion and traditions of glory; it was to a man Protectionist, and the people of that country would not thank us for a treaty which obliged them to open their ports to our goods. The House was told the other night that the noble Lord at the head of the Government intended to present a Resolution, so that the House might have an opportunity of expressing an opinion on the Treaty. He (Lord R. Montagu) did not know whether that was an afterthought or not; but this objection to such a course should be borne in mind that the Resolution would not go to "another place," and thus the other branch of the Legislature would not have an opportunity of expressing an opinion upon the Treaty. It appeared then from all this, that a Liberal Government assisted in forcing a treaty on the people of another nation. By binding the House of Commons by the Treaty for ten years, they deprived them of the privilege of altering their Customs' duties as they pleased: they deprived the other branch of the Legislature of the privilege of expressing their opinions on the Treaty, and took from the Queen the privilege of prohibiting the exportation of coal. It had been stated by the Chancellor of the Exchequer that the relief to the consumer by the reduction which he proposed would amount to £2,777,000, while the loss to the revenue would be only £2,100,000, being a net gain to the consumer, (who of course made up the deficiency of revenue), of £677,000, by the reduction of the duties on French imports. But who was the consumer? The whole nation is the consumer. Divide that sum among the whole nation, and each person would gain only a very small fraction of benefit. The soap duty had been repealed, and yet soap had not become cheaper nor the people whiter. The corn laws had been repealed, and yet the Chancellor of the Exchequer allowed that bread had not become cheaper. When the leather duty was repealed, pictures of a paradise of cheap boots and shoes were depicted; yet shoes cost just as much as ever; so also butter, cheese, meat, and bacon retained their prices. And, indeed, Sir R. Peel himself had stated that in the case of many articles which had been dealt with in the same way, the consumer was robbed while the revenue suffered. These were the arguments for the Treaty. But to advert to the more important question of the maintenance of the income tax, he might observe that no less an authority than the Chancellor of the Exchequer himself had, in 1853, pronounced that impost to be one which tended to encourage immorality among the community by reason of the system of self-assessment, and in other respects to be open to the gravest possible objections; and yet the right hon. Gentleman did not hesitate not only to continue but to increase, in time of peace, a tax which he had declared ought to be regarded as a great resource to be resorted to in time of war. He had said of it in 1853, that a Minister had only to "stretch out his hand and reach this weapon from the shelf." The right hon. Gentleman did so once to stir the flames of war, and now he used it to cement the bonds of peace: he has taken down the weapon, he will say, to beat it into a ploughshare and have done with it. It was all very well to say that the tax would only be a temporary expedient; it had gone on from year to year, since its first imposition for a period of three years. In short, its term was for one year, renewable for ever, as there appeared at the present moment as little chance of its being dispensed with as ever, particularly when it was taken into account that the Chancellor of the Exchequer had anticipated the malt and hop duties, that the payment of Exchequer bills had been postponed, and that there would be next year "no little account" from Spain on which to rely. The right hon. Member for Stroud (Mr. Horsman) had said the previous evening, no doubt in the heat of debate, that the Chancellor of the Exchequer, with such a deficit staring him in the face, and a larger deficit looming in the future, was like a man who had spent all his money and then went out into the highway and robbed the first comer. He thought the right hon. Gentleman should rather have said that the Chancellor of the Exchequer was like the scion of some noble house, who at the last hour of the night tried to retrieve, by a desperate throw for "double or quits," the ill-fortune which had clung to him all day. He must say he thought we ought not to receive this Treaty with an increased income tax and reductions in a failing revenue, or allow our hands to be tied, and give what had always been our greatest strength into the hands of a man of dark designs, of simulated friendships, and of sudden animosities. Shall we let him store his dockyards, and nurse a powerful navy, and by a stroke raise up strong genii to overturn our unsuspecting land. Under these circumstances he should with confidence ask the House whether they were prepared to sanction the proposals which the right hon. Gentleman had submitted to their notice.

MR. BAXTER said, that representing, as he did, a great commercial constituency, likely to be affected not only by the Treaty with France, but also by all the financial proposals of the Chancellor of the Exchequer, he was most anxious to address a few words to the House. He must record his conviction that the Budget of the right hon. Gentleman was the best and boldest which had been submitted to Parliament since the days of Sir R. Peel. He might also observe that the speech in which it had been introduced had not, for simple eloquence and lucid arrangement, been excelled in any Legislative Assembly in the world. The manner in which it had been brought forward, however, was of minor importance as compared with the great principles which it involved. The more the reasoning of the right hon. Gentleman was considered, the more unanswerable it appeared. He quite concurred with the right hon. Gentleman in the opinion that one of the greatest benefits which could be conferred upon the labouring population of England was to extend the trade and commerce of the country so as to render that labour, which was the poor man's capital, more valuable. Compared with this the remission of taxes was worthless. And how, let him ask, did our trade with France at the present moment stand? Why, it might be said with justice that with that vast country, containing as it did 30,000,000 or 40,000,000 of inhabitants, we carried on scarcely any trade at all. If, however, the remission of duties which was proposed in the Budget were carried into effect, our commerce with France would increase, although perhaps in some cases—as, for instance, in the case of flax-yarn, in which his constituents were interested—the advantages which the Treaty was calculated to confer might not be quite immediate. But, although that might be true, the Budget was no less entitled to the support of the House, and he felt assured that when the treaty which Louis Philippe had concluded with Belgium should have expired, and when the French should have come to the knowledge of the real substantial benefits certain to flow from a free-trade policy, they would not only be encouraged, but most anxious to take further steps in the same direction, and thus a great benefit to all classes would be the result. Was it not likely, he would ask, that Austria, Spain, Russia, and Italy—especially if she were free Italy, would, seeing the prosperity which the adoption of such a policy had brought France, revise their commercial codes, and put in a claim to the enjoyment of some portion of that prosperity? He was surprised to hear hon. Gentlemen connected with commerce tell the House that in this Treaty we ought to expect France to go as far in the policy of free trade as we went ourselves. Had they forgotten that it was only fourteen years since the corn laws were repealed, and we ourselves established that free-trade system which was now allowed by all parties to be a happy system? Entertaining the opinions he did, he could not help looking upon the proposal of the Government as the inauguration of a free-trade system in hitherto monopolist Europe, and if he were right in that view, no man could exaggerate the extent to which the commerce of Great Britain would, as a consequence, be increased. That proposal would, moreover, as the Chancellor of the Exchequer had stated, tend to bring within the reach of the poor man many articles which had hitherto been regarded as the luxuries of the rich. The hon. Member for Essex (Mr. Du Cane) was mistaken in supposing that the supply of wine on the Continent was diminishing. It was well known that the vintage of 1859 in Spain was so abundant that the people were compelled to have recourse to the most extraordinary expedients to treasure up their wine. The hon. Member for Essex (Mr. Du Cane) used an argument which amounted to this—that under the system proposed by the Government, wine would become so bad that people could not drink it, and so dear that we could not obtain it; and yet that it would drive out of consumption the whole beer of England, and thereby seriously affect the revenue. The hon. Member for Essex also denounced the repeal of the paper duty, and said the Government had resolved to take off this tax in consequence of a vague and unmeaning Resolution of that House. But why did the hon. Gentleman not oppose that Resolution when it was proposed? The truth was that the paper duty was condemned on all hands, even by the officers of the Inland Revenue who had to collect it, and by a unanimous Resolution of that House, and he was surprised in these circumstances to hear its repeal opposed by the hon. Gentleman. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had once spoken of the National Debt as a mere fleabite. Without going so far as that, he (Mr. Baxter) would say that the amount of duties now proposed to be taken off was but a fleabite in comparison with the advantages we should derive from the reduction. We should have a great increase in our trade and a great decrease in our Custom-house expenditure; and he believed there was a chance of creating a taste among the people of England for the light and pure wines of the Continent. And all the advantages that were to be obtained from the changes now proposed under the Treaty we were to have for an additional penny in the pound on the income tax. He would advert in a very few words to the political reasons in favour of the Treaty. Why was it that Great Britain and the United States of America, who were always quarrelling in words, and perpetually engaged in squabbles in all parts of the world, never came to blows? Every sensible man on both sides of the Atlantic knew that war was impossible, simply on account of the enormous trade carried on between them, which in itself was sufficient to insure a firm and lasting peace. But with this great and neighbouring country, France, we had no such influences at work in the cause of peace. Our trade with France was a mere bagatelle compared with what it ought to be; and it was evident that the extension of that trade would eventually lead to a better feeling between the two countries, no matter who ruled in Paris, and give relief to the taxpayer from the enormous pressure laid upon him to sustain our vast naval and military armaments. He was anxious to know whether the opinion of the hon. Member for Essex that our expenditure could not be less in future than £70,000,000 per annum was indorsed by the leader of the party to which he belonged. He (Mr. Baxter) was sanguine enough to look forward to a considerable reduction of expenditure, and unless right hon. Gentlemen on the Treasury bench were prepared to take that manly course they might look forward to changing places with hon. Gentlemen opposite. The noble Lord who spoke last repeated a statement that he had often heard of late, that the Treaty was contrary to the principles of free trade. His answer to that was that on our part it was a treaty only in name. We reduced our duties not to France only but to the whole world; and it was well known that the French Emperor could not have brought about the change he desired in any other way than by a treaty. They had heard many commonplaces about Richard Cobden having deserted the principles of free trade in negotiating this Treaty; but he maintained that if the hon. Member for Rochdale succeeded in this great attempt to draw the two countries more closely together and in establishing a more intimate commercial relationship between them, he would accomplish a task as great and beneficial as that which he accomplished when he brought about the repeal of the duty on corn. The Chancellor of the Exchequer would, no doubt, see it would be necessary to amend his Budget in some particulars; but, looking at it as a whole, he held that if the House, from mere party feeling, or from petty jealousy of France, would not sanction the measure, it would not only do a most unpatriotic deed, but a deed that they would repent of in all time coming.

MR. LIDDELL said, that it was with considerable pain he felt obliged to adopt a course on the present occasion different from that pursued by the party to which he belonged. But he objected to the Motion made by the hon. Member for North Essex. The advantages offered by the Treaty were not to be measured by any arithmetical calculation. It had been observed that the Treaty might be commercially right, but that it was politically wrong. Now, he had a strong feeling that it was right in both aspects, and he therefore intended to give it in the main his support. He opposed the Motion because abstract resolutions in matters of finance were always objectionable. In the abstract, nothing could be more odious than a proposition to increase the income tax; but finances depended upon the circumstances of the time, and the exigencies of the State. Now, the circumstances of the time were of a grave and peculiar nature. The Emperor of the French had recalled to his mind the celebrated words he uttered a few years ago, "L'Empire c'est la paix." They created great surprise at the time, and his remembrance of them now no doubt produced an equal sensation, because no one could deny that his acts had in some degree belied his professions. But the Emperor of the French saw that he wanted many of the most valuable means for the cultivation of the arts of peace, and he looked for the supply of them to a neighbouring country. The Treaty was, in fact, a matter of necessity to France. And viewing it in that light, he was prepared to consider how far its adoption would conduce to British interests, and either alter or amend it in that sense. No doubt the articles we were going to obtain from France were articles of luxury which for many years had been mainly consumed by the rich classes in this country, and no one had complained of their price. But what was the case with France. She wanted the raw materials for carrying on her manufactures. The condition of the two countries was very different. We were at the top of the tree, so to speak, of commercial advancement. France was only beginning to feel her way—emerging from all the darkness of prohibition and restriction. The advantages of the Treaty to France would be immediate; the advantages we would derive might be more protracted, but they would be no less sure. The question was whether they were worth the price we should have to pay for them. He believed in his heart that they would be. Though we were only separated from our neighbours in France by a narrow channel, our trade with that country was infinitesimally small. Last year, as he was assured, it only amounted to some £600,000. That was a state of things so remarkable that he could hardly credit it. If we were on the eve of obtaining with our great and powerful neighbour an extension of trade such as might fairly be expected to follow the adoption of this Treaty, why should we lose the opportunity by sweeping away the whole proposition of the Chancellor of the Exchequer, and refusing to enter on the discussion of the Articles of this Treaty? Embracing the opportunity, he felt perfectly convinced no man living could estimate the amount of extension to which it would lead. With regard to the existing exigencies of the State, he would say that the great blot of the financial scheme of the Chancellor of the Exchequer was that while they were making sacrifices of revenue to France for the sake of obtaining what he considered inestimable advantages, it called on Parliament at the same time to vote unprecedented Supplies in a time of peace. It was that double expense of which the party which sat opposite complained; but if he wanted any proof of its necessity, he found it in the fact that it had been recommended by a Government remarkable for its ability and administrative power, and composed largely of the disciples of the late Sir R. Peel, the greatest of modern economists. He believed that our large military expenditure must continue for some time to come, and as long as France remained in its present condition. So long as the Government directed their main energies to the maintenance of a single alliance with a great military power like France, however immense the advantages that alliance might offer, they could not afford to materially diminish their military expenditure. Time might come when this single tie might be broke, and when we should find some of our former friends arrayed against us. But there were other reasons for this great expenditure no less urgent; our army and navy were now undergoing a complete metamorphosis, and this of course involved a large outlay, especially when all the costly applications of science were in process of introduction to every branch of the naval and military services. He was surprised last night to hear the leader of the Conservative party rather step out of his way to pass an encomium upon the institutions of France. He (Mr. Liddell) did not share in his praise, because he did not feel the same respect for them which the right hon. Gentleman appeared to do. The remarkable man who now occupied the throne of France stood upon the threshold which separated despotism and democracy. He stood there alone, unassisted and unsupported by any one of those constitutional props upon which other rulers or Governments were wont to rely in times of pressure and difficulty. If that position depended for its security upon individual courage and individual sagacity it would be safe, but that was not so. He ruled over an unstable, an impulsive, but a noble people. They raised him to the throne and he must obey their voice, and if Englishmen mistrusted —he would not say the Emperor of the French himself, because he believed he was firm in his desire to maintain an alliance with this country, but rather the Government of France—it was owing to the circumstances under which that Government was raised to power. He saw every reason why this Treaty should be confirmed by the House. By the extension of our trade with France we should be establishing the most powerful tie between the two countries—namely, that of self-interest. If the alliance between the two countries were, as the right hon. Member for Stroud said, a hollow alliance, would the rejection of that Treaty tend to strengthen it? And he, for one, was not prepared to undertake the grave responsibility of such rejection. Believing then that the interests of this country required a larger extension of our trade with France, and believing that that extension would be the best security that could be given for the peace and prosperity of the two countries, he was prepared to make the great sacrifice that was proposed: and on commercial, as well as political grounds, to support in the main the Budget of the right hon. Gentleman, reserving the full right of supporting such Amendments or alterations as should appear necessary in its future stages.

Mr. DODSON said, he thought the Chancellor of the Exchequer had been hardly treated by some of the hon. and right hon. Gentlemen opposite. The proposed increase in the income tax was not in consequence of the remission of duties, but in consequence of the great armaments that were taking place throughout the kingdom. He differed too from the hon. Gentleman who had just spoken as to the probable permanence of the present great expenditure for the army and navy. He hoped that the state of alarm which rendered it necessary would subside, and that we should not always live in a transition period as regarded the mode of warfare. Fault was found with the income tax because it was unpopular; but, paradoxical as it might sound, its very unpopularity formed, in his eyes, its recommendation. It would probably engender greater watchfulness over the expenditure and thereby conduce to public economy. There never was a time when Parliament was more ready to vote away large sums of money, or when the country looked on with more satisfaction, because it felt that this large expenditure was necessary to put the country in a state of defence. It was said that the Treaty was commercially right, but politically wrong. He rather felt disposed to reverse that dictum and say that it was commercially wrong but politically right, because it seemed to him to be a falling-off from the system which had been long inaugurated of abolishing or imposing duties solely with reference to our own interests and without regard to the convenience of other States. The Chancellor of the Exchequer said the Treaty did not involve any entangling engagement on the part of this country; but several of its terms would considerably tie up our hands. Nor could he help observing that it was possible we might be disappointed in our anticipations of its effect upon some of the articles of commerce referred to in it. It was not impossible that the reduction of the wine duties might neither increase the consumption nor lower the price. Our manufactures might not be admitted to the French markets by the 30 per cent *ad valorem* duty which had excluded our linen cloths in 1842; while the Article binding us not to prohibit the exportation of coal was one of very questionable policy, and one upon the construction of which the highest legal authorities in the House differed. He thought the Chancellor of the Exchequer had made a bold estimate in calculating that the proposed reduction of the wine duties to 3*s.* per gallon would lead to an increase of 35 per cent in the consumption. Some years ago the right hon. Gentleman himself, in opposing a Motion of Mr. Oliveira, had contended that a reduction of the duty to 1*s.* per gallon was not likely to produce any great effect upon consumption. The reduction of the wine duties in 1787 had the effect of a large increase in the consumption; but there were additions made to the duties in 1795, 1803, and 1805, none of which materially affected the consumption, though they brought an increased revenue to the Exchequer. In 1825 the wine duties were reduced nearly 50 per cent, and in 1831 the duties on all kinds of wine were equalized, and the effect was to give a considerable stimulus to consumption, but not by any means in proportion to the increase of population. The truth was that social habits had a greater effect on the consumption of wine, one way or the other, than any amount of duty whatever; and, judging of the future from the past, he thought the Chancellor of the Exchequer had been exceedingly sanguine in the estimate he had taken of the probable increase of consumption from the proposed reduction in the duties. It was important to bear in mind that the wine duties did not stand alone, but formed part of a system of taxation levied on all fermented beverages. At present there was an equilibrium between the duties levied on wine and those levied on beer. Take, for instance, a barrel of porter. That was brewed from two bushels of malt and three or four pounds of hops. It was worth from 26*s.* to 30*s.*; it paid malt and hop duties to the extent of 6*s.*, or from one fourth to one-fifth of its value. The present wine duties were equal to 6*s.* per gallon or 1*s.* per bottle, which on a bottle of port or sherry of the kind ordinarily consumed in this country, costing from 4*s.* to 5*s.* a bottle, was also about one-fourth or one-fifth of the value. It would therefore be felt to be a gross injustice if they reduced by four or five-sixths the duty levied on wine and left the present taxation on that drink, brewed from malt and hops, which, if not a necessary of life, was almost one to the working man in a climate like ours. Moreover, through the operation of the malt and hop duties, when the wine duties were reduced to the full extent proposed by the right hon. Gentlemen, the foreign wine-grower would be enjoying a protection in competition with the English brewer and farmer. Hence the reduction of the wine duties seemed to him necessarily to involve a reduction before long of the duties upon beer. He could not look upon the Treaty as consistent with that free-trade policy which this country had hitherto pursued. But then they ought not to be bound by any abstract principles of political economy. If the Treaty would be the means of increasing the commerce between the two countries, and of knitting them closer together in bonds of interest and of amity, it would not, he thought, be too great a price to pay for it, to sacrifice some political consistency and some revenue; and believing that it would have the effect of promoting and fostering the connection with France, while he objected to such commercial engagements on general principles, and while he objected to some particular provisions, he was still ready, on the whole, to give his assent to it. Looking at the Budget as a whole, he thought it not more remarkable for boldness than for foresight, and hoped it would lay the foundations of future prosperity and wealth which would repay this country for any immediate sacrifice, and enable it to bear with ease even a greater amount of taxation than it sustained now.

MR. DAWSON:—It has been so often laid down as an axiom in this, and last night's debate, that it is impossible to consider the Budget propositions apart from the Commercial Treaty with France, on which the whole scheme is founded, that I must necessarily examine the principles of taxation and remission of duties which do appear to me to apply to the general interests of Ireland. If I am to judge from the expression of public opinion, as elicited at large and influential meetings, by petitions, and through the ordinary channels of the Press, the people of Ireland do not appear satisfied with the financial expectations of this year—a year which the right hon. Gentleman the Chancellor of the Exchequer has truly described as one likely to stamp, and mark out for the future, the financial character of this nation. Perhaps the best excuse for the fiscal system, as recommended by the right hon. Gentleman is, that these oppressive taxes and duties, which he proposes to impose upon the people of this country for one year, are limited to one year's duration. But how different was the expectation raised by the right hon. Gentleman in 1853! and how impossible is it for this House and the country to forget, that, though originally proposed for three years only, the income tax has now become one of the fixed institutions of the land; and that this 'neat and intelligible tax,' to use the words of the Chancellor of the Exchequer, will be made probably to bridge over all future financial difficulties: for, whether maintained at the proposed crushing rate, or increased, as I verily do believe it will be in future Budgets, though in times of peace, we shall have to make up our minds to this mode of direct taxation in its most vexatious and inquisitorial form. As a salve against this evil, now declared to be a necessary one, we are favoured by a Commercial Treaty with the Emperor of the French, the great principles of which are, that he will accept our iron and coal, the very indispensable commodities for all his aggressive and defensive preparations, and that, in return, we shall be enabled to import, at a lower rate of duty, though at a remote time, French wines, gold and silver plate, or jewels, and other costly luxuries for the richer classes. But as all these matters have been so fully and ably discussed by hon. Members on this side of the House, I shall confine myself to those considerations which affect the peculiar interests of Ireland. If this Treaty is ratified by this House in its entirety, and that the Resolutions for remission of duties shall equally receive its sanction, there must be a considerable loss felt in Ireland by the admission, free of duty, of foreign eggs and butter. Of the first, Ireland exports to England, as her best market, more than 50,000,000 annually; and of butter an immense quantity is produced beyond the consumption in Ireland. But in no way do I, as an advocate of free trade in its most extended sense, object to a repeal of these duties. I am only desirous that, in all our commercial dealings with France, to whom so much is given, we may be met with a corresponding reciprocity. I will take, for instance, the case of linen, the staple manufacture of the most commercial province in Ireland. The duty of 30 per cent *ad valorem*, as proposed by the French Government, or let us take it at 25 per cent being the *maximum* amount of import duty after the 1st day of October, 1864, must act as directly prohibitory on the great bulk of linen yarns and linen; and, even if the duty were fixed at 10 per cent, with the unlimited supply now furnished by us of machinery and coal, the French manufacturers will still hold preponderating advantages over all British and Irish competition. In 1840, the French Government proposed to this country to admit linen goods at a duty of 10 per cent, or thereabouts, on the condition that England would permit the free exportation of machinery for the manufacture of yarns; and I need scarcely remind the House that those restrictions on machinery have now been for some years abandoned. The French nation are the greatest consumers of linen in the world; the article, with them, is not one of luxury, but even of positive necessity. The blouse is entirely the adopted costume of the French peasant and the working artisan in all towns. There is not now more than 15 per cent of the trade we carried on with France in linens before the change of duty. At that time, 1840, a business of more than a million sterling was maintained between the two countries; since then there has been a gradual reduction, till now it exceeds but little the sum of £150,000 per annum. By the advantages given by us to France, in the free exportation to that country, firstly of machinery, and now by coal, we shall have afforded facilities to the French people to compete with us, and that too successfully, in all the other markets in the world. A very considerable excitement exists in the North of Ireland upon this subject, and also an apprehension, that without the *maximum* rate of duty is fixed as low as 10 per cent, that no revival of trade will take place with France, and that no benefit to our manufacturers and merchants will be from this Treaty obtained. It is not my present purpose to enter upon other very glaring inequalities and injustice to interests which will be entailed by the adoption of the Treaty of Commerce in connection with the Budget propositions. Those interests are represented by able and distinguished

Members of this House, and will be defended with all the advantages of Parliamentary experience. I shall only say, that in the votes I may be called to give, I shall act with a sincere desire to unfetter commerce and extend our trade; but also upon the principle that the people of these kingdoms shall not be subjected to an immoderate and excessive taxation, without the most positive proof that the advantges to both countries shall be rendered equal.

MR. FRANK CROSSLEY had listened with considerable attention to the course of the debate, and he had found some disparity in the views entertained on the other side of the House. For example, the hon. Gentleman the member for North Essex (Mr. Du Cane) had laid considerable stress upon the fact that the working people of this country were going to have dear tea and dear sugar; and the noble Lord the member for Huntingdon had stated that wine would be no cheaper, and that paper would be no cheaper by the abolition of the duty. The noble Lord said that some years ago the duty upon leather was taken off, yet boots and shoes were no cheaper; that the duty on soap had also been taken off, yet soap was no cheaper. Now the noble Lord ought to bear in mind the prices at which those articles would have been had the demand then been what it now was. As to soap, he (Mr. Crossley) could speak from experience, that it was decidedly cheaper; but when the consumption went on increasing, from the article being in demand, it was thus possible that it might be as dear as it was before the reduction. The position of the Chancellor of the Exchequer was one of great difficulty. We had the largest deficit in the revenue in his recollection, and it had occurred under most remarkable circumstances. There were three circumstances, all of which would have led us to suppose that instead of a deficit we might have had a surplus. We had had peace—he meant as far as we were concerned—in Europe; and he would almost say we had had peace with all the world. As to the prosperity of the country, he did not recollect any time in which it had been so great as during the past year. He did not mean with regard to any one branch of industry. Taking away the manufacture of cotton, it might be that many other branches of industry had seen more prosperous times. But, taking them altogether, he did not think there had ever been a time in which the country had been more prosperous. He was only stating a fact when he said there was not a town or village of any importance in any manufacturing district in Lancashire or Yorkshire that had not machinery standing, not from want of orders, but from want of people to attend to it. We had had a most extraordinary falling in of no less a charge upon the public revenue than £2,136,000 in terminable annuities; and he had been rather disappointed to find that the Chancellor of the Exchequer had not given hope that, at same future time, we might look for similar golden days when other terminable annuities would fall in. He quite agreed with the right hon. Gentleman that we should not live to see the day; but he (Mr. Crossley) had on former occasions stated how the Chancellor of the Exchequer might set about a course which would ensure the falling in of a considerable amount of terminable annuities. He (Mr. Crossley) had had a table prepared by a very experienced actuary, from which he found that if £500,000 per annum were set aside out of the revenue, with a view to the reduction of the national debt, by creating terminable annuities at sixty years, assuming Three per Cent Consols to be at £95, those sixty years' terminable annuities would be worth £79 1*s.* 9*d.*, being a difference of £15 18*s.* 3*d.* That £500,000 per annum would create £3,412,183, and that would be the amount falling in every year, commencing sixty years from the present time. But suppose the Chancellor of the Exchequer wished to fix the time further, and he devoted £500,000 per annum to annuities terminable at 100 years' date, taking bonds at £95, a terminable annuity would be worth £90 3*s.* 3*d*, or a difference of £4 16*s.* 9*d.*, so that £500,000 per annum would be creating a falling in at the expiration of the term to the amount of £10,335,917 per annum. He again threw out these suggestions for the use of the Chancellor of the Exchequer. The national debt was now so large that everything ought to be done to diminish it; and if we now put some such plan forward, as our forefathers had done with the terminable annuities just expired, he thought we should be taking a very wise course. He had thus stated three things, which ought to have produced a surplus, namely, peace, prosperity, and the falling in of more than £2,000,000 annuities, and he may well ask how it was they had got into all this difficulty? For this he did not mean to cast the blame upon any individual. He believed the country at large, and every newspaper in the kingdom, had been getting up a most absurd cry, namely, that the Emperor of the French would some day be in London for the purpose of sacking it. He had never held that opinion. He looked upon the Emperor of the French, whatever else he might be, as a man of very great ability. He had had the advantage of having lived in England; he had seen something of society in this country; and he knew too well what Englishmen were made of to attempt any such foolish experiment. He was quite as likely to go some fine morning into New York harbour as he was to arrive in the Thames. It was not, however, the newspapers only that were responsible for the feelings of the country. Governments on both sides had lent considerable influence to the cry, by bringing forward large Estimates. He recollected very well that when Lord Derby's Government came into office they took very great credit for reducing the Estimates; but very soon afterwards they actually increased them, and found fault with their predecessors for not having done their duty in spending enough in keeping up armaments by sea and land. This had been going on until we had now raised the expense of our armaments to nearly £30,000,000 per annum. ["Hear!"] Hon. Gentlemen did not seem to like the income tax. They seemed to believe the Chancellor of the Exchequer in 1853, when he said we should have no income tax in 1860; but they appeared to forget, or to take no notice of the money that had been spent. When he saw the Estimates increasing as they had, he saw it was impossible they could do without an income tax, or some other direct tax that would produce a large sum of money. He agreed with the Chancellor of the Exchequer, if we had a great work to do, and a large sum to raise, we must free industry from its shackles, and therefore he approved of the course which the Government had taken in negotiating the Treaty with France. It would have the effect of creating more employment for the people of this country, and of giving them better wages for that employment. It would revive our trade with France, which, as the House had been told, had gone down to almost nothing. If the duties on British manufactured goods were reduced, as they were in many cases, from a prohibitory rate of something like sixty per cent to thirty and to twenty-five per cent, by-and-by, the result must be an immense influence upon the demand for them. Until lately the manufactured goods of this country paid thirty per cent on entering the United States. Those rates had recently been reduced to twenty-four per cent, at which they still remained. He therefore saw no reason why we should not begin to do proportionately as large a trade with France as we were doing with the United States. The two countries were nearly situated; the climate of each was admirably adapted to the people of the other, and he believed it was the intention of Providence that one country should receive the products of the other in return for its own, so that the people might become as citizens of the same city, and in that way they might be saved the expense of armaments. As soon as we could increase our trade with France, the two Governments might attempt to go to war if they liked, but they would in so doing soon be ousted. Governments, however, would remain at peace; Emperors would not have it in their power to go to war, because a large and profitable trade would be carrying on between the two countries. With regard to the licensing system he believed the Chancellor of the Exchequer would find it necessary to make considerable alteration in his propositions. It had been found that the facilities with which beer-houses could obtain licenses had produced a great deal of harm. There were thousands of these places of temptation to working men to spend money but scarcely any to save it; the fact being that there were at this present moment not less than thirteen counties in England without a single savings bank in any one of them. He recommended Mr. Sikes' plan of savings banks to the consideration of the Government, by which every money-order office connected with the Post Office would practically become a savings bank issuing £4 notes bearing interest at 2½ per cent, and he added that the reduction of the duty on French wines would be of service by introducing a light, wholesome beverage. But whoever sold wine or beer ought to be under the supervision of the magistracy or some other stringent authority. He must say, with regard to the Treaty, and with regard to the Budget, that they had given the greatest satisfaction to his constituents. He had received a great number of letters, and the writers were most anxious that this Budget should pass with alterations in minor details; and it was only in minor details that alterations were required. By this Treaty they would throw open to this country markets which they had not had before, and supply the means of reducing their armaments.

MR. HENNESSY said, he would not advert to the great political questions connected with the Budget, but would confine himself to a consideration of its effects upon Ireland. As far as Irish interests were concerned, he believed the Budget to be the very worst ever laid before the Imperial Parliament. When the right hon. Gentleman proposed an income tax of 10*d.* in the pound, he said he was about to remit certain duties, and the consumer would gain as much by the remission as he would be called on to pay in income tax. That might be true as regarded the British consumer, but not in respect of the Irish consumer. On the article of currants alone the British consumer was relieved to the amount of £300,000, while the relief to the Irish consumer was only £720. Then, again, with regard to butter the British consumer would be benefited to the extent of £94,795; the Irish, who imported no butter, would not be relieved one penny. And the same might be said with regard to eggs, upon which the British consumers would gain £23,846, and the Irish consumers not a farthing. There were other articles, with respect to which the proposed reductions of duty would, he said, operate in a similar way. Thus, there would be a gain on corks of £8,000 to the British consumer, to the Irish nothing; on firewood, to the British consumer £589, to the Irish nothing. Taking the whole of the principal articles of consumption together, the total relief to the British consumer would be £580,000, and to the Irish consumer only £800. In like manner, as regarded the income tax, it had been the boast of those who defended that tax that the classes who had the highest incomes in England paid more income tax than the classes below them; in Ireland the case was the very reverse, the three lowest classes of incomes actually paying 40 per cent more than those above them. This fact indicated that the income tax pressed with an arbitrary and unequal severity, and that though it was equal in theory, it was not so in reality. With regard to the tea duties, he had received important communications from large tea-dealers in Ireland, stating that the reduction of the tea duty to 1*s.* a pound would have occasioned an immediate increase of consumption to the extent of 25 per cent, and a gradual increase within two years to the extent of 75 per cent. Thus, by the reduction of the tea duty, combined with the consequent increase of consumption, the right hon. Gentleman would have increased the revenue by £350,000 per annum from Ireland alone. When the tea duties were reduced in Ireland the population was greater than it is at present. In the year 1840 the population of Ireland was over eight millions. The population now is about seven millions. But in 1840 Ireland consumed four million pounds of tea; now they consume ten millions of pounds. They now consume a larger quantity because the duty has been reduced, although the population had diminished. He thought, therefore, he was justified in saying that if the tea duty were still further reduced there would be a still further increase of the revenue. Last year the duty paid by Great Britain amounted to £4,500,000; the duty paid in Ireland on tea was £700,000; that is to say, they paid in Ireland only one-sixth of the duty which was paid in England. He thought, therefore, that if the duty were still further reduced more would be paid into the Exchequer than by the taxes which the Government now took from Ireland. He mentioned only these few facts, to show that he was perfectly justified in voting for the Amendment.

MR. GRANT DUFF said, that he would approach the consideration of this much-canvassed Treaty from its weakest side, the side which had been alluded to by the noble Lord who had spoken a few minutes before from the opposite side of the House (Lord R. Montagu). It was said, and with some plausibility, that we, the free Parliament of England, were conspiring with the ruler of France to defraud the Parliament of France of its right to discuss a great change in the commercial policy of that country. But this objection disappeared when the state of the case was understood. There was no real Parliament in France. The body called the Corps Legislatif had nothing in common with that illustrious assembly which once gathered within the same walls, and was swayed by the eloquence of M. Thiers and M. Guizot, M. Berryer, and M. Lamartine. A great deal had been said on the other side of the House as to the election of the

Corps Legislatif by universal suffrage, but surely every one was aware that, with rare exceptions, the members of that body were, to all intents and purposes, nominated by the Government. Why then should it be said that we were not at liberty to treat with the Emperor directly, but that it was our duty to force him, by a pedantic adherence to political purism, to effect the desired change in the commercial system of France by means of an assembly of his creatures? It seemed to him that the only question which we had a right to ask was, whether or not the Treaty was good in itself, and he thought that it had been conclusively shown that it was good. There was one point, however, which had not been taken up; on which he wished to say a few words. The conclusion of the Treaty at this particular juncture would be of immense advantage to Europe. In at least two great countries, a struggle was going on between the money-making tendency and the warlike tendency. In Germany, this struggle was most fiercely waged, and in France it was not less remarkable. No one could doubt about the strength of the warlike tendency, if he recalled the extreme bitterness of the tone which the French papers adopted towards England a few months ago; and as to the money-making tendency, it required but little acquaintance with the social state of France to know that a great change had taken place during the last ten years. Till lately, the small traders in the towns and the rural population hoarded their savings in five-franc pieces, until they had enough to buy a little patch of land. Now, however, the small traders everywhere, and the peasantry in many districts, bought Government securities and shares in industrial undertakings, most of which were quite sure to be depreciated by war. That surely was a great gain to the cause of peace. By upholding the Treaty, we should encourage this tendency. It might be said that this was merely casting out Moloch by Mammon. Well, be it so; if the contest was to be between the two, by all means let us support the milder spirit. But it was said that we might have obtained equal advantages, without fettering ourselves by a treaty. Those who said so, altogether miscalculated the strength of the Protectionists and Prohibitionists in France. They had not witnessed, as he had done, the outburst of indignation with which the announcement of the Treaty had been met by many circles in Paris. Why, it was only a month or two ago that in the place which one would have fancied to have been the very citadel of liberal opinions on these subjects, in the *Academie des Sciences Morales et Politiques*, a most lively discussion had taken place on some of the elementary doctrines of political economy, in which, if M. de Lemergne and others had supported the right side, M. Cousin and M. Troplong—great names—had been opposed to them. Passing from the Treaty to the closely allied subject of the wine duties, he would only allude to one obvious consideration. It was said that the British palate would never reconcile itself to French wines. He had no doubt that other speakers would refute this erroneous opinion by an appeal to the novelists of last century, and above all to the English dramatists of the century before; but he would refer merely to the case of Scotland. It was notorious that, up to a comparatively recent period, French wines had been largely consumed in Scotland, and hon. Members would remember the epigram,—

"Firm and erect the Caledonian stood,
Prime was his mutton, and his claret good—
'Let him drink port,' the English statesman cried;
He drank the poison, and his spirit died."

The fashion of drinking claret had not been merely a passing one. Sir Robert Gordon, writing about two hundred years since, mentions that having passed rapidly from Normandy to Morayshire, he had found French wines cheaper in the North, than he had left them beyond the Channel. With regard to the Paper Duty there seemed to be a general consent as to the propriety of its early abolition, but some hon. Gentlemen on the other side had objected to its immediate abolition. He, however, did not wish it to be kept up an hour longer. There were pressing reasons for its disappearance. First, there was the rapidly increasing expense of our system of education. It was clear that this could not go on indefinitely. We must find some other plan. Now, school education up to a point is very important, but, after all, the most important education is that which a man gives himself. Teach every one to write and read, and let the price of the materials, so to speak, of reading and writing be as cheap as possible. What folly to have the school-door open with one hand, and keep out books with the other. After all, the education question was the great question. They were going to reduce the franchise, and they were going to do well, but only on condition that they infused new energy into education. With education the franchise was a blessing—without it an extension of the franchise would be a curse. It was but the other day that a French Republican leader had said to him, "Let your countrymen be warned by us. Let them not reduce the franchise too far." ["Hear, hear!" *from the Opposition benches.*] Ah! hon. Members opposite might cheer, but he would beg to remind them, and especially the right hon. Member for the University of Dublin, who honoured him by his applause, that in France only one man in ten could read. With regard to the simplification of the tariff, he thought it an enormous benefit, not only because many things would be admitted duty free which were useful and desirable, the tax on which did very little for the revenue; but, because when things were once made plentiful, all sorts of new uses were found for them, and even trades sprang up in the most unexpected ways. Soon, too, the obnoxious search at the Custom-house would be done away with, and this, though it seemed but a little thing, would be a great boon to the most valuable part of our population. Did not every one, even the least thoughtful summer tourist, who returned to our shores, bring with him more or less of that knowledge which is power, not only to individuals but to nations? Ere long, he hoped that we should be able to say to other nations, "We, Englishmen, have no passports, we have no detention at the Custom-house, and very soon we hope to have no quarantine."

SIR STAFFORD NORTHCOTE said, he was anxious to express his sense of the great merits of the scheme proposed by the Chancellor of the Exchequer, which was then under their consideration. The hon. Member for West Norfolk (Mr. Bentinck) had remarked, after his right hon. Friend had concluded his statement the other evening, that he had never before known a case in which so much tinsel had been wrapped up in such glowing colours. That, however, was not his (Sir S. Northcote's) opinion. On the contrary, he readily admitted that there was a good deal of sterling gold in the proposals that had been made by his right hon. Friend. But, at the same time, he could not help remembering the proverb that even "gold might be bought too dear." They had then to consider whether the price which they would have to pay for the advantages which were held out to them was not higher than that which those advantages were worth. He did not mean to enter into a minute examination whether this concession on the part of France was precisely equal to that concession on the part of England; or whether some duties might have been a little less and some restrictions spared. There were many points upon which, if disposed, they might be critical, and probably many details would on a future occasion demand discussion. The great benefit of the scheme was the simplification of the tariff; but upon that point there was a difference of opinion in 1857 between the Chancellor of the Exchequer and the Home Secretary. The right hon. Baronet, who was then Chancellor of the Exchequer, was of opinion that a large number of duties of small amount was better than a small number of heavy duties; while the present Chancellor of the Exchequer ridiculed the argument by saying that, according to this theory, the perfection of finance consisted of an infinite number of infinitesimal duties upon an infinite number of articles. His own opinion agreed with the present Chancellor of the Exchequer, but it must be remembered that part of the price which they were to pay for a simplification of the tariff was the imposition of an infinite number of infinitesimal duties upon every transaction in commerce, and perhaps the commercial classses would experience almost as much inconvenience from the infinite number of stamps as they would avoid by sweeping away a certain number of duties. It was a question, however, upon which he did not wish to express at that moment any decided opinion. Before he entered into a consideration of the general merits of the financial scheme, he wished to say a few words in reference to the Treaty with France, which the House had decided should be considered along with the Budget. He was not disposed to quarrel with that arrangement. It had been stated by many hon. Members on that (the Opposition) side of the House that the Treaty was opposed to the principle of free trade. The remark had been made jestingly; but on the other side of the House some serious apprehension had apparently been felt on the subject, and an anxiety shown to repudiate the idea that a Treaty negotiated by the present Government and by Mr. Cobden could be contrary to the principles of free trade, which reminded him of the French proverb *qui s'excuse s'accuse.* Now, he had been brought up in the belief that treaties of reciprocity were not much in favour with the free-trade school, but that their creed was that we ought to legislate for our own benefit and leave other nations to follow the course which they thought their interests dictated. This Treaty, however, conferred benefits on both France and England, and therefore was a measure which should not be condemned on that ground. Still the leading members of the free-trade party in that House had been led into inconsistencies in reference to that matter, which made him doubt whether they would necessarily adhere under all circumstances to their own professions. He found, for instance, that when a complaint was made from the Opposition side of the House that injustice would be done under the Treaty to our shipping interest, the right hon. Gentleman the President of the Board of Trade, who was by far the purest Free-trader on the Treasury Bench, replied that, under that arrangement, differential duties would be established in France in favour of both English and French ships against those of the rest of the world in the case of goods exported from our shores to that country, so that the right hon. Gentleman seemed to have no objection that a practice should be adopted in France at variance with his own free-trade principles. That, however, was a matter of minor importance, and although it was an indication that there were matters in connection with the Treaty which took off the keen edge of free-trade principles so strongly professed by noble Lords and right hon. Gentlemen opposite, he (Sir S. Northcote) would not further insist upon it. Neither would he cite upon that occasion the language which had been employed last year by the noble Lord the Secretary for Foreign Affairs or by the noble Lord at the head of the Government upon the subject of commercial treaties. It was well known that such treaties had never been looked upon with any favour by free-trade writers, but there was one treaty of that description which those writers had signalled out for their special reprobation, and that was the Methuen Treaty, which had been concluded in the beginning of the last century with Portugal, and under which, in consideration of certain advantages which Portugal gave us, we were bound to admit into our ports Portuguese wines at a lower rate of duty—he believed one-third lower—than the wines of France. It was true that there was, at first sight, no such Article in the present Treaty. But it certainly contained a very curious provision in reference to the wine duties. It was set forth in one of the Articles that the duties should be fixed in three classes, at 1*s.*, at 1*s.* 6*d.*, and at 2*s.*, according to the quantity of spirit which the wines contained. The wines of Spain and Portugal would generally come into the second class, those of France, for the most part, into the first; therefore, the effect of the Treaty would be that, generally speaking, the wines of France would be introduced at 1*s.* a gallon, those of Spain and Portugal at 1*s.* 6*d.* This was the exact converse of the Methuen Treaty, and in his opinion it was questionable how far this was consistent with our free-trade principles. It was said by the hon. Member for Montrose that if this reduction were made we should be able to go to Austria, Spain, Portugal and other countries which now imposed prohibitory duties on our manufactures, and get them to do for us what France had done. But it was not easy to see how that could be done. We should have nothing left to offer them. If we offered to reduce their wine duties they would reply, "You have done that already, but you have arranged what remains to the advantage of France. Let us come in at the same rate as the French, and we will open our markets to your goods." But we could not do this, for the Treaty bound us for ten years. In the Ninth Article there was a stipulation that if we thought proper to impose fresh duties on home made spirits, we might raise the duties—on what did the House think? On all wines? No; on wines of the second and third classes. So that while the clause provided that we might raise the duties on the wines of Spain and Portugal, we must not touch the duties on the wines of France, which would still come in at 1*s.* the gallon. He might be told that this was a provision introduced partly for the protection of the revenue and partly against interference with our home distilleries, and that it was not a new principle, because at present there was a certain duty on proof spirits, which was increased if the spirits were above the proof strength. So we did; but we did not raise the payment by jumps, but by a per-centage, whereas in the Treaty a degree above the limit caused the duty to jump from the 1*s.* to the 1*s.* 6*d.*, or from the 1*s.* 6*d.* to the 2*s.* He might also be told that the duty was made *ad valorem*, in order to admit the light and cheap wines of France, which by the present system of an equal duty of 5*s.* were excluded; but he was informed that the finer wines of Spain and Portugal would probably be found to contain less than 15 degrees of spirit, as would likewise the best wines of France, so that they would pay the lower duty; while the cheaper but stronger wines of Spain and Portugal, which were really fitted for the consumption of the poor, would pay the higher rate of duty; and, if so, the duty, at first sight *ad valorem*, would, on examination of the circumstances, be found to be an *ad valorem* reversed, and would press heaviest on the cheaper kinds of wine. It might be that the Government had information in their possession which would show that the effect he had described would not be realized, but until the system had been tried its working could not be known accurately, and his objection to the proposition of the Government was, that it tied our hands for ten years, however the system might work. However, he would say this—and it was an admission that he was willing and anxious to make to the Government—that, setting aside some of these points of detail, he approved of the negotiation with France. He saw very great advantages that might probably be derived by our trade. This was an admission that he made without the slightest hesitation. Though the Treaty did not give all we wished, and all we had a right to expect, and although it contained a condition which would be embarrassing to us, he was free to admit that it made a breach in the French system of prohibition which might be attended with most important consequences. If, then, he felt obliged to oppose the whole scheme, it was not because he undervalued the advantages of it, but that he objected to the price we were called upon to pay for it. The hon. Member for Montrose (Mr. Baxter) had made a most astonishing speech that evening. He had always considered him a gentleman of more than ordinary shrewdness and ability. That evening he had risen and in a speech setting forth the great advantages of the Budget of the Chancellor of the Exchequer, he paid, as was natural and as was done by all, his tribute to the manner in which the financial statement was brought forward. Probably, he thought that all the eulogium had been exhausted, and that he must try and find something new; and therefore, the particular quality he selected for especial praise was what he called the Chancellor of the Exchequer's "simple eloquence." Now the eloquence of the right hon. Gentleman nobody doubted; but that its characteristic was simplicity he (Sir S. Northcote) was hardly disposed to admit. The hon. Member for Montrose seemed to have been led away by it however, for shortly afterwards he made another statement showing in what way the "simple eloquence" of the Chancellor of the Exchequer had taken effect on him, as we were told art, when well concealed, was ever sure to do. After explaining the advantages of the Budget, the Member for Montrose had asked, "And what is the price? You may have it all for an additional income tax of one penny in the pound for one year." Why this is dirt cheap. One penny in the pound for one year. The Chancellor of the Exchequer also took care, both at the commencement of his speech and at the end of it, to put the bargain in that way. He said there was a deficit of £9,400,000 to meet, and these two modes of doing it. We might have a niggardly Budget, with a ninepenny income tax, and keep on the war duties on tea and sugar; or a liberal Budget, giving up the tea and sugar duties, with a shilling income tax. He went on to state that there was a treaty with France, a simplification of the tariff, a repeal of the paper duties, and he showed how he proposed to compensate the losses we were to sustain, at least to a certain extent. And then he asked, "And how are we going to make this out? Why, by one penny addition to the income tax you can get all that." Certainly at that price the Treaty was cheap, but then the right hon. Gentleman added that, by collecting three quarters of the income tax in the financial year he could get £8,472,000; he could get £1,400,000 by taking up the malt and hop credits; and another £2,100,000 by the tea and sugar. But if the right hon. Gentlemen were going to receive all this, he would not want a ninepenny tax; a sevenpenny tax would be sufficient. Seven-tenths of £8,472,000 would produce £5,930,400; and adding to this £2,100,000 from the tea and sugar, and £1,400,000 for the calling in of the malt and hop credit, and there was the exact sum of £9,400,000, which was the amount that was wanted.

THE CHANCELLOR OF THE EXCHEQUER: Where is your surplus?

SIR STAFFORD NORTHCOTE said, there would be very little difficulty in getting a surplus. In the first place, it might be provided by some other form of taxation; but in truth that would not be needed, for it was the inevitable nature of the Excise and Customs' duties, if left to themselves, to go on rising year after year. He believed firmly that if the Government had not proposed to deal with these branches of the revenue, they would in themselves have afforded a surplus. His right hon. Friend, as an instance of the elasticity of the revenue, had referred to the increase which had taken place between 1832 and 1853, notwithstanding the removal of Excise and Customs' duties to a very large amount. Between 1832 and 1841 duties were remitted and the revenue increased. From 1841 to 1853 taxes were remitted to the extent of more than a million a year, and the revenue increased at a larger rate. But what had happened since 1853? Between that year and 1858 we had put on more than we had taken off, and the balance, as he calculated it, exclusive of the malt duty, imposed and taken off, was this, we had added £5,347,000, and we had remitted £5,011,000. But during that time there was a gradually increasing revenue to the extent of £760,000 per annum on the Customs and Excise duties. When his right hon. Friend asked, therefore, where they were to get their surplus, his reply was that they would probably find it in the natural progress of their Customs and Excise duties, and he said it with the more confidence, because his right hon. Friend admitted that the sum of £640,000 would probably be lost to the Customs' duties this year, in consequence of the agitation connected with the Treaty. [The CHANCELLOR of the EXCHEQUER dissented.] He would not, however, insist upon that point, because he wished to point out to the House that they should not really want a surplus of £3,000,000, and that an income tax of 7*d.* in the pound, along with the natural elasticity of the revenue, would amply cover the deficit. Now, if the deficit could be covered by a 7*d.* income tax, while the Chancellor of the Exchequer demanded 10*d.*, then the price which they were called on to pay for the advantages of this Treaty was not one penny, but three pence. The question, moreover, he maintained, could not be considered merely as an arrangement for the present year; in process of time the revenue might recover; but in giving relief to the consumer, as it was termed, to the extent of £4,000,000 they had struck a very serious blow at the finances of the country, and for the present, additional taxation in some form or other should be imposed. In what form was it to be raised? Was it to be an income tax of 10*d.*? No; if this scheme were adopted, it must be at the rate of 1*s.* in the pound at least. So that when hon. Gentlemen in that House spoke so very glibly of getting those immense advantages for an additional 1*d.* of income tax, they were really talking in a way which deluded the public, and presented a wholly incorrect view of the matter. What were they to do next year? They would not then have the advances on the malt tax to help them—it was out of the question to propose additional duties on tea and sugar. But even this was not the end of their losses, for they spoke of relinquishing a million on the paper duty; the fact was that the tax amounted to £1,200,000, though it appeared to be only a million this year because the abolition of the duty was not to take place till July. He did not wish to speak at large upon the paper duty, but he might call attention to the very prosperous state of that branch of the revenue, which from £810,000 in 1849 had, with one check which lasted for one year, steadily risen to £1,142,000 in 1858, being an increase of £332,000, or more than forty per cent, within a period of ten years. He was not defending the paper duty—he did not mean to say that the mere increase afforded any reason for refusing to take off an impost which was considered to press upon the people of this country and on the springs of industry; but when large reductions and abolitions were proposed, mainly depending upon the elasticity of the revenue to supply their place, it was the duty of Members to call attention to the elements of this elasticity, and to see in what they really consisted. No doubt the revenue was to a wonderful extent elastic, but it could only be so according to certain principles and laws; and if the duties which were the elements of this expansive power were taken away, it followed that elasticity itself would no longer exist. Since the year 1849, although taxes to the amount of £1,700,000 had been abolished, the revenue from Excise had actually increased from £15,500,000 to £17,500,000. That was an increase of £2,000,000; nay, if they looked to the articles that had yielded the increase, and deducted the articles on which taxation had been wholly remitted, they would find that it was an increase of more than £4,000,000. But whence did the increase arise? Of the total increase, £3,200,000 had arisen from spirits; £448,000 on malt; £173,000 on hops; and £332,000 on paper, leaving only

£70,000 increase from other articles. These were the principal elements of elasticity; and what were they going to do with them? The increase which had taken place upon spirits was due, let it be remembered, not to consumption, but to increased taxation. In the year 1849 the quantity which paid duty was 22,962,000 gallons; in 1858 it was 23,686,000. Only 700,000 gallons additional paid duty in the latter year, and yet the revenue was increased by upwards of £3,000,000. This was because the duties in Scotland and Ireland had been raised. In one sense it was through elasticity, because it showed that the improved circumstances of the people enabled them to pay a higher price. For the future, however, it would not be in their power to raise the duty on spirits, because the French Treaty would stand in the way. He did not mean that they had absolutely bound themselves in the Treaty not to do so; but what was likely to be the effect on their relations with France if, after concluding a treaty in which they had consented to a rate on spirits lower than what the Government themselves had wished, they were obliged for purposes of revenue to increase the duty? Of course it was not to be expected that the introduction of cheap French wines over here would lead to an increased consumption of malt and hops, or enable the Government to lay a higher duty on those articles. Therefore, they were really crippling themselves as to malt and spirits, and were giving up paper altogether. He did not think it was right to make such reductions at a critical time like this, and to trust to the elasticity of the revenue to make things square. No doubt, if there was an increased consumption of wine, the revenue would recover; but this cheapening of wine was only an experiment, and one on the success of which it would be some time before they could pronounce. What had been the effect of reducing the duty on tea—an article for which it was not necessary to create a taste as in the case of wine, but which was in large and constant use among all classes of the community? That duty had been gradually lowered from 2*s.* 1*d.* per lb. to 1*s.* 5*d.*, and the result was an increased consumption of tea to a remarkable extent; but yet the revenue in 1851–52, before the reduction, was £5,984,000, and it was now under £5,500,000. The people had no doubt been benefited by the change, but it was clear the revenue had suffered. It was said that if they stimulated the trade and manufactures of the country the people would grow richer, and more money would flow into the Exchequer in the long run. But if they went on stopping up one after another of the channels which conveyed the wealth of the people into the Exchequer, how would it find its way there? If the plan was a good one, had they not better take off all the Excise and Customs' duties at the same time? It would, on the principle he had referred to, greatly improve the condition of the people. Hon. Gentlemen opposite were constantly pointing to the conduct of Sir Robert Peel as a precedent; but he could not see that that was a case in point. When Sir Robert Peel brought forward his scheme, there were symptoms which showed that the system of indirect taxation had reached its limit; all attempts by Chancellors of the Exchequer to get more money by an increase of Excise and Customs duties had failed; and, as no more could be done in that direction, direct taxation had been resorted to. The unfruitfulness of indirect taxation proved there was something rotten in it; and that it was at that time carried too far. Sir Robert Peel not only saw that they must have recourse to direct taxation, but that their whole system was rotten, that industry was cramped, and that relief must be given. In setting free trade and manufactures he broke up virgin soil—he brought in raw material free of duties, and removed or lightened the taxes on labour. The effect was enormous. It was to be recollected, too, that Sir Robert Peel put on an income tax for a sufficient time to cover the deficiency to be anticipated, for a sufficient period to give his scheme time to work. But in the present instance they were entering not upon an entirely new field, but on one in which a great deal had already been done, and where, though there was still something, there was very little left to be done. And, instead of putting on an income tax to cover the operation of the scheme, the Chancellor of the Exchequer put on only as much as would tide over the year. Then, again, Sir Robert Peel removed restrictions upon materials imported for manufacture. The present Government sought to remove restrictions upon articles of export; and it was not to be expected that the stimulated exportation of coal and iron would lead to as great an increase in the manufacturing prosperity of the country as the changes effected by Sir Robert Peel. These, however, were points of infinitesimal importance compared with the great objection to the scheme, which was, that it threw away the opportunity of reforming the direct taxation of the country, which had now got into as unwholesome a condition as that of indirect taxation in Sir Robert Peel's time, and was in as urgent need of attention. People had been taught to look forward to the year 1860 for the settlement of the income tax question, and, although they were aware it could not yet be got rid of, yet they thought they had a right, after all the exertions which others had made to enable the Government of this period to keep the promise held out to the country, to expect that something would be done to place the system of direct taxation, if not upon a permanent, at least on a less temporary footing than at present. The Opposition had been taunted with founding all their arguments on the assumption that the expenditure of the country was always to be at £70,000,000 a year; but the truth was that the present Government had the credit, such as it was, of proposing the largest Estimates known. With such heavy expenditure during the present year, and with the present uneasy state of Europe they could not expect that the Estimates could be all at once enormously cut down, and they would have to face the liabilities of the next year with a deficit of £11,000,000 or £12,000,000—a million out or in now-a-days was nothing. And this they would have to do in the first Session of a reformed Parliament, elected under the influence of the exciting oratory of the hon. Member for Birmingham, who demanded a reform of Parliament for the express purpose of overhauling the whole financial system of the country. No man has used stronger language with regard to the finances than the hon. Member for Birmingham; he wishes to get rid of all Customs' and Excise duties, and replace them by a property and income tax in order to encourage free trade. They were cutting off the possibility of looking to the Customs and Excise duties as sources of revenue; but they must still look forward to a large expenditure for the military and naval establishments; and they might have to meet a new reformed Parliament with an enormous deficit. They would then be told that the income tax would not suffice to cover it, and therefore these establishments must be cut down. The hon. Member for Birmingham would be delighted, whether the movement ended in cutting down the expenditure or laying on a tax on property; in either case he would have gained one of the two objects he had constantly pursued. If the Budget had been proposed by the hon. Member for Birmingham, it would have been, for his theory, perfectly sensible and rational. He (Sir S. Northcote) should have resisted it as a dangerous measure, yet he should not have been astonished at it. But that such a Budget should be proposed by the right hon. Gentleman, and the other occupants of the Treasury bench did perfectly astonish him. Did they look forward to cutting down the expenditure to anything like the amount the hon. Member for Birmingham suggested? However hopeful they might be that the peace of Europe would be preserved, they must think it necessary that the national establishments should be kept up, and not for much less than the present expenditure. They could not look forward to any great reduction of expenditure; he trusted, then, that they did not contemplate such a property tax as the hon. Member for Birmingham suggested — a tax that would take £8 a year from every £100 of realized property. They were running the risk of a reckless onslaught on the national establishments, by which the country might be exposed to great dangers, and thus a measure of economy might ultimately prove a measure of great extravagance, or they ran the risk of having a tax laid exclusively on the owners of realized property, from which the capital of the rich traders and manufacturers who reaped the most advantage from free trade would be specially exempted. An able weekly newspaper, the *Economist*, said there were two dangers to be feared from this policy; one was the risk of a reckless assault on the establishments of the country; the other the temptation to run into debt. It supposed "a reckless Chancellor of the Exchequer, like Mr. Disraeli," who would postpone the payment of national liabilities; he did not quite see why it introduced the name of his right hon. Friend, as a Chancellor of the Exchequer likely to rush into debt, as the Budget of the right hon. Gentleman proposed to postpone the payment of Exchequer bonds to the amount of £1,000,000. The blame of postponing these liabilities could not be thrown wholly on his side of the House, for the right hon. Gentleman did not oppose that part of his right hon. Friend's Budget; he rather applauded it. The right hon. Member for Buckinghamshire had taken that step, because he believed that the House would desire to abolish the income tax this year. It would have been better that that step should not have been taken, if they could have foreseen what was coming; but it was hard that the fact should be thrown in the teeth of his right hon. Friend. He had endeavoured to state very generally the objections which he entertained to this scheme; and he hoped the Chancellor of the Exchequer would understand him as appreciating the advantages offered; whilst he seriously put it to the Government to consider well within themselves whether they were not exposing the country to serious risks if they left affairs for next year in the serious dilemma which he had endeavoured to describe. He felt that there had not, within the memory of many of them, been so serious a crisis as they might be exposed to next year.

MR. AYRTON said, that the discussion of the previous evening had not been without a good effect on the present debate. It had resulted in the Government adopting a course that did them honour—they had told their opponents to choose their weapons and make their attack, the Government was prepared to make its defence. The great question was now brought on, divested of the difficulties that had hitherto surrounded it. Whether the Treaty deserved the support or censure of the House was now submitted to it in a direct and distinct form. It was no longer competent to hon. Gentlemen on the other side of the House to get rid of the Treaty by a side wind. It must now be regarded and examined as a fact. The House had also to consider a question of deep political interest—the relation the public burdens were to bear to the property of the country. It was not the country at large that was disappointed by the renewal of the income tax, but a class. He would admit that the general policy that dictated the negotiation with France was wise and discreet, and the object sought to be obtained just and legitimate. The general scope of the Budget, too, had deservedly commanded the respect and admiration of the country, and there was no just reason to impugn it on the ground upon which it was attacked to-night. The question, however, remained—on what basis was the taxation of the country to be maintained? He held that the best mode of imposing taxation upon the great body of the people was to select those articles which were not necessary for the maintenance of life, but which were regarded as comforts and luxuries. When they approached the next grade of the community, the manner in which they were taxed resembled a poll-tax or capitation-tax upon the individual consumer. It was necessary to levy a considerable sum in the form of taxation upon property, but the amount was small in comparison with the amount levied upon the necessities and luxuries of the people, such as spirits, beer, wine, &c. In 1802 the expenditure for military purposes was £37,000,000, and the revenue raised from Customs and Excise was £17,000,000, and from stamps and taxes, including the taxes upon property, £13,000,000. This was the apportionment of taxation of Mr. Pitt, the greatest man who ever appeared in the history of this country, and who knew so well how to appeal to the heart of the nation that 500,000 men out of an adult population of 2,000,000 or 3,000,000 were trained to arms in answer to his appeals to the patriotism of the country. If they passed to the era of peace, they found that the expenditure was nearly that of the present year, being £27,000,000 for military purposes. The indirect taxation was then £34,000,000, and the Excise and taxes raised £25,000,000. Looking at these proportions and the relative amount of indirect taxation at a later period under Sir Robert Peel, he thought that the owners of property had no reason to complain of the measures now under discussion as unfair and unjust. The fact was, that the amount of indirect taxation was so disproportionate to the direct taxation of the country that, so far from the Chancellor of the Exchequer being called upon to relieve property from its burdens, it became rather his duty to endeavour to arrive at a more fair adjustment of the charges which pressed upon the public. With respect to the duties which were levied on certain articles of consumption, and which it was proposed to reduce or to abolish, he could only say that they exercised an extremely prohibitory effect so far as those articles were concerned. If any man for instance would take the trouble to consider the result of the present duty on wine, he thought he could hardly fail to come to that conclusion, or to perceive that the trade in that article would be greatly increased by a remission of duty, which would admit of its being generally sold. It had been said, indeed, that it was impossible for France to increase her trade in wine, and it was true that for ten years her annual production was not 10,000,000 hectolitres, the hectolitre being twenty-two gallons; but in 1858 she got up to 45,000,000, and he left the House to consider what field there was for trade in such an amount of production. So it was with regard to brandy, and several other articles of consumption, to which he need not more particularly allude. But to pass to the question of the duty on paper, he must contend that that was a tax which was at variance with every principle of sound policy, and his only cause of surprise was, that it should so long have remained unrepealed. The state of this question of the paper duty was such that the Chancellor of the Exchequer had no alternative left but to propose its abolition, or change the system of collection. No man could define what paper was for any purpose of revenue, and the decisions of the courts were palpably ridiculous. It was found impossible to hold the industry of the country in the fetters of a Parliamentary definition. He had himself sent the Chancellor of the Exchequer a series of arguments in favour of abolishing the duty, written on what was to all intents and purposes paper, and, at the same time, intimated to him that it was not paper within the definition of the Excise, and could not, therefore, be chargeable with duty. This difficulty of defining what was paper chargeable with duty and what was not was one which no Chancellor of the Exchequer could get over. Then the exemptions had accumulated to such a degree that it became impossible, if the grounds on which these exemptions were made were logically acted upon, to raise the duty at all; and, besides all this, the Customs' duties had gone out of harmony with those of the Excise — so that the Chancellor of the Exchequer, on these grounds also, had no alternative but to remit the duty. He advocated the abolition of this duty on the broad ground of industry. The duty being three halfpence the pound, and the price of the raw material a penny, the duty on the latter was actually 150 per cent. He considered the tax on paper scarcely second in its evil consequences to a tax on the clothing of the community. Hon. Gentlemen opposite, moreover, ought not, in considering this subject, to overlook its importance as affecting the consumption of an agricultural product. In America, where there was a manufacture of paper equal to the wants of three times the population of this country, the consumption of agricultural produce which it occasioned was deemed a matter of no small importance. How the duty interfered with the progress of literature and the just remuneration of authors it was unnecessary for him to show. The tax had been condemned by a Committee of that House, and he asked what other article on which a Committee had passed such a condemnation now remained as an article of revenue? It was said by hon. Gentlemen opposite that we ought not to abolish indirect taxation, because it led to an increase of the income tax; but he warned them to be careful of leading the people to infer that there was an indisposition on their part to impose just burdens on property. Nothing would so indispose the people to bear taxation as to tell them that the owners of property were unwilling to share the public burdens, and sought to maintain a tax which affected industry and permeated every occupation of the people. By affecting to disregard this matter, they could not escape its consideration. The time was coming when the people, who had been long kept at bay, would, through their representatives in that House, compel them to treat this subject on plain principles of justice and right. They would not long be able to escape their fair share of the public burdens because of the influence which wealth, rank, and the present constitution of the House of Commons gave them. It was of the utmost importance, then, that they should prepare for the proper consideration of this question in another House of Commons. He admired the wisdom of the Chancellor of the Exchequer in proposing only to renew the income tax for one year. He confined it to the exigencies of the season; adjourning the further consideration of the income tax until they had disposed of the other complicated subjects which had been set before them. In a future Session they would be enabled to consider its bearings fully with the view of placing it on an improved footing. He maintained that in any definite scheme of finance they must make the income tax a permanent source of revenue, and determine what proportion it should bear to the other sources of taxation. He hoped when the next Budget was proposed they would set themselves to clear away all the remaining objections to the present system of finance, and put the income tax on a just and permanent foundation. The mode of dealing with this question, suggested by the Resolution, was fraught with inconvenience, and would be injurious to the public interests, and therefore he should vote against it.

MR. HUBBARD said, he would move that the debate be now adjourned.

VISCOUNT PALMERSTON said, he wished to express a hope that the House would come to a decision on the question before it on Thursday night.

Debate *adjourned* till *Thursday.*

VALUATION OF RATEABLE PROPERTY (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. BLACKBURN objected that this Bill had been read a second time before it was printed, or in the hands of Members. The object of it was to shift the expenses attending the annual revision of the valuation of rateable property in Ireland from the Irish counties to the Consolidated Fund. He thought that it was too important a measure to pass through Committee under such circumstances, and he should move as an Amendment, that the Bill go into Committee on that day six months.

Amendment proposed,—

"To leave out from the word 'That,' to the end of the Question, in order to add the words 'this House will, upon this day six months, resolve itself into the said Committee,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LAING said, that the valuation referred to by the Bill, was used for Imperial as well as for other purposes, and it was only fair that the public should bear one moiety of the cost of its annual revision. The amount which the Treasury would have to pay could not exceed £5,000, and it would practically be much less. He hoped therefore the House would go into Committee.

SIR HENRY WILLOUGHBY said, he would remind the hon. Secretary of the Treasury that when the Bill was about being read a second time in a House of only a few Members, he asked him what it meant, and he was told that it was to provide for a moiety of the expense of the annual revision of the valuation of rateable property being paid out of the Consolidated Fund. Now, he asked the Secretary of the Treasury whether he had told him the truth on that occasion. The Secretary of the Treasury appeared to him to exercise more power than the chief officers of the Government. He found that the Bill went much further—that it threw the whole of the expense upon the Consolidated Fund, with the exception of the comparatively trifling expense attending the preparing and furnishing copies of the lists of valuation to the various treasurers of counties and grand juries.

COLONEL DUNNE said, there was a mistake in the wording of the Bill, which might be corrected so as to meet the objections of the hon. Baronet. The object of the Bill was clearly to lay one moiety of the expenses in question on the Consolidated Fund, and the other on the counties.

MR. LAING said, on the bringing up of the Report of the Committee he should be prepared with an alteration of the wording which would remove the ground of exception taken by the hon. Baronet.

COLONEL GREVILLE said, he hoped the hon. Baronet would withdraw his opposition to the Bill. The sum involved was very small, and he trusted that the objection would not be further urged.

SIR EDWARD GROGAN said, he should support the Bill. The clause in question was certainly very obscure, but he thought the intention of the Government with reference to it was perfectly clear.

Amendment by leave *withdrawn.*

Main Question put, and *agreed to.*

House in Committee.

MR. LAING explained that one moiety of the expense of the valuation would be borne by the Government and the other by the grand jury.

MR. BLACKBURN thought that if half the expense of the valuation in Ireland were paid by the Government, the same relief ought to be given as respected Scotland and England.

MR. O'BRIEN said, he could not help observing that if ever there was a measure on which all the Irish Members were agreed, and it was not often the case, it was generally some Scotch Gentleman who interfered in the matter. The hon. Member for Stirlingshire was a member of the late Government, who, when in power, promised everything in favour of the Irish interest.

MR. BLACKBURN said, he had never found Irish Members wanting in unanimity in getting money from the Consolidated Fund. He must repeat that he did not see the justice of the provision in question.

House resumed; Committee report progress.

The House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, February 22, 1860.

Minutes.] Public Bills.—2° Election Petitions Act (1848) Amendment; Dwellings for Labouring Classes (Ireland).

THE TREATY WITH FRANCE.

QUESTION.

Mr. NEWDEGATE said, he rose to ask the Secretary of State for Foreign Affairs, Whether it is understood by the Government that the proposed reduction and abolition of Import Duties, pursuant to Articles V. and VI. of the Treaty with France are to take effect as regards the produce of other countries than France and her dependencies in virtue of the obligations of the said Treaty? Not seeing the noble Lord in his place, he would postpone his inquiry, unless the Chancellor of the Exchequer would be willing to give him the information he sought for. Article V. referred to the abolition of Duties upon a variety of articles. Article VI. proposed a reduction of Duties on French Wines and Spirits. He especially wished for an explanation of Article V.

The CHANCELLOR of the EXCHEQUER: Sir, I have been in communication with my noble Friend the Secretary of State for Foreign Affairs on the subject of the hon. Member's question; and I am quite prepared to answer it if I collect the meaning of it rightly. So far as I am aware, the Treaty with France has no effect whatever except with regard to French productions, for which the Articles ensure, in certain cases mentioned in the Treaty, certain arrangements which are also mentioned there, there being likewise certain general provisions ensuring the same terms to France as to the most favoured nations. But as respects the course which Parliament may think fit to take with regard to the productions of other countries beyond those terms which are specifically mentioned in the Treaty, I am not aware that the Treaty has any effect. I do not know whether the hon. Gentleman means to raise such a question as whether, should Parliament wish to maintain the duties on German silk goods, for example, it would be precluded from doing so by the Treaty. Most certainly it would not. I will not, however, express any opinion as to the wisdom of any particular course, but I think Parliament would be at liberty either to admit German silk goods at the present duty, or to prohibit them, or to increase the duty, so far as the French Treaty is concerned.

PUBLIC IMPROVEMENTS BILL.

COMMITTEE.

Order for Committee read.

Motion made and Question proposed—

"That Mr. Speaker do now leave the Chair."

Mr. WALTER said, he wished to make a formal objection to the Speaker leaving the chair, in order to call the attention of the House to the peculiar circumstances under which this Bill came before them. He could assure the hon. Member for Shrewsbury (Mr. Slaney) that he was not influenced by any feeling of indifference for the praiseworthy objects which the hon. Member sought by this Bill to promote, or by any want of respect for the benevolent sentiments by which the hon. Member was actuated. But he could not forget that on that day fortnight the Bill was read a second time immediately after a division upon a measure of rather an analogous character—the abolition of church rates—in which division both he and the hon. Member voted with the majority. The reason why he voted with the majority on that occasion made him oppose this Bill, as he did not see how, after that vote, he could with any consistency accede to it. The principle involved in the church-rate question appeared to him to be the power of majorities to tax minorities. It was upon the ground that majorities ought not to have such a power that Bills for the abolition of church rates had always been supported since the decision of the highest Court of Appeal in the Braintree case. But if the principle of taxing minorities by majorities were not allowed in the matter of church rates he did not see how it could be allowed, as the hon. Member proposed, for the purpose of making public improvements such as the creation of parks or the provision of seats. This Bill provided that where two-thirds of a parish should agree upon certain public improvements, that proportion should be able to tax the remaining one-third. It was the identical principle upon which the opposition to church rates rested, and if the frequent decisions of the House against its justice in the case of church rates were to be maintained, how could they allow it to be applied to other objects of a public nature which, however desirable, were not more praiseworthy than the maintenance of the fabrics in which Divine worship was celebrated? He did not intend to discuss the clauses of the Bill, but simply to insist that the House ought to proceed with some degree of consistency. He did not object to the principle of levying rates by majorities, provided it was carried out without exception. But he was not to be told that church rates ought to be resisted on that ground, and to have the very same evening the second reading of a Bill smuggled through the House which gave effect to that principle. He did not think the argument could fairly be maintained that this measure had nothing to do with religious purposes, and that a different principle might be applicable where a question of conscience was not involved, because, as to church rates, the ground of conscience had, practically, been abandoned. The Dissenters, when invited to accept a conscience clause, which would have exempted them from church rates, declined, and said they objected altogether to the imposition of taxes upon minorities by majorities. There was a great deal to be said in favour of that view. He believed that the voluntary principle would be sufficient for the maintenance of churches, and upon the same grounds he believed that the voluntary principle would be sufficient for the maintenance of parks and places of public amusement. There was a clause in this Bill which disclosed the weakness of the ground upon which the hon. Member for Shrewsbury stood, and it was the one which provided that, previous to any rate being imposed, not less than one-half the cost of the improvement should be subscribed by voluntary offerings. Such a mixture of the voluntary and compulsory system was most objectionable.

Amendment proposed,—

"To leave out from the word 'That,' to the end of the Question, in order to add the words 'this House will, upon this day six months, resolve itself into the said Committee,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CAVE said, he had no objection to the principle of the majority taxing the minority. On the contrary, he thought it a good one, as it enabled them to catch two classes of persons; first the unreasonable man who could not see any advantage in public improvements, and secondly the selfish man who saw improvements but wanted other people to pay for them. He objected to the Bill, however, because it proposed to give larger powers than mere taxing powers to the majority. It enabled them to say what were improvements. Under this Bill the right hon. Member for Hertford (Mr. Cowper), whose name was on the back of it, might be taxed to pay for those public indicators which so much moved his indignation last Session. Another objection which he had to the Bill was that, as at present drawn, a great deal of injustice might be done by it in cases where a large proportion of the property in a parish was owned by bodies which could not be represented in the vestry. In the parish of St. George's-in-the-East two-thirds of the property was owned by the London Dock Company. They paid their proportion of the rates, but they were advised by their solicitor that they could not appear in vestry; so that, if this Bill were adopted in that parish, it would be adopted, not by two-thirds of the ratepayers of the parish, but by two-thirds of the remaining one-third. If the Bill went into Committee he should propose clauses to remedy such cases of injustice as this.

MR. RIDLEY observed, that this was one of the class of Bills which required the strict attention of the House. They were founded undoubtedly on philanthropic motives; but under that character there was great danger of injustice being done to individuals. He also observed that there was a clause in the Bill by which ratepayers under £10 might be present and vote at a meeting at which a rate was authorized, and yet be exempted from contributing any portion of the rate themselves. Surely all who voted for the rate ought to be made liable to it. He intended to vote for the Amendment.

MR. HENLEY said, the machinery of this Bill, if not its principle, required strict examination, because, to increase the powers of levying local rates, which so often gave rise to ill-feelings and heartburnings amongst parishioners was an operation which ought not to be undertaken without due consideration. Not the slightest intimation was given as to the class of places to which it was meant to apply, whether to parishes with 100 inhabitants only, or to parishes with 10,000. The definition of its objects was also of the very vaguest character. The second clause, to use a familiar phrase, was rather a putting of the cart before the horse; for whereas, the whole operation of the Bill, so far as taxation was concerned, was to depend upon a given sum being collected by voluntary contributions, it was provided in the second clause that the ratepayers should be asked, with ten days' notice, without knowing what it was for, or what was to be done, to adopt the Bill once for all; and if two-thirds in value of the ratepayers present adopted it, it would become law in the parish for ever after, to be put into operation at any time. Certainly in affairs of so much consequence as those contemplated by the Bill it would be fairer that there should be a longer notice; that there should be some reference to the whole body of the ratepayers; and that something more definite should be stated as to what it was intended to do. The meaning of the fifth clause was also very doubtful. It stated that no occupier of a tenement under £10 should be called on to pay the rate; but was it meant that the property should not be taxed, and the occupier merely? It was a favourite maxim on the other side of the House that taxation and representation should go hand-in-hand, but though the Bill provided that occupiers under £10 should not pay the tax, there was not a single inkling to show that they were not to tax their neighbours. The machinery of the Bill would certainly require great consideration before it could be allowed to pass into law.

Mr. CROSS said, he wished to ask the hon. Member to explain why he had departed from the precedent of the Libraries and Museums Act, which had been found to work so well?

Sir GEORGE GREY said, he concurred with the right hon. Member for Oxfordshire in thinking that the machinery of the Bill, as it at present stood, would be inoperative even of the House should sanction its principle. It was true that in the Baths and Washhouses Act the House had already sanctioned a similar principle to this, but if the hon. Member would look to the 41st clause of that Act he would see how cautious the Legislature had shown itself in the framing of a Bill intended to impose additional burdens on the ratepayers. By that clause it provided means by which the Act could be carried into operation by appointing commissioners, in the absence of a town council, in whom the whole management should be vested. There was no such provision in this Bill. The first clause provided that the ratepayers might hold lands, &c. — and this before the rates were levied—but it was quite impossible to vest property of this kind in the hands of the whole body of ratepayers. He understood that it was intended to exempt large towns from the operation of the Bill, but these were just the places where the Bill would be of most use, and it was not worth while to pass it for country parishes only. There was scarcely a line in the Bill which would not require amendment, and as these Amendments were not prepared he should advise the hon. Gentleman not to go into Committee to-day, but to postpone it until he had had time to frame whatever Amendments he might think necessary to introduce into it.

Mr. W. EWART said, he would suggest that the Bill should be postponed for a fortnight.

Mr. SLANEY said, that what had occurred was a fair illustration of the difficulties inherent in the attempt to legislate with a view to the improvement of the condition of the working classes. His object had simply been to provide places of recreation for the humble classes after their day's toil. At the same time he was very grateful for the suggestions made by hon. Members, many of which had great cogency. With the permission of the House, he would postpone the Bill for a short time, in order to consider whether he could meet the views of hon. Members, while retaining the principle of the measure.

Mr. WALTER said, that he still retained his objection to the measure, but he would, on the pledge that the provisions of the measure be considered, consent to withdraw his Amendment.

Amendment and Motion, by leave, *withdrawn.*

Committee *deferred* till *Wednesday*, 7th March.

WINDOW CLEANING BILL.

SECOND READING.

Order for Second Reading read.

Sir CHARLES BURRELL, in moving the second reading of this Bill said, that its object was to diminish the danger incurred by servants and others employed in cleaning windows. His attention had been drawn to the subject by a very serious accident in Brighton. The Bill had been drawn with great care, and similar provisions had been found to work very well in Scotland.

Motion made, and Question proposed,—"That the Bill be now read a second time."

SIR FRANCIS GOLDSMID said, that several of the clauses were likely to cause great inconvenience. By one of the clauses a penalty of 40*s*., or imprisonment for fourteen days, was proposed to be inflicted on any master who permitted any one in his employment, not being a tradesman, to "stand, sit, or kneel" on the outside of his window, or to be on the outside of any window for the purpose of repairing or painting anything growing thereon, except such window was on the basement or sunk story. It was quite clear that the Bill required to be amended, for if it passed in its present shape a person would be liable to imprisonment for sitting on the sill of a window with his legs inside; or a man could be fined or imprisoned for permitting his gardener to trim flowers growing outside a window on a ground floor. He would suggest the hon. Baronet should be prepared with clauses to meet these cases before the Committee came on.

MR. EDWIN JAMES said, that as the representative of some thousands of housemaids he must express his opinion that some of the provisions of the Bill were the most preposterous he had ever heard of, which it would be a waste of time to pass. For instance, it provided that anybody who permitted his servant to get outside a window-sill to clean or paint anything affixed to or growing to the house should be liable to a fine or imprisonment. What that could mean he could not understand, though, certainly, in walking through the streets of Marylebone he had often noticed on the window-sills dingy geraniums, which would be all the better for a touch of paint to give a tinge of verdure to them. If the Bill passed, any gentleman who might direct his servant to get on to the window-sill and stuff up a pane of glass which might chance to have got broken during the night, might be hauled up before the magistrate, and imprisoned for fourteen days.

MR. PACKE said, he wished to point out that it was already the law in the metropolis that any person who ordered his servant to stand on a window, to the obstruction or danger of the passers by, was liable to a penalty or imprisonment. If, however, only the person himself was exposed to danger there was no penalty enacted, and it was to meet this defect and to extend the protection of the present law to servants and others who were employed on such duties that the Bill was mainly intended.

SIR GEORGE PECHELL said, he should be sorry to see any Bill brought in by the hon. Baronet who had been so long a Member of this House rejected in so summary a manner, and he hoped, therefore, that it would be allowed to pass a second reading.

MR. H. BERKELEY said, he hoped the House would not. It was one of the most vexatious and foolish Bills he had ever heard of, and would cause all sorts of quarrels between neighbours.

SIR GEORGE GREY said, the argument that the law already forbade occupiers to allow their servants to stand on window-sills to the danger of the passers-by was really against the second reading and not in favour of it. He was not aware how the hon. Baronet got his windows cleaned in the country, but if this Bill passed it would prevent any persons in the country, where professional window-cleaners were not easily got, sending his servant up a ladder, as was generally done, to clean the outside of a window. The Bill was open to many objections, and was scarcely one which the House would be disposed to sanction.

SIR CHARLES BURRELL said, he believed the Bill was a just one, and founded on humane principles, and that to reject it would be to do a great injury to society. Since he first brought in the Bill, no less than three persons had been killed from window-cleaning. If there were objections to the details of the measure, they might be met in Committee. The Bill had been drawn up with great care by one of the solicitors to the House, and he could not take on himself the responsibility of withdrawing it.

SIR GEORGE LEWIS said, that he wished the opinion of the House on the measure, and he should therefore move that it be read that day six months. He gave every credit to the hon. Baronet (Sir C. Burrell) for his humane intentions, but his Bill altered entirely the character of the present enactments on this subject.

The present law went upon the intelligible principle, that if any persons did an act, or ordered another to do an act, or did not prevent an act being done when he had the power, which was dangerous to persons passing along the street, he should be liable to a penalty. In populous cities it was very natural that enactments should exist with a view of preventing passers-by from annoyance or danger through the cleaning of windows; but the measures were in no way intended for the protection of the window-cleaner, who was supposed to be capable of taking care of himself. The Bill was not called for in the rural districts, while the measures at present in existence were sufficiently stringent in towns. To make these general, therefore, throughout the country would be a perversion of the legislative principle.

Amendment proposed,—

"To leave out the word 'now,' and at the end of the Question to add the words 'upon this day six months.'"

Question, "That the word 'now,' stand part of the Question," put, and *negatived.*

Words *added.* Main question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

ATTORNEYS AND SOLICITORS BILL. COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 to 4 *agreed to.*

Clause 5, in line 34,

Mr. STANSFELD said, he wished to move, after "University," to insert "or the matriculation examination of the University of London." His object was to put the matriculation examination of the London University on the same footing, for the purposes of this Bill, as the middle-class examinations of Oxford and Cambridge.

Mr. JOHN LOCKE said, he should support the Amendment. He thought no case had been made for excepting the University of London.

Sir FRANCIS GOLDSMID said, he also should support the Amendment.

Amendment *withdrawn.*

Clause *agreed to;* as were also Clauses 6 to 12 inclusive.

Mr. MOWBRAY moved an additional clause:—

"Provided also, that all persons who, previously to the passing of this Act, shall have been duly admitted and enrolled attorneys or solicitors of the Courts of the Counties Palatine of Durham or Lancaster, or either of them, shall and may be admitted and enrolled attorneys and solicitors of the High Court of Chancery, and in Her Majesty's superior Courts of law at Westminster, in pursuance of the provisions of this Act, without further examination, upon payment of such fees and duty as by law required; provided always, that such admission and enrolment be perfected on or before the first day of Trinity Term, 1861."

After some discussion the clause was, with some modifications, *agreed to.*

Mr. MURRAY said, that he had several other clauses to propose, but as they had only been printed and circulated that morning, and as it was not possible that hon. Members could have had time to examine them, he was in the hands of the House either to report progress of the Bill now, or to bring up these clauses on the Report.

Sir GEORGE LEWIS observed, it would be better to report progress.

Mr. E. P. BOUVERIE said, the clauses were so numerous, and went so far to alter the character of the present Bill, that he thought it would be better to make them a separate Bill altogether.

Mr. MURRAY said, he would agree to this suggestion, and withdraw the clauses.

House resumed. Bill *reported* as amended.

ELECTION PETITIONS ACT (1848) AMENDMENT BILL.—SECOND READING.

Order for Second Reading read.

Mr. MELLOR moved the Second Reading of this Bill.

Mr. EDWIN JAMES said, he was willing to admit that the House was very much indebted to his hon. and learned Friend for bringing forward this Bill; but he would suggest that it should be referred to the Select Committee already appointed on the Corrupt Practices Prevention Act, in order that they might consider the whole system of the trial of election petitions. There was especially the question of the withdrawal of election petitions, which was known to be an evil, and demanded the greatest consideration. It was a common practice after a general election for a large number of petitions to be presented against the return of hon. Members without any reasonable or probable cause, and without any intention of pursuing them to an inquiry. As one behind the scenes, having been counsel engaged in election petitions, he could state that many were presented expressly for the purpose of either extorting a sum of money, or of having what was called a cross-petition to set off against a petition presented on the other side. This monstrous system was resorted to alike by the agents of both political parties, but it was unknown in any other tribunal or court in the kingdom. At the last general election eighty petitions were presented against hon. Members for bribery and treating; but of these not more than thirty, perhaps, would be brought before the Committee on Elections. The object of many of these was to intimidate Members into giving up their seats, or to induce them to prevail on some other Members to give up theirs. It was constantly the case that when a petition was presented against the Member for a borough in the south, a cross-petition was presented against some Member for a borough in the north. This was a disgraceful abuse of the system of petitioning, and not only put Members to great and unnecessary expense, but was calculated seriously to injure the character of the House.

Sir GEORGE LEWIS remarked, that there was a difficulty in the trial of election petitions that did not affect actions in a court of law; there was a public as well as a private question involved in the trial of election proceedings. The right in litigation before the Election Committee was, in some respects, a public right; but the petition was carried on at the expense of a private individual, and the contest was also one of private right. It was, therefore, impossible to put the petitioner, or a Member defending his seat, exactly on the footing of a person defending a public right. If a Member was defending his seat, and making a determined fight against, perhaps, a wealthy opponent, it was unreasonable to saddle him at the same time with a public duty without the assistance of the public purse, and treat him as a champion of public purity and a guardian of the public against corruption at elections. It was the conflict between these two principles that produced the anomaly pointed out by the hon. and learned Member. It often happened that when the public interest required the petition to be proceeded with, and the corruption at the election to be probed and laid bare, the private interest of the party induced him to decline the contest, withdraw from it, and let the matter pass without investigation. He did not know whether it was possible altogether to reconcile entirely those two interests. It was a difficulty inherent in the question, and it was impossible to prevent an occasional failure of justice. The proceedings on a petition must be carried on by private funds; consequently, the House had no right to inquire into the private reasons for which a petition might be withdrawn. He should offer no objections to the second reading of the Bill, and, as the Select Committee appointed to inquire into the Corrupt Practices Bill must examine the mode of trying election petitions, the Bill might be referred to it with a view to see what remedy could be devised. It was impossible to dissociate the question of bribery from the question of the mode of trying petitions; the remedy to be obtained against corrupt practices depended essentially on the nature of the tribunal that tried the petitions charging them. He thought that the tribunal by which election petitions were tried admitted of improvement. He was a Member of the Select Committee, and he should be ready to place before it some material proposals in reference to the present system of trying petitions. He had no doubt an improvement of the tribunal would tend to check the abuses against which it was directed. He thought the House should agree to the Second Reading of the Bill, and then refer it to the Select Committee.

Sir FITZROY KELLY said, he entirely concurred with the proposal of the right hon. Gentleman. The distinction he had drawn between the trial of an election petition and a trial in a court of law was perfectly correct. He hoped the Select Committee would be able, in its Report, to propose some remedy for the defects of the present mode of proceeding. It was impossible not to see that election petitions, besides raising a question between the petitioner and the sitting Member as to the right to the seat, frequently involved a question in which the public had a direct and deep interest, and an interest, perhaps, directly opposed to that of the two parties. To impose on individuals the duty of prosecuting in all cases in which the public interest required it, would be a species of tyranny. He hoped the Select Committee would consider whether it might not be possible to adopt some means of prosecuting charges of bribery under the order of the House. He should support the second reading, and the reference of the Bill to the Committee.

Mr. MELLOR said, the object which he had in view in introducing the Bill was simply to prevent the recurrence of an admitted grievance—the presentation of frivolous and vexatious petitions. This he endeavoured to achieve by putting a stop to their withdrawal on other than *bonâ fide* grounds, and by requiring that petitioners should state sufficient reasons to the House or a Committee for declining to proceed. He was by no means, however, opposed to the institution of an extensive investigation into the subject; but he would suggest that, as the Committee which had been appointed to inquire into the Corrupt Practices Act would have to travel over a very wide field, it would be desirable to refer the measure under discussion to another Select Committee.

Sir GEORGE GREY said, that in consenting to the second reading, he wished to guard himself against giving entire approval to the main proposal contained in the Bill, because he was of opinion its effect might be to bring the trial of election petitions under the cognizance of the House itself, which would be a proceeding both inconvenient and opposed to general usage. He was, nevertheless, prepared to admit that it might be expedient to take due precautions against the presentation of petitions which were purely of a vexatious character. At the same time he believed that, whatever difficulties were placed in the way of withdrawing petitions, it would always be done where it was the interest of both parties to it, and some arrangement would be made as to the costs. There was no doubt some value in the objection that the Bill ought not to be referred to the Select Committee on the Corrupt Practices Act, which had already so important and extensive a subject to deal with. If, however, it should be submitted to that Committee, he hoped they would dispose of the question of bribery before they proceeded to investigate the proceedings which the Bill proposed to amend.

Sir FRANCIS GOLDSMID said, they might force a petitioner to go before a Committee, but when there he might still say that he had not been able to collect the necessary evidence. The old proverb applied, You may bring a horse, &c. He was also of opinion that the 7th Clause of the Bill interfered with a most important principle of English law, that no man should be compelled to criminate himself.

Mr. VANSITTART said, the object of the Bill was a very simple one—namely, to prevent the presentation of frivolous and vexatious election petitions. It would be within the recollection of the House that the present system had been denounced very strongly last Session by many hon. Members who, like himself, considered that they had been subjected to great and undeserved persecution from motives arising from envy, hatred, and malice. So much, indeed, had that been the case that that the hon. Member for Sandwich (Mr. Knatchbull-Hugessen) had promised to bring in a Bill to remedy so crying an evil. That hon. Member, however, since he had reclined so luxuriously on the Treasury benches, appeared to have fallen into a state of apathy or somnolency. Now, if the House agreed to the Amendment of the hon. and learned Member for Marylebone (Mr. E. James) of sending the Bill to the Committee upstairs, it was virtually shelving the question, and he was sure that Committee had quite enough to do in remodelling the Corrupt Practices Act, without having any other subject referred to them. Under these circumstances, and as Her Majesty's Ministers evidently shrank from the responsibility of dealing with a very simple question, he hoped hon. Members would join him in vindicating the position of the House, and support the second reading of the Bill.

Mr. DEEDES said, he agreed with the right hon. Gentleman the Member for Morpeth (Sir G. Grey) that it was not desirable that the decision on election petitions should be transferred from Select Committees to the House generally; and he would throw out, as a suggestion for meeting the requirements of the case, that a tribunal similar to the Standing Orders Committee, and consisting of three or five members, should be appointed at the commencement of each Session, to whom the consideration of proposals for withdrawing petitions should be referred before the House gave its sanction to such proceedings. He hoped that the Bill would not be referred to a Committee which had other subjects connected with our electoral law to consider.

Mr. COLLIER said, he was afraid that if the Bill was sent before the Committee on the Corrupt Practices Act, no legislation to effect its object would—so wide was the field of inquiry upon which the Committee would have to enter—take place during the present Session. He trusted, therefore, that the Bill would be sent to another Committee.

Mr. HENLEY said, he would admit that a strong reason for complaint was furnished by the fact that petitions were brought before the House upon insufficient grounds, and frequently without any intention on the part of their promoters to proceed with them. Sham petitions were from time to time brought forward, and somebody found himself, as the result, seated in that House, while somebody else discovered that he was unseated, nobody knew how. Now, that was an evil which, in his opinion, required a remedy. It was, he believed, attended by a good deal of corruption, and, entertaining that view, he should give his cordial support to the second reading of the Bill. He might add that he concurred with the right hon. Baronet opposite (Sir G. Grey) that it was desirable to prevent the trial of petitions as far as possible from being mixed up with the proceedings of the House.

MR. E. P. BOUVERIE maintained that it was undesirable on general grounds to add to the labours which the Committee on the Corrupt Practices Act had already undertaken to discharge. At the same time he was of opinion that the best course to pursue with respect to the Bill under discussion was to take further time to consider whether it should be referred to that Committee or to another.

MR. STEUART said, he differed from the right hon. Gentleman who had just addressed the House, as he thought that the Committee on Corrupt Practices ought not to be charged with the further duty of inquiring into the question involved in the present measure.

MR. HUNT said, he would suggest that on the presentation of a petition some preliminary investigation as to whether a petition was or was not based upon frivolous grounds should be instituted. He would also recommend that the petitioner, before his petition was referred to the General Committee of Elections, be required to make out a *primâ facie* case against the sitting Member. It would be very easy for him to lodge affidavits with his petition, and it might be referred to a sub-committee to report whether such affidavits showed a *primâ facie* case, and if they did, the inquiry should not be conducted at the expense of the petitioner, but the matter should be taken up by the House; and if bribery and corruption to a great extent were proved to have existed in the particular borough to the return for which the petition related, a rate should be levied on the inhabitants of that borough to defray the expenses of prosecuting the petition.

Bill read 2° and *committed.*

Motion made and Question proposed, "That the Bill be committed to a Select Committee."

MR. EDWIN JAMES said, he would now move that the Bill be referred to a Select Committee.

MR. VANCE observed that the whole of the proceedings were directed against the successful candidate, whereas there was often quite as much bribery upon the part of the unsuccessful candidate. He quite agreed that when there was any charge of bribery and corruption the investigation should be on the spot, and that the costs of the inquiry should be paid by the corrupt borough. That suggestion was worthy of great consideration by the Committee to which the Bill was to be referred.

MR. E. P. BOUVERIE suggested that, as the Committee on the Corrupt Practices Act was to meet to-morrow, it would be desirable that they should have an opportunity of considering whether they could deal with the question raised by the Bill under discussion, as well as with the other important subject which they had been appointed to investigate. Being of that opinion, he should move the adjournment of the debate.

SIR GEORGE LEWIS said, he adhered to the view which he had already expressed, that to refer the Bill to the existing Committee instead of appointing another was the preferable course to pursue. He had arrived at that conclusion, because it was extremely difficult to find a duplicate Committee consisting of some fifteen or sixteen Members to inquire with due efficiency into cognate subjects, and because he thought it better that two questions intimately connected should be dealt with by one body, whose recommendations would be likely to be founded on the same principle, than by two distinct bodies, who might arrive at their conclusions on each of those questions upon principles entirely different.

Debate *adjourned* till *to-morrow.*

House adjourned at Ten minutes
before Six o'clock.

HOUSE OF LORDS,

Thursday, February 23, 1860.

MINUTES.] PUBLIC BILLS.—1ª Consolidated Fund (£407,649); Offences against the Person; Lar-

ceny, &c.; Forgery; Malicious Injuries to Property; Coinage Offences; Accessories and Abettors; Criminal Statutes Repeal.
3ª Saint Mary in Rydal Marriages Validity.

THE NEW FOREST.—QUESTION.

The Earl of MALMESBURY wished to call the attention of the noble Duke the First Lord of the Admiralty to some circumstances connected with the management of the New Forest, and particularly with regard to the removal of some beech timber trees, which were some of the finest and largest in England. These trees had been cut down. He understood also that the roots of these trees had been grubbed up at an expense which could never be repaid. There were also a great many ancient yew trees in the New Forest which had been cut down. Now every one knew that single yew trees took up little or no space in such an area as that of the New Forest. He wished to ask the noble Duke whether he would have any objection to give the House a Return of the Number of Beech and Yew Trees cut in the New Forest between the 1st January, 1858, and 1st January, 1860, and the Amount for which they had been sold?

The Duke of SOMERSET said, he was quite aware of the existence of some fine beech trees in the New Forest, but he had no knowledge of their having been cut down. He regretted that such fine trees should have been sacrificed, especially as they were of little or no value for timber. He believed that the felling of beech did not contribute much to the benefit of a proprietor, and he recollected the advice said to have been given by a nobleman to his son, always to plant beech in his park, because it was very possible that they might be spared by his successor, when oaks would not. He had no objection to the Return proposed.

Return *ordered.*

BILLS FOR THE CONSOLIDATION OF THE STATUTE AND CRIMINAL LAW.

SECOND READING.

Order of the Day for Second Reading of the Offences against the Person Bill.

The LORD CHANCELLOR in moving the second reading of the Bill said, it was one of a series of measures of great importance; which, if their Lordships would read a second time, he should ask should be referred to a Select Committee, at which not merely the law Members of their Lordships' House, but other noble Lords, both law and lay, might attend, and offer suggestions for their improvement. He had given their Lordships a history of these Bills at no distant period, which he would not then repeat. A proposition had been entertained for attempting the consolidation into one code, not, indeed, of the whole law of the country—that would be almost a hopeless task—but of the criminal law only, and the present series of Bills consolidating the Criminal Statute Law was the result. The Bills had been carefully considered by learned persons on both side St. George's Channel, and the criminal law of England and Ireland had been assimilated on some important points. He would draw their Lordships' attention to one of these. By the law of England to conspire to murder was a misdemeanour: by the law of Ireland it was and is a capital offence. Their Lordships in considering the law as it applied to Bernard's case had thought that there ought to be a uniformity of law upon this subject. The opportunity for a change had now occurred, and it was proposed by the Bill which he now introduced to assimilate the penalty in Ireland and England, by making it not merely a misdemeanour but a felony in both countries, punishable not with death, but with penal servitude

The Marquess of WESTMEATH addressed some remarks to the House, which were inaudible.

The LORD CHANCELLOR said, he hoped the noble Marquess would attend the sittings of the Committee, where he had no doubt of being able to prove to him that the alterations he proposed, so far as they affected the law of Ireland, were unexceptionable.

Bill read 2ª and *referred* to a Select Committee. As also were Larceny, &c., Bill, Forgery Bill, Malicious Injuries to Property Bill, Coinage Offences Bill, Accessories and Abettors Bill, and Criminal Statutes Repeal Bill.

INDICTABLE OFFENCES (METROPOLITAN DISTRICT) BILL.—COMMITTEE.

House in Committee according to Order.

Clause 2,

Lord CHELMSFORD referring to some objections taken to the Bill on the second reading, said the only difficulty in carrying out the principle of the measure lay in this, that the district of the Central Criminal Court and the metropolitan police district were not co-extensive. The Central

Criminal Court district comprised the City of London, the county of Middlesex, and portions of the counties of Kent, Essex, and Surrey, including the borough of Southwark. By Act of Parliament Her Majesty in Council was entitled to assign as the metropolitan police district any portion of the Central Criminal Court district (with the exception of the City of London), and any place within fifteen miles of Charing-cross. The effect was that there were various portions of the counties he had named which were within the jurisdiction of the Central Criminal Court, but over which no police districts had been established; and the difficulty he had in framing this measure arose out of the fact that the City of London and portions of those counties were entirely out of the metropolitan police district. His noble and learned Friend (the Lord Chancellor) had expressed some misgivings as to intrusting to the Lord Mayor or to a single Alderman of London functions superseding those of the grand jury. Now he had given his noble and learned Friend's objection the best consideration; but he could see no way of obviating it short of leaving the City of London entirely out of the Bill, which would have the effect of defeating its object. He would submit to their Lordships that the City police courts, like the other police courts of the metropolis, were open to the public, and there was no reason to complain of the mode in which justice was administered in them. They would in every respect bear comparison with the other police courts—indeed if the ratio of acquittals to committals was taken as the test it would be found to tell rather against the police magistrates than the civic magistrates—and this probably arose from the fact that the Aldermen had the valuable assistance of clerks learned in the law, who prevented any mistakes being committed. The Legislature had certainly shown no disposition to disparage the City police courts; for in 1848 an Act was passed which gave to the Lord Mayor or to any single Alderman, sitting in public court, the same power and authority which could be exercised by any two magistrates sitting in petty sessions. They had, therefore, not only the power of committing persons for trial, but of exercising individually the power of summary conviction. His noble and learned Friend (the Lord Chancellor) said nice questions of law might arise in cases of this description; but he (Lord Chelmsford) ventured to submit that in ninety-nine instances out of a hundred no such case would arise. Nice questions of law might arise in cases of summary conviction, and yet the Legislature had intrusted the Lord Mayor and the City magistrates with the power of summary conviction. It was quite impossible that he could proceed with the Bill if their Lordships should be of opinion that any distinction should be made between the City magistrates and the other police magistrates of the metropolis. With regard to the outlying districts it would be in the power of his noble and learned Friend (the Lord Chancellor), in case he disapproved of the working of the Bill, to advise Her Majesty to annex them to police courts. There was only one other objection to the Bill, namely, that it would cause persons to be put on their trial at the discretion of a single person for offences that left an indelible stigma on those who were accused of them. Now if the accused were guilty, that objection would of course have no place; and he should imagine there was no innocent man who would not infinitely prefer an acquittal after a public trial than to have the bill against him ignored, because if the latter took place there would always remain a suspicion that it had been brought about by some underhand contrivance to evade justice. The principle of the Bill had been recognized by their Lordships twice, and also by the other House of Parliament. It was a Bill which had met with almost universal approbation both in and out of Parliament, and he trusted there would be no objection interposed to prevent their Lordships' adoption of a measure which he believed would introduce a very great improvement into the administration of criminal justice within the metropolitan district.

THE LORD CHANCELLOR said, he was still unconvinced of the propriety of empowering the City magistrates to send for trial without the intervention of a grand jury. He thought, moreover, there was an advantage in the grand jury system, for it was obviously a good thing that persons of all classes should be periodically brought together to administer justice. At the same time, it was a very serious thing to put a man in the felon's dock and cause him to undergo a solemn trial—it was a thing that ought never to be done lightly—but where the magistrate was a trained lawyer he should be content to leave in his hands the discretion of committing or not persons for trial. The mode of conducting magisterial business in the country was certainly now much more satisfactory than formerly. Formerly the squire sat in his own hall, and had his gamekeeper for his clerk; but now the business was done in petty sessions, and they had for their assessors very able and competent persons—such persons as Mr. Oke and Mr. Martin the clerks at the Mansion House and the Guildhall.

EARL GREY doubted whether a grand jury afforded a better preliminary tribunal than the magistrates. True there were twenty-three men instead of two; but he had served on grand juries himself, and knew that the number of their members, so far from being an advantage, was a bar to any effective inquiry. A grand jury decided without hearing both sides, and, however able and anxious they might be, they were not in a position rightly to declare whether the cases which came before them should go for trial or not; whereas, on the other hand, you had two magistrates, men of education, deciding in open court after hearing witnesses, and perhaps solicitors on both sides, having moreover invariably legal assistance of their own. He believed that the Bill would effect a great improvement in the area to which it applied, and was glad that his noble and learned Friend (the Lord Chancellor) did not propose to amend it.

LORD OVERSTONE said, he believed he was the only person in the House who had had personal experience of the working of the grand jury system in London, and he could say it was impossible for them to make anything like a careful investigation into the cases brought before them. On one occasion when he served, the grand jury agreed among themselves that thirteen or fourteen should remain and do the business, and that the others might go away. They had between 300 and 400 Bills brought before them; and he put it to their Lordships whether such a tribunal could interpose any available protection against any possible mistake by a magistrate.

Clause *agreed to.*

Remaining clauses *agreed to.*

Bill *reported,* without Amendment.

Amendments made, and Bill to be read 3ª *To-morrow.*

ENDOWED SCHOOLS BILL.—REPORT.

Amendments *reported* (according to Order.)

The Lord Chancellor

LORD CHELMSFORD moved that the words "educational charities" be struck out of the preamble. The preamble, he said, was that of another and larger measure, and these words were not applicable.

Amendment made.

THE DUKE OF MARLBOROUGH rose to propose an Amendment which he believed would carry out the intentions of the House in the clauses to which they had already agreed. It was enacted by this Bill that the trustees of an endowed school where the religious teaching was according to the forms of the Church of England should not debar the children of Dissenters from the secular teaching of that school. In that arrangement he agreed. But at the same time, their Lordships had refused to admit Dissenters to the government of the school, lest they should alter its government. That was a proof, as he apprehended, that their Lordships did not wish any change to be made in the religious teaching of those schools. Still that was not quite clear as the clause stood; for Dissenters taking advantage of the privilege allowed them to send their children, might insist that they had a right also to introduce their own forms of religious teaching, and thus alter the government and constitution of the school. It was to guard against such an event that he wished to propose his clause. The noble Duke concluded by proposing a clause—

> "That where the religious teaching in any Endowed School shall at the Time of the passing of this Act be given in accordance with the Doctrines and Formularies of the Church of England, nothing herein contained shall empower any Trustees to allow any other Form of religious Teaching in such school."

LORD CRANWORTH considered the noble Duke's apprehensions were entirely groundless, but agreed that there ought to no doubt on the subject. He objected to the wording of the proposed Amendment, as not calculated to carry out the object in view, but would introduce words with that view himself.

THE EARL OF ST. GERMANS regretted the omission of the clause allowing Dissenters to be trustees, the effect of the omission of which he thought would be to oust them from many schools in which they had long acted as trustees.

LORD CHELMSFORD expressed his continued adhesion to the view which had been affirmed by their Lordships, that Dissenters had no right to be trustees of Church of England schools.

Further Amendments made.

Bill to be read 3ª, *To-morrow.*

House adjourned at a Quarter before Seven o'clock, till To-morrow half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 23, 1860.

MINUTES.] PUBLIC BILLS.—3° Charitable Uses.

MESSENGERS OF THE CUSTOMS AND EXCISE DEPARTMENTS.

QUESTION.

MR. ASTELL said, he would beg to ask Mr. Chancellor of the Exchequer, Whether there is any sufficient reason why the Messengers at Her Majesty's Customs-house receive a lower rate of salary than the Messengers at Somerset House and other Public Offices where similar duties are performed; and whether their case cannot be taken into consideration, with a view to a re-classification of the same, by an additional grant for the purpose of £275 per annum?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I am not aware of any reason whatever for altering the salaries received by the Messengers of Her Majesty's Customs-house. I believe there is no difficulty in finding an adequate supply of persons able and willing to do the work at the present salaries, and if I should hear of any such difficulty from the Secretary to the Treasury, I have no doubt I could find him a considerable number of persons who would be very glad to be provided with such situations. As I find from the terms of the question of the hon. Member that the Messengers employed at Somerset House are paid at a higher rate than those employed at the Customs-house, I shall certainly make it my business to inquire of the Chairman of the Board of Inland Revenue whether there is any reason why the Somerset House Messengers should not have their salaries reduced so as to equalizethe two.

SUPERINTENDENTS OF POLICE.

QUESTION.

MR. BOWYER said, he wished to ask, Whether Superintendents and Inspectors of the Metropolitan Police are subjected to any, and what, examination previous to their appointment?

MR. CLIVE said, that the Superintendents of Police were not subjected to any examination whatever, and that they received their appointments from the Commissioners.

DRAWBACK ON FOREIGN WINES.

QUESTION.

MR. WOODD said, he would beg to ask Mr. Chancellor of the Exchequer, Whether, in the event of a further reduction in the Duty on Wines taking place in April, 1861, the drawback be allowed on Portugal and French Red Wines in stock at that date, pursuant to the terms of the Excise Orders of July 11, 1843, and July 20, 1852, and the Excise Letter of July 24, 1843?

THE CHANCELLOR OF THE EXCHEQUER: I am, Sir, sorry that I had no opportunity on the evening of the financial statement of entering as much as I could have wished into detail on the important subject of the drawback on foreign wines as well for the information of the House as of the parties interested. As the matter stands, I have no choice but to put off the explanation of the general views of the Government until we come to discuss the duty on wines in the Resolution. But I have no hesitation in stating that the Government have no intention of proposing that any drawback shall be granted upon wine, except to the extent I have already announced, namely, the extent of the difference between the present duty and the duty of 3s., which we are about to propose, and that that concession will be limited to the parties who have complied with the conditions laid down in the Treasury Minute of 1843.

SIR STAFFORD NORTHCOTE said, he wished to ask, Whether the right hon. Gentleman recognized the Excise Letter of July 24, 1843, as investing any parties with any rights or claims?

THE CHANCELLOR OF THE EXCHEQUER said, he could not recognize that Letter, on the plain and simple ground that it was revoked and cancelled eight years ago, and had no reference, therefore, to any transaction which had taken place since.

SIR HENRY WILLOUGHBY said, he wished to ask what would be the condition of those provincial wine merchants who had not complied with the conditions of the Minute of 1843?

THE CHANCELLOR OF THE EXCHEQUER said, no distinction could be drawn between metropolitan and provincial wine merchants as regarded the allowance of the drawback.

DUTIES ON SILKS.—QUESTION.

SIR JOSEPH PAXTON said, he would beg to ask Mr. Chancellor of the Exchequer if it is proposed by the new Treaty to give the French Government the power of increasing the existing Duties on English silk goods imported into France from their present rates to 30 per cent *ad valorem*.

THE CHANCELLOR OF THE EXCHEQUER: Sir, with regard to the class of goods mentioned by the hon. Gentleman and to a great number of other articles forming part of the commerce between the two countries, there are no stipulations in the new French Treaty; but the two Governments are willing to place reliance on what they know of each other's intentions, and to confine their engagements to the articles mentioned in the Treaty. There are no engagements between the two Governments, except what are set forth in that document; but Her Majesty's Government believe they have adequate means of knowing that there is no intention on the part of France to raise the duties on articles imported from this country in cases where those duties happen to be below the rates specified in the Treaty. But it is the intention of the French Government, with a view to the information of parties in that country, and also of the Legislative Assembly, to publish in a very few days a detailed statement, which will necessarily be of a more ample character than can be introduced into an official correspondence; and my hon. Friend will then have an opportunity of satisfying himself whether Ministers have rightly understood the intention of the French Government or not. Though I do not suppose they will relinquish the right to deal with any particular duty in special cases, I believe the general intentions of the French Government are unequivocally described in the Treaty.

DEFENCE OF LUCKNOW.
QUESTION.

MR. JONES said, he would beg to ask the Secretary of State for India, Whether the Officers of the Queen's Service who were present at the defence of Lucknow have been allowed to count any extra service for their pension in consequence thereof, and whether the same privilege is to be extended to the Officers of the late Company's Army, who also served at the defence of Lucknow; and whether it is the intention of the Government to mark in any other way their appreciation of their services?

SIR CHARLES WOOD replied, that the practice which had been alluded to did not exist in the Queen's service; but the Officers of what was formerly the Company's service had been allowed to count one year's service towards their pension, on account of their services at Lucknow. They had also been allowed twelve months' batta and a special clasp, and he believed that there was scarcely an Officer employed in the defence of Lucknow who had not received brevet rank or the Order of the Bath, in recognition of his services. He might take that opportunity of stating that an account had been received by the last mail of the Delhi prize-money, and the requisite steps would be taken without delay in reference to it.

BONDING OF FOREIGN WINES.
QUESTION.

MAJOR STUART KNOX said, he rose to ask Mr. Chancellor of the Exchequer whether, under the proposed change, Foreign Wine and Spirits will be allowed to be bonded in inland towns, and, if so, whether the Duties will then be collected by the Excise?

THE CHANCELLOR OF THE EXCHEQUER said, he feared, from the terms of the question, that the hon. and gallant Gentleman must be labouring under a misapprehension in supposing that the Government had it in contemplation to establish a system of bonding in every inland town. If such an impression did exist, the sooner it was dispelled the better, for he was not aware of any such intention. He apprehended that wherever inland bonding was allowed, foreign wine and spirits might be bonded; but no plan had been brought under his notice for rendering such a system general; and, indeed, he feared that if attempted it would be found impracticable. It was not intended to have the duties on foreign spirits, or any part of them, collected by the Excise.

BILLETING—WINE AND BEER LICENCES.

QUESTION.

MR. WYLD said, he would beg to ask Mr. Chancellor of the Exchequer, Whether in the event of the keepers of eating-houses and refreshment rooms receiving licences for the sale of Wine and Beer by retail, any measure to be introduced for that purpose will render them liable to have soldiers billeted upon them, as licensed victuallers now are?

THE CHANCELLOR OF THE EXCHEQUER: Sir, If my hon. Friend will permit me, I would rather lay on the table at once all the regulations which Her Majesty's Government may think fit to propose for the adoption of the House with regard to the conditions under which any licences for the sale of wine may hereafter be granted to the keepers of eating-houses. It would be inconvenient if I were to enter partially into that question. I have, however, no difficulty in answering my hon. Friend on one point, because it tends to narrow the field of discussion, and the field of any difference of opinion which may prevail, that is, by saying that Her Majesty's Government have no intention of making any proposal to the House on the subject of licences for the sale of beer. They think that that matter is so far provided for by the existing law, and is so mixed up with the conflict of interests between the beerhouse keepers and the licensed victuallers, that it had better stand over till the whole question with regard to licences can be dealt with. The proposal of the Government, therefore, will not have reference to the sale of beer, but only to that of wine.

ANNEXATION OF SAVOY TO FRANCE.

QUESTION.

MR. KINGLAKE said, he wished to ask the Secretary of State for Foreign Affairs on what day the Papers completing the Papers called "Guarantee Treaties," which were moved for on Thursday last, and which are required for the purpose of the discussion respecting Savoy and Nice, now fixed for Tuesday next, will be laid upon the Table?

LORD JOHN RUSSELL said, he found upon inquiry that all the Treaties which were properly Treaties of Guarantee had been already laid before the House; but it was supposed that the hon. Gentleman was alluding to two Treaties—one of November 20, 1815, being a definitive Treaty between Austria, Great Britain, Prussia, France, and Russia, which laid down various provisions in respect of the boundary of the different States; and another being a subsequent Treaty between the same Powers of the same date. These Papers were laid before the House at the time, and were to be found in the 3rd. volume of the State Papers, to which no Gentleman could have any difficulty in referring; but, for the convenience of the hon. Member, they would be laid upon the table either to-morrow or Monday.

SALMON FISHINGS (SCOTLAND).

QUESTION.

MR. STEUART said, he wished to ask the Secretary to the Treasury what measures are contemplated in consequence of a recent decision in the House of Lords, affirming the right of the Crown to Salmon Fishings along the coasts of Scotland; and whether, if such rights are to be used by the Crown, an estimate has been formed of the additional revenue which will be gained?

MR. LAING replied, that in consequence of the decision referred to by the hon. Gentleman a Circular had been issued by the Commissioners of Woods and Forests calling the attention of the proprietors of certain fishings to it, and proposing that they should recognize the right of the Crown. The Returns to the Circular were by no means complete, and it was consequently impossible at present to form any estimate of the amount of revenue which might be derived from that source. As soon as sufficient evidence had been received to warrant ulterior proceedings, measures would at once be taken to render available for the use of the Crown the revenue which legitimately belonged to it.

CAVALRY COMMISSIONS.

QUESTION.

SIR HENRY STRACEY said, he would beg to ask the Secretary of State for War if it be the intention of the Government to equalize the prices of the Commissions of Officers of Cavalry and Infantry of the Line; whether Cavalry Officers, having paid a larger sum as the price of their Commissions, and receiving only the same pay as Infantry Officers, will, on selling, receive the difference from the War Office; and whether, on not wishing to sell, they will receive pay in proportion to that extra outlay?

Mr. NOEL said, before the right hon. Gentleman the Secretary of State for War gave his reply, he wished to know whether any decision has been come to on the question of stoppages and of forage for Cavalry Officers' horses, which he has been repeatedly told was under the consideration of the Government?

Mr. SIDNEY HERBERT, in reply, said, with regard to the question which had been last addressed to him, he could state that the subject had been under the consideration of the Government for a considerable time—it was a matter which had been discussed between the Officers and the Government with—he would state frankly—very little prospect of a satisfactory result. It was the intention of the Government, however, to lower the price of Cavalry Commissions to the same rate as those in Infantry Regiments; but it did not follow, as the hon. Gentleman seemed to imagine, that any reduction would take place in the pay. If a Cavalry Officer sold his commission, he would receive from the War Office the difference between the former and the reduced price; and if he remained in the service, he would continue in receipt of pay higher than in the Infantry Regiments.

DRAWBACK ON BRITISH WINES.

QUESTION.

Mr. T. DUNCOMBE said, he rose to ask Mr. Chancellor of the Exchequer if he has as yet made up his mind as to allowing a drawback on the amount of Duty paid in the manufacture of British Wines?

The CHANCELLOR of the EXCHEQUER said, he had found little difficulty in making up his mind on this subject. Certainly he was not prepared to propose the allowance of any drawback on the amount of duty paid in the manufacture of British wines. He thought there were most conclusive reasons against any such measure.

INCOME TAX.—QUESTION.

Mr. H. B. SHERIDAN said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the Income Tax proposed by him in his Budget, is intended to be levied on the same plan as that at present in force, and, therefore, not upon incomes of less than £100 per annum.

The CHANCELLOR of the EXCHEQUER: Sir, the intention is that the Income Tax shall be levied exactly as at present with regard to the amount of the income on which it is paid. The exemptions under £150 will be specified in the Bill, founded on the Resolutions of the Committee. The hon. Member had been very naturally misled by the form in which the Financial Resolutions were drawn; in all cases the Financial Resolutions in reference to an income tax have been drawn without the exemptions, which are subsequently introduced in the Act itself.

POOR RATES (ST. PANCRAS.)

QUESTION.

Mr. JOHN LOCKE (in the absence of Mr. E. James) said, he would beg to ask the President of the Poor Law Board, Whether any, and if any, what decision has been come to by the Poor Law Board upon the question of the surcharges made by the Auditor of the parish of St. Pancras against the Collectors who acted in obedience to the orders of the Directors, and with the sanction of the Vestry?

Mr. VILLIERS said, the explanation and decision of the Poor Law Board on the subject would be forwarded to the Directors before their next meeting.

CORRUPT PRACTICES PREVENTION ACT. (1854) &c.

COMMITTEE—ADJOURNMENT.

Mr. T. DUNCOMBE moved that the Select Committee on the Corrupt Practices Prevention Bill (1854) do consist of sixteen Members, and that Mr. H. Berkeley be added to the Committee.

Mr. E. P. BOUVERIE doubted whether the practice of adding to the number of a Select Committee, after it had been named, was desirable. The number of Members who could be required to serve on Committee swas not too large. He objected to the nomination from no disrespect to the hon. Member for Bristol, who had done so much to promote reform in the electoral system.

Motion *negatived.*

Mr. H. BERKELEY said, that in order to entitle himself to speak, he would move the adjournment of the House. As far as he was personally concerned he should certainly have asked the hon. Member for Finsbury not to press his Motion to a division on the Committee. Whether he was named on the Committeee or not, his hon. Friend had done some service by suggesting that every section of Reformers should be represented on the Committee. He had been twenty-one years in the House, and during that time had taken an active part in endeavouring to repress various kinds of corruption in the electoral system; and he therefore felt he had some claim to be placed on the Committee. His hon. Friend had, therefore, some reason for proposing the Motion, though he (Mr. Berkeley) did not wish him to press it.

Motion made, and Question proposed, "That this House do now adjourn."

MR. T. DUNCOMBE said, he had not anticipated that there would have been any objection to the Motion. The House had already appointed a Committee, and why should they object to name another Member for it? Out of the fifteen Members of the Committee thirteen were lawyers. He did not mean to say that lawyers were not as well qualified as other Members to inquire into Corrupt Practices at Elections. There were, however, other Members as well acquainted with such practices, and as well entitled to be on the Committee. If those thirteen lawyers would not make confusion worse confounded, he should be surprised. The House had decided that the hon. Member for Bristol should not be one of the Committee, although it was well known that he had a certain specific for corrupt practices, which he believed would be more efficacious than any which the lawyers were entitled to suggest. He believed that the refusal of the House to put the hon. Member for Bristol on the Committee, would occasion much disappointment to the public.

Motion, by leave, *withdrawn.*

REVENUE AND EXPENDITURE.—RESOLUTION.

THE COMMERCIAL TREATY WITH FRANCE.—THE BUDGET.

ADJOURNED DEBATE. SECOND NIGHT.

Order read for resuming Adjourned Debate on Question [21st February],—

> "That this House, recognising the necessity of providing for the increased expenditure of the coming financial year, is of opinion that it is not expedient to add to the existing deficiency by diminishing the ordinary revenue, and is not prepared to disappoint the just expectations of the Country by re-imposing the Income-tax at an unnecessarily high rate."

Question again proposed.

Debate *resumed*

MR. HUBBARD said, it had always appeared to him that the commercial policy adopted by this country should stand in one of two categories—either that the change proposed should be so obviously beneficial as to command adoption for our own interests; or if there were to be a Treaty, the concessions we made should find their counterpart and equivalent in engagements and concessions made by the other contracting party. Now if hon. Members carefully examined this French Treaty according to the first proposition, what were the features of it? They would find that on the part of England there were to be immediate reductions to the extent of one-half the duties upon two of the most important articles—wine and brandy—which were imported into this country from France, and there was to be an entire abolition of the duty upon several articles of minor importance. With the concessions thus made he was not disposed to quarrel in the abstract, nor in the event of our being able to make them as the result of superfluous revenue, or when the deficiency to which they would give rise could be supplied by the imposition of taxes as little onerous or as little inconvenient to the community as those which it was intended to remit. Now neither he nor any one could think that those remissions could be justified on the ground of our having a surplus revenue; while, when he came to the consideration of the taxes by which the proposed remissions were to be replaced, he failed to perceive that the substitutes submitted to the sanction of the House were in any way less objectionable than those from which we were to be relieved. He would, in the first place, with the permission of hon. Members, briefly call their attention to the consideration of the Treaty with France with reference to the question of equivalents. The concessions which it was proposed to make on the part of England might, no doubt, lead to a considerable increase of trade between the two countries, so far, at all events, as wine, brandy, and silks were concerned; but when we came to take into account the equivalent concessions which France engaged to make, he found that they consisted in replacing positive prohibitions by virtual prohibitions. Certain duties were specified, indeed, but the duties, in the first instance, amounted to 30 per cent on the principal articles of our manufacture. He was, of course, aware that that 30 per cent was, after the lapse of a certain time, to be reduced to 25; but when, he would ask, was that concession to come into operation? Not, he found, until October, 1864. So that while the concessions which we engaged to make to France were to take immediate effect, the remissions which France was to make to us were only promises to take effect four years hence. Now without at all questioning the good faith of the Government of France, he must say that the promissory note at four years' date of any Ruler of so impulsive a people as the French was not what would be called in the City a discountable security. When he said that France made no immediate concessions, he had forgotten that concession which we had obtained by the 11th Article of the Treaty. That Article appeared to him when he had first read it to be a mistake of print. That Article recited that the two contracting Powers bound themseves to levy no duty on the export of coals; but it seemed simply ridiculous that France should engage to levy no duty on the export of coal, inasmuch as she had no coal to export; and therefore an engagement on the part of France of that kind was mere surplusage. But the matter was very different to us, for we had coal and did export it. We undertook not only not to prohibit the export of coal, but we engaged not to levy a duty upon the export of coal. Now he took that to be a most objectionable engagement. He wished to know upon what policy or upon what commercial principle the Government had undertaken never to levy an export duty upon coal. The subject was one to which the noble Lord the Secretary for Foreign Affairs a few days ago alluded, and in doing so he observed that a tax of 2*s.* a ton on the export of coal had been at one time imposed by Sir Robert Peel, but that that statesman had subsequently deemed it expedient to relinquish the charge in consequence of the discontent the impost had occasioned. But why, he would ask, had it been so relinquished by Sir Robert Peel? Simply because it gave dissatisfaction to the coalowners, who had an interest in the export of coal. He (Mr. Hubbard) should, however, confidently appeal to the House to say whether the interests of a particular class should be allowed to operate, so as to prevent the Government from raising a not unimportant amount of revenue in a most legitimate manner. The noble Lord further proceeded to contend that, to impose a tax upon exports was opposed to the general policy of the country; but he (Mr. Hubbard) regretted to hear that stated, inasmuch as he was of opinion that a portion of the taxes of the State might very advantageously and very legitimately be raised in that manner. It was, however, he admitted, the fact that an export duty would be practicable in the case of comparatively few countries. Such exceptional facilities however did exist—the sulphur mines peculiar to the Two Sicilies enabled that country to tax the export of sulphur; the boundless plains of Russia, fertile in the production of grain, of cattle, and of sheep, justified her in raising a revenue by a duty on the export of grain, hides, and tallow. But how did England stand in that respect? She had been blessed by Providence with invaluable mines of coal, in which article no other country could compete with her, and which, he contended, were not only a great source of wealth to her own people, but which might very properly be made the subject on which to raise portions of the revenue of the country. Our export of coal was 6,000,000 tons, of which France took 1,250,000. It was very well for France to say to England, "Don't you levy an export duty on coal, and we promise to do the same;" but how any one could accept that as a fair bargain he could not understand. There was one part of the correspondence relating to the French Treaty which required some notice. It was a part of Lord John Russell's letter addressed to Lord Cowley and Mr. Cobden, which he would now read:—

> "Adverting to the distinct nature and very much higher market value of French brandy, and more especially to the interests of the Exchequer, the Queen's Government consider 10*s.* per gallon to be the proper duty. If, nevertheless, you should find that by making a concession, even beyond what I have named, you can obtain from the Government of the Emperor satisfactory arrangements for early reduction of duty upon some important commodities, you are authorized to engage for the reduction of the duty on brandy to the same rate as that on British spirits brought from the Colonies—namely, 8*s.* 2*d.* per gallon."

He should be glad to learn at the proper time what were the important concessions in the reduction of duties we had received from France in consideration of the reduction of the duty on French brandy from 10*s.* per gallon—stated by Lord John Russell to be the proper duty—to 8*s.* 2*d.* per gallon. The concessions made on the other side were no equivalent whatever for what we gave up on this side of the water. Passing from the consideration of the concessions on either side as equivalents—he wished dispassionately to consider what the concessions made by France were really worth in themselves. The extreme concession made by France was the imposition of a duty of 25 per cent at four years' date. It was a perfect mockery. If it was not itself prohibitory, he was very much mistaken. The Chancellor of the Exchequer had told them as much in his exposition of the Budget. He said that in 1841 linens were exported to France, but that the raising of the rate of duty in 1842 to a much higher rate, completely extinguished the trade. If 20 or 27 per cent extinguished the trade then, it would not revive it now. But they were told they should consider this Treaty as a step to more enlightened legislation on the other side of the water. He (Mr. Hubbard) was glad to hear of that prospect. That eminent liberator of trade, Mr. Cobden, it was said, should have the glory of bringing the French Emperor and nation to substitute for prohibition what, although it might be a virtual prohibition in terms, still held out some hope for the future. In that saying, however, was said all that could be said in favour of the Treaty. He certainly congratulated Mr. Cobden on the progress his Imperial pupil had made; and he congratulated his Imperial pupil on his progress; but he could not congratulate the English people on the result, which imposed on them an additional 2*d.* in the pound of income tax as the price of a lesson in political economy given by Mr. Cobden to the Emperor of the French. Could that eminent individual have been prevailed to lay down a large portion of his immense armament—one-third—and we had done the same, sweeping off £10,000,000 from our Estimates, and so relieved ourselves from the necessity of paying a sevenpenny, not to say a tenpenny income tax—that would, indeed, have been a gain to the country, and a triumph to Mr. Cobden. He should now turn from the remissions of duty specially connected with the trade of France, and come to those which, *ex proprio motu,* the Chancellor of the Exchequer had made on this side of the water. Many of those were very excellent in themselves, and some of them would contribute to the production of cheap plum-puddings. The duty was reduced on butter, eggs, nutmegs, raisins and currants, and also on timber, in respect of which the reduction was an important one. The Government reduce duties approaching £2,000,000 in virtue of the French Treaty: remove another £2,000,000 professedly in favour of English commerce; add these remissions to the previous deficiency, and then of necessity have new and weighty impositions to propose. The countervailing impositions, if the object were to challenge opposition, were, he admitted, most ingeniously contrived. He would first take the contract stamps. The House had never had a perfect explanation of what those were; but he took the proposal to be this—that every document which recorded a bargain between two parties, whether issued to them from an official broker, or resulting from the direct negotiation of two individuals, must be subject to this taxation. Did the right hon. Gentleman see how wide was the field over which this new taxation would extend? Take the case of mere brokers. The broker had a book in which he entered every sale he made; he then sent each of the two parties for whom he acted a copy of his entry: was each of those copies to be taxed? If so, it was not one document, but two, which were to be taxed in each transaction, and the tax was not to be a penny, but a twopenny one. Then there were contracts made daily by letter between persons engaged in trade. Take the case of two parties living in different places—say Hull and London. The merchant in Hull wrote to his correspondent in London, saying that he would give a certain price for certain goods. The merchant in London wrote to say he would accept the offer. Those two letters, in law, constituted a contract. Were both to be taxed? If not taxed, what was the consequence? Some penalty, more or less grave, must attach to the neglect or accidental disuse of these penny stamps. Take, again, the case of a commercial traveller, who made a sale to a country shopkeeper, and entered a memorandum of that sale in his book. Was there to be a penny stamp plastered on to every such memorandum? Let them again consider the mode in which business is done at Manchester. The agent arranges transactions verbally between principals, no notes are passed, but an entry is made in his own book. Was that register of a bargain to be subject to a stamp? Take the case of Exchange brokers; their operations were of the most rapid and unformal character.

At 'Change time you saw them running from one merchant to another, uttering a few hurried words, and distributing small slips of paper marked by a few strokes of a pencil. Those slips were contracts for the negotiation of bills of exchange, the medium by which thousands and tens of thousands were being paid by one country to another. Were these slips to be stamped? Were the House to be called upon to check this vigour of trade, this life-like proceeding, by the imposition of the paltry tax of a penny? He could scarcely keep his patience at such a proposition. He confessed, as a merchant, he did not know whether he should not have to get all his letter-paper stamped, for he could not tell what might not be called a contract under the new law. It appeared to him that while in one respect they were taking the duty off paper they were putting it on in another form, and in one that must necessarily have a most disastrous effect on commerce. The proposed stamp on contracts would not only give rise to annoyance and litigation, but to much pecuniary loss, for if one of those contracts was produced in a court of law it would be valueless unless it bore a stamp. Under the proposed system a merchant of the highest repute might be ruined by the accidental omission of a penny stamp on the contract. An essential characteristic of the present day was the respect paid to the saving of time, as indicated by the millions spent in railways and electric telegraphs. Why, then, waste the time of the traders of the country by these petty impositions? It was not the amount but the time lost by this penny stamp that made him so hostile to it. Traders would not care about paying the penny in some other form; but they objected to have their business impeded and their risks increased by so vexatious and annoying a tax as a contract stamp. It would raise only £100,000, and for the sake of such a sum it was not necessary to harass the operations of trade throughont the length and breadth of the land. He came next to the proposed tax on dock warrants. Would this impost apply to delivery orders as well as to dock warrants?—because the two documents ran very much together. If it did, it would work in a very oppressive manner. When a ship arrived the merchant in the first instance made out a delivery order for the whole cargo. That order was lodged; and then warrants were taken out for either the whole or certain portions of the goods, as was most convenient. If this tax was imposed then, and then only—if it extended only to the first Act by which property of great value came into the possession of the importer, there would be some limit to it. But that was not the case. These delivery orders or primary warrants having been lodged, subsidiary warrants were taken out; and the process of subdivision went on until it reresulted very frequently in a separate warrant for every individual package. Thus by this multiplication of warrants the tax would go on multiplying itself as the goods diminished in value, until its pressure became very aggravated. An impost of 3*d.*, in the first instance, on a cargo of any commodity would be nothing; but when it came to be repeated on every small box or chest, it would prove very oppressive indeed. The tax, therefore, was one which, in the interests of trade, it was not expedient to establish. It was next proposed to levy a tax on the operations carried on in the bonded warehouses. Those operations were performed by the servants of the various dock companies, who, of course, made a charge upon their customers. But the Chancellor of the Exchequer now wished to make a charge for the services of the Customs' officer, who did nothing but look on while the work was being done. This tax would be most onerous in regard to some commodities; and as it was not regulated according to value, in certain cases it would absolutely absorb the entire margin of profit. Here again, therefore, he must suggest that the impost was not one that it was desirable to create. But a special charge of 1*s.* a package was also placed on removals from the bonded warehouses by the right hon. Gentleman's Budget. Thus, on a single chest of tea 1*s.* 4*d.* altogether would be charged for the services of the Customs' officers in looking on, and for the removal. This removal charge, he humbly submitted, was one that ought not to be levied at all, the Customs' authorities not rendering any real assistance in the operation. The proposed registration fee of 1*d.* on every package was equally objectionable. Any uniform charge of that kind would be utterly destructive of the importation of a great many small packages. It was no doubt most desirable that correct statistical information on the subject of our exports and imports should be obtained; but the object was one of public utility, and why should the merchant alone be called upon to pay for it? The Custom-house had already the machinery for ascertaining the value of everything that we imported and exported; and the collection of such statistics was for the advantage of the community in general,—not for the individual benefit of the merchant. There was not, therefore, a sufficient reason for the creation of a new impost for the purposes of registration. He now approached one of the most important parts of the Budget. It was to the income tax that the right hon. Gentleman looked for the principal means of filling up the chasm which his own remission of duties would create. No less than 3*d.* in the pound was to be added to the original income tax proposed by Sir Robert Peel, or 5*d.* more than the rate at which it would have stood but for this change in the right hon. Gentleman's policy. The Chancellor of the Exchequer said he wished to make his contemplated reductions of duty out of deference to the expectations of the public that the year 1860 would be an era marked by the relief it would afford the country from the pressure of its heavy fiscal burdens. The springs of industry were to be sensibly lightened. Very true; but what promise had been more distinctly held out to the people, or more cordially accepted by them—of what pledge had the fulfilment been more strongly insisted upon by the right hon. Gentleman himself—than that given for the total abolition of the income tax in 1860? If any promise was to be kept, let it be the chief promise. Let the Government keep that promise but for which they would never have had the income tax which now existed. The right hon. Gentleman had acknowledged the willingness with which the people bore their burdens. Indeed, he had said they might almost be accused—not of an ignorant "impatience," but rather of an ignorant "patience" of taxation. But why had they displayed such a temper? Why had they so patiently borne the income tax from year to year? Because the English people had believed the word of statesmen, because they had believed that that very year of the tax would be its last. Now, however, it was to be renewed, and renewed in an aggravated form, and not one word of hope to reconcile them to the grinding exaction. Every successive Chancellor of the Exchequer, every great statesman had declared the impost intolerable in time of peace; for that reason they had said, "Never mind looking into its imperfections; it is very difficult to meddle with at all; it answers very well for raising the supplies for war; bear it now and you will get rid of it next year." As it now stood the impost taxed fairly real property and dividends. But there its fairness stopped. It taxed the landowner on the money he laid out in repairs and agency; it taxed the householder on the necessary provision he made for the want of durability in his property; it taxed the annuitant, whether for life or for a term, not on his income, but on his capital. One single word had struck him as most inaccurate in the brilliant harangue of the right hon. Gentleman, remarkable as his diction usually was for its force and propriety. Speaking of the relief to be obtained from the falling in of Terminable Annuities, the right hon. Gentleman described it as a relief "in the payment of the interest on the national debt." He knew not whether any other hon. Gentleman noticed the phrase, but he confessed that when he heard it it went to his heart. He regretted that his right hon. Friend, fully couversant with the subject himself, should have used language which sanctioned a mischievous error respecting Terminable Annuities. In them we not only paid interest, but we repaid the capital of large sums of money borrowed by the Government of this country seventy or eighty years ago. If the sums which the right hon. Gentleman called interest, which had been paid year from year for the Long Annuities, were really only the interest upon the loans, then the conclusion was inevitable that we had never repaid the capital. But if the sums which had been paid yearly were repayments of capital, then the income tax had, in respect of the Long Annuities, been levied on capital. The income tax was a tax not only on the interest of the capital embarked in trade, but on the capital created by the industry, the labour, and the ingenuity of the trader; and the interest of that new capital would be taxed the very next year. But the present income tax had other defects. It did not tax equally, as between man and man, those who constituted the commercial and trading classes. Two men might each make in ten years £100,000, and one might have paid double the tax of the other, although—and this was most curious—both should have made their returns to Somerset House with perfect accuracy, and according to law. Did this seem inexplicable? Here was the solution of the riddle. One man returned his profits and paid his tax upon £10,000 made year by year. The other returned his profits alternately £5,000, £25,000, and *nil.* For the more productive year he only pays the tax upon the average of three years—£10,000. For the year in which £5,000 were made he only pays on £5,000, and for the worst year he pays nothing. Now was this a satisfactory system to retain on the statute book? If Ministers had been as anxious to improve as they had been to impose the income tax he did not believe it would have remained in its present imperfect and unjust condition. Unfortunately, however, it was one of those subjects upon which party spirit produced an evil effect, for, if one Government proposed to retain the income tax, it was of course opposed on the other side; and if one party attempted to divest the income tax of its chief defects, the attempt was resisted by their opponents. Thus, from the party spirit which prevailed the income tax was allowed to remain in its present imperfect condition, which made it an absolute disgrace to the intelligence of the age. He could never believe that in a country like this it was indispensable to raise the revenue by means of machinery that had been condemned by statesman after statesman for its imperfections and its inequalities. Passing from the methods proposed to supply the deficiencies about to be created he would next consider the probable effects of the Budget—a Budget which some had declared to be second only to the great Budget of Sir Robert Peel. Some persons appeared to anticipate wonderful results, and the hon. Member for Montrose (Mr. Baxter) had declared it would give a great impetus to our trade, especially with France. He (Mr. Hubbard) had no doubt that some increase in trade of wine, brandy, and silks would take place; but he would remind the House that it was not for the reduction of duties upon wines, spirits, and silks that Sir Robert Peel's policy had become so famous. Sir Robert Peel's Budget stood upon different grounds; his glory was that he emancipated the industry of the country from inconvenient restrictions, and that he created fresh markets for our manufactures by destroying the old corn laws. It had been said that the repeal of the corn laws had not had any appreciable effect in lowering the price of bread. He did not think that remark well founded; but if it were, still free trade in corn had attained its object, and had made bread dearer in other countries. It had, in fact, equalized the price of bread, and thus by making labour dearer abroad had enabled us to find markets for our manufactures which otherwise would not have been opened to us. If at the time we reduced the price of bread here, France, Germany, and other countries had been able to reduce it also, and thus cheapen their labour, so as to possess the same relative advantage over us, we should not have been able to obtain those new markets for our industry which were now open to us. Sir Robert Peel's mission had been a glorious and successful one. He removed the burdens which pressed upon the necessaries of life, and allowed raw products to enter freely from other countries, which enabled our manufacturers to enter upon a widely extended and successful career throughout the world. But the countries with which we found the largest trade and from which consequently we derived the greatest advantages, were not such as France. Our best customers were the United States, from whom we took millions worth of cotton, colonies like Australia and India, and some of the new countries in the East, to which we sent enormous supplies of Manchester and Birmingham goods. Such were the countries with whom we carried on a really profitable trade. Under the new Treaty we might have more claret, brandy, and silk—and he did not intend to depreciate the advantages of cheap clarets, brandies, and silks—but it was not by the encouragement of the consumption of such articles that the wealth of England could be increased. He was aware he might be told that such an opinion was opposed to the principles of free trade, but he considered that free trade and political economy should be tested by the rules of common sense and experience. If any hon. Member found his tenant drinking more brandy-and-water, his wife wearing more French silks, his son sporting more French gloves, would he consider them any the richer? They could not be, for they did not make anything that would enable them to pay for those enjoyments. So, in respect of our manufactures which we were to supply to France in return for wine and silks, the duty of thirty per cent would really be a prohibitory duty, which would prevent us from paying our debts with our goods. He was aware that the commercial was not the only consideration that could be brought to bear on the Treaty, but that there were political advantages assigned to the conclusion of the Treaty into which he was not disposed to enter. It might be most desirable on political grounds, but if it had been entered into as a treaty of amity, and a means of promoting friendship and goodwill between us and our neighbours, let us not seek to support it by alleging commercial advantages which were purely imaginary. He wished to refer to the financial condition of the country in 1860-61, as described by the Chancellor of the Exchequer. The right hon. Gentleman said the expenditure for the year would be £70,100,000. The ordinary revenue was £58,700,000; and assuming that the increased duties upon tea and sugar were maintained, there would still remain a deficiency of £9,700,000. The income tax at 10*d.* would reduce that deficiency to £828,000, which was to be met by anticipating the receipts on account of the malt and hop duties. He did not object to those receipts being called up, as he did not see why credit should be given to one class rather than another; but that did not constitute a source of revenue for the current year. There would still be a deficiency of £828,000 for the year 1861-2. The Chancellor of the Exchequer told them that he had abandoned all attempts to make provision for a term of years. He knew it was difficult, but he wished they had in 1860 a clearer and more hopeful prospect of the state of matters in 1862. It was impossible for any one not in possession of the information which was at the command of the Government to make satisfactory comments on future expenditure or revenue; but from the £70,672,000 which represented the whole available means of 1860-61 he would like to deduct the whole of the objectionable imposts to which he had referred, and 3*d.* in the pound of the income tax, while on the other hand he would maintain the whole of the duties which were to be remitted according to the Budget. Without being in the confidence of the Government there was no knowing how the deficiency might be provided for. But to impose more than 7*d.* in the pound of income tax would be a cruel disappointment, as the words of the Motion properly described it, to the just expectations of the country. With regard to the Treaty, as a matter of equivalent between the two countries it appeared to him to be thoroughly unjust: he thought the remission of duties most unwise, seeing that they were not made out of a redundant revenue, nor replaced by taxes of a less obnoxious character. He was not sufficiently inured to Parliamentary conflicts to be insensible to pain in offering any opposition to the measure which the Chancellor of the Exchequer had brought forward, no doubt with a single desire to promote the welfare of the country, but he did not feel himself justified in concealing from the House the opinion he entertained of the mischief and dangers of his policy; and he was desirous of protesting, solemnly protesting, against the aggravated imposition of the income tax, and the multiplication of trivial, but harassing and obstructing imposts, injurious to trade, but injurious not to trade only, but to the country, which, through the industry, intelligence, and enterprise of her traders, has acquired her widespread empire, her resistless power, and her unexampled prosperity.

MR. BAINES, as representing one of the largest manufacturing constituencies in the kingdom, asked permission to state, very briefly, the opinions he had formed upon the great financial and commercial scheme laid before the House. He regretted to have to follow a gentleman of such high financial and commercial authority as the hon. Member for Buckingham (Mr. Hubbard), whose authority, he also regretted to find, had been arrayed in condemnation of the measure before the House. But there was an authority higher, even in financial and commercial matters, than his—namely, the state of the public funds. Now he (Mr. Baines) observed that upon the first promulgation of the Budget and the Treaty, the funds experienced a rise, and that they experienced a second rise after the decisive division of last Monday; and as the opinion had gone on to prevail that the Budget and the Treaty would be carried by a large Parliamentary majority, so the funds had continued to advance. And it was not merely the funds of this country that had risen. Though we had been told that the Treaty was unpopular in France, there had been a most decided advance in the French funds also since its promulgation. He might also observe that the various Chambers of Commerce, and many public meetings in the largest manufacturing and commercial towns of the country, had expressed themselves as decidedly favourable to the great measure of the Chancellor of the Exchequer. He might further say that, upon the whole, it had received the decided support of the press. He believed it had the assent of a considerable majority of that House, and he trusted, therefore, that notwithstanding the boldness of the measure, it would be generally pronounced to be one, safe as it was comprehensive, and wise as it was bold. If he (Mr. Baines) mistook not, the hon. Gentleman (Mr. Hubbard) had fallen into one or two errors, which he was sure could only have been unintentional. He understood him to say that the duties upon several articles of English manufacture would be raised, according to the new French tariff, to 30 per cent, although they were now admitted in some instances at lower rates. The hon. Gentleman could not have been in the House, or he would have known that a statement had been made by the Chancellor of the Exchequer this very evening, which entirely negatived that supposition. It was not the fact that the duties upon English manufactures, which were now below 30 per cent, would be raised by the new tariff. The duties would not be raised, according to the opinion of the Chancellor of the Exchequer, upon any article beyond what they were at present. This statement should at once allay the alarm felt by the flax spinners of England, Scotland, and Ireland. Looking at the comparative French tariff, the rates of duty there mentioned were the *maximum* rates; they were not the actual rates; but looking at the Treaty, it would be observed, from Article 13, that the *ad valorem* duties, fixed by the previous Article, were to be converted into specific duties, by a subsequent convention, to be concluded before the 1st July, 1860. So that, instead of English yarns and English goods being admitted into France at a duty of 30 per cent, there were several articles now admitted into France at a duty of 10, and even at 6 per cent, and the probability was that those duties would not be advanced, but would remain the same as they were now. When the subsequent convention came to be passed, it would establish no higher rate of duty upon any article exported from England into France than now existed. There was another misunderstanding into which the hon. Gentleman had fallen, of course most unintentionally. He stated that the cost of this French Treaty to England would be 2*d.* in the pound of the income tax. This was a great mistake. It would not be more than 1*d.* Although relief would be granted nominally to an amount approaching £2,000,000 a year, yet the loss to the taxation of England would be little more than £1,000,000, and £1,000,000 was 1*d.*, and not 2*d.* of the income tax. And here he hoped he might be allowed to do an act of justice towards his hon. Friend the Member for Montrose (Mr. Baxter). The hon. Baronet the Member for Stamford (Sir S. Northcote), commenting upon what his hon. Friend had said, observed that he had stated that all the favourable remissions of taxation in the Budget and in the Treaty were to be purchased only by an advance of 1*d.* per pound in the income tax. This was an unintentional, but gross mistake. His hon. Friend (Mr. Baxter) was alluding to the French Treaty alone; and it was in reference to that alone that he said the advantages it conferred would be purchased by an increase in the income tax of 1*d.*; and in that he was strictly correct. The hon. Member for Buckingham had also remarked that the effect of the repeal of the corn laws, which he had justly styled a "glorious measure," was not merely to lower the price of bread in this country, but to raise the price of bread abroad. Now, he asked the hon. Gentleman to apply that argument to the future competition between England and France, and to the effect of the Treaty upon the manufactures of England. It would have the effect of equalizing the price of labour in England and France. It would have the same effect upon the price of labour that the repeal of the corn laws had had upon the price of bread; and if it raised the price of labour in France, it would diminish the disadvantages under which the English manufacturers lay. It appeared to him that the objections of the hon. Member, though most candid, amounted, at the most, to a minute and microscopic criticism of a great plan. He was glad, however, to find that the hon. Gentleman candidly allowed that the principles of the Commercial Treaty were most just. As for himself (Mr. Baines), it was not upon any small grounds, but upon very great grounds, that he was prepared to give his assent to it. He would not, however, say he should give his unqualified assent to it, because there were points in it upon which he must reserve his approbation; but he gave his warmest support to it as a whole, because it was a great financial and commercial measure. The broad grounds upon which he supported it were these:—First of all, because it would complete the great system of free trade begun by earlier and most distinguished statesmen, and abolish all the shackles which now existed upon productive industry. The second reason which recommended it to his mind was, that in the taxes to be remitted regard was always paid to the interest of the consumer —that was to say, to the great bulk of the population. The third consideration which recommended it to him was, that it established new bonds of friendship and commercial intercourse between England and her nearest neighbour—that country which, next to the United States of America, it would be most diastrous to us to be in hostilities with, and which might be most profitable and valuable to us through friendly commercial intercourse. The Treaty had been blamed, first because it was said it was a treaty of reciprocity, and next because it did not include reciprocity. The first was an *argumentum ad hominem* addressed to Free-traders; the second was addressed to the fears of the Protectionists. It was, indeed, a treaty of reciprocity in one sense, inasmuch as both sides received benefits from it; but it was not a treaty of reciprocity in another sense — namely, it was not a higgling bargain for what the hon. Member called "equivalents." It did not pretend to take an exact measure of the value of the concessions to be made on each side. Why? Because the two countries were in totally different and, indeed, almost in opposite positions with regard to the great principles of free trade. England went further than France towards a perfect system of freedom of trade; but she did not concede nearly so much as France did. We had a very little advance to make to attain the full goal of perfect freedom. France had to reverse the policy of two hundred years, and had to begin her course. It would be the glory of the right hon. Gentleman to have laid this, the top-stone of the fabric of free trade, in this country; but it would be the glory of the Emperor Napoleon to have laid the foundation-stone of free trade in France. Thus there was an entire and absolute difference of circumstances in the two countries, which made it impossible that the Treaty should be an exchange of equivalents. It never professed to be, but it was, nevertheless, reciprocity in the best sense of the word, which made valuable concessions one to the other; and if we made fewer, we still went further in reaching the full point of free trade. And let the words of the Chancellor of the Exchequer ever be remembered, "that all we gave to France we gave to ourselves at the same time." It was impossible to look at the comparative tariff without seeing what a mighty advance was made by France towards the total destruction of prohibition and the promotion of free trade. Let the House just hear the number of articles of the utmost commercial importance to this country, against which there was written the word "prohibited" in the existing tariff:—Pig iron of a certain description, prohibited; purified puddled iron under a certain weight—prohibited; forged iron in lumps—prohibited; cutlery, except articles charged as tools—prohibited; metal wares of cast iron, sheet iron, steel, zinc, and tin —prohibited; plated articles—prohibited; wollen yarns, manufactures of hair, of cotton, various kinds of lace—prohibited; manufactures of various kinds of silk—prohibited; manufactures of various kinds of cotton, prohibited; all kinds of woollen manufactures (with the exception of trimmings), cotton hosiery, fine stoneware, glass of various kinds — prohibited; ships and boats—prohibited; carriages—prohibited; cabinet ware—prohibited; manufactures of leather of all kinds, except pack-saddles —prohibited; refined sugar—prohibited; soap, except perfumed, and extracts from dye woods—prohibited. And this was not all. If the tariff were further examined it would be found that there were many of these articles, which were now admitted upon duties so enormous that even if 30 per cent were to be the fixed rate, which it was not, it would be a very great reduction. Take the article of iron. It would be found that bar iron was now charged from 54 to 79 per cent; machinery of various kinds, except steam engines, paid from 18 to 240 per cent. Taking woollen manufactures, it would be found that Brussels carpets paid from 42 to 60 per cent, and other kinds 43 per cent; earthenware varied from 48 to 235 per cent; kitchen ware was at the rate of 120 per cent; looking glasses from 21 to 195 per cent; and silvered glasses from 37 to 120 per cent. And so it was with many of our principal manufactures; so that the hon. Gentleman was labouring under a very great and grave misconception, if he imagined that upon the most important articles of English manufactures there was not an immense reduction of duties established by the Treaty. The hon. Gentleman had remarked upon the article of coal, and said he thought it would be almost suicidal for us to promote the export of coal. He (Mr. Baines) should like to know what right we had to inflict such a restriction upon the industry of many of the most important and populous counties in England, Scotland, and Wales? Many of those counties were upon great coal-fields; and what right had we to put a restriction upon their industry by taxing their exports, when we did not tax other exports? What right had we, and what sense would there be in denying ourselves the great advantage of the export of these various articles to our railway and our shipping interests? There were objections made to it of two kinds—one was commercial, and the other political. The commercial objection was, that coal was a raw material of manufacture, and that by supplying it to our competitors, they would be enabled to compete with us upon more advantageous terms. He (Mr. Baines) would remind the House of a very striking analogy to this export of the article of coal. There was one article of which it was the rule of this country to prohibit the export for a period of 500 years, and it was a most important article of agricultural prodce. It was the article of English wool. From the time of Edward the First to the year 1824, the export of wool was absolutely prohibited; and such was the monstrous state of the law that persons who did export it were liable to mutilation, imprisonment, and even death, if they *ran*, as it was called, wool to the opposite coast. In 1824 the prohibition was entirely taken away, to the great advantage generally of the landed interest. He remembered the time when in Bradford, Leeds, and Halifax, it would have been thought something like high treason to repeal the prohibition, so important was it thought to be to the manufactures of those towns. What had been the result? Why, one continued course of prosperity from that day to this, so that their manufactures were now much more flourishing and more extensive than they were before the period when the abolition of the prohibition took place. What would they say if every other country denied to them the raw material for their manufactures? What would they say if the United States would not export them cotton; or if Saxony would not send them wool; or if Italy declined to supply them with silk? What would they say if every other country resolved to keep to themselves their own articles? They knew that by the adoption of that course of proceeding on the part of other countries the manufacturing industry of England would be entirely destroyed. A great objection had been made to the export of coal to France, because it supplied the means of making war; but that was the strongest argument in his opinion in favour of the free exportation of coal from this country to France. If they could make the country they most apprehended as an enemy dependent upon them for the means of making war, they could bind over that country to keep the peace with them. It was scarcely necessary to remind the House of the great advantages which had arisen from the system of free trade, of which the Budget was to be the consummation. He reminded them of the enormous expansion of the products of industry which had taken place since the years 1842 and 1846. In the year 1842 the declared value of British and Irish manufactures exported, amounted to £47,381,000; in 1847, to £51,105,000; and in 1859, to £130,000,000. The export of those manufactures was last year nearly threefold the amount in 1842, and more than double the amount in 1847. He admitted that the whole of this increase might not be attribuable to free trade, but might be partly attributable to the supply of gold—to the development of their colonies—to the perfecting of their communications internal and oceanic—but he would say that, above all, the liberation of trade from the shackles upon it had contributed to bring about this great and enormous result. Let any Gentleman mention to him, if he could, one single article, which had been subjected to competition from a foreign article, and had suffered from the competition. He did not know of any article that had suffered, but, on the contrary, thought that the consumption of all had increased. Not one but all their branches of manufacture had greatly extended; and what hon. Gentlemen opposite thought was utterly impossible—wages had increased instead of diminishing, and every branch of trade flourished. But what was most remarkable was—that after the total abolition of the corn laws agriculture itself was in the highest state of prosperity it had ever known, the rents of the landlords were increased, and there was a large increase on the incomes of the farmers. The abolition of the paper duty was said to be a wanton throwing away of a source of income; but the fact was, the paper duty had become a duty utterly untenable in law and policy, and equally untenable according to the opinions of persons in and out of doors. There were commercial reasons, without number, for removing the duty on paper, because it was an article that entered into the consumption of every wholesale and retail trade in the country. It was known that when the trammels of the Excise were removed, the trade would receive an expansion from the freedom thus conferred much greater in value than the amount of duty taken off. And the manufacture would spring up to a degree of prosperity and activity that it had never before reached. It should be remembered that the paper duty was a tax upon the means of acquiring information at school, and on the correspondence of those who wished to keep up a communication with each other after leaving school. In fact, on various grounds the paper duty had become indefensible and untenable. The hon. Gentleman who spoke last contended that the income tax was not a pleasant tax, and that its imposition was attended with many inequalities. He (Mr. Baines) quite agreed with the hon. Gentleman that the income tax was far from being pleasant, and that it was attended with inequalities which he should like to see removed; but it should be remembered that the income tax was now retained for identically the same purposes for which it was originally imposed. It was retained to meet a deficiency in revenue, as it had been imposed to meet a deficiency in revenue. It was retained to liberate their industry, as it had been established, in the first instance, to liberate their industry. It could not, therefore, be said that there was any substantial difference between the conduct of the present Chancellor of the Exchequer in raising temporarily—as he hoped it would be temporarily—the income tax to 10*d.*, and the conduct of Sir R. Peel, in proposing the income tax in 1842. He trusted that, as the Estimates laid on the table were of a temporary nature, the necessity for retaining the income tax would be of a temporary nature also. Was it not known that two millions of the Estimates were proposed for the purpose of replacing the Ordnance, in consequence of the modern improvements in ordnance and small arms, which rendered them more effective and precise than those that existed before? That, therefore, was an expense which was forced upon the Government and the country. He had heard with much pleasure the remarks of the Chancellor of the Exchequer about one of the alterations which he intended to propose in the Resolutions he had laid before the House. It had reference to a proposition to which he (Mr. Baines) felt the strongest objection. He meant the proposal to extend the licences for beer. It seemed to him that such an arrangement would have an evil effect on the morals of the country, and, greatly as he valued wealth, he rated the morals of the country more highly. If a measure were adopted that would indefinifinitely increase the number of drinking-houses, under the guise of eating-houses, it would inflict a wound upon the morals of the country that no Budget would make up. To licensing the article of wine he had much less objection, because the use of the light unintoxicating wines of France might be a positive advantage to the morals of the country. On the whole, he must give his warm and strong approbation to the great financial measure before them.

MR. BLACKBURN said, that the Chancellor of the Exchequer, in developing his financial scheme, had declared that their choice lay between leaving impost duties as they were, and paying a 9*d.* income tax, or taking his plan and paying 1*d.* more. But was this the case? The Chancellor of the Exchequer said that a sum of £70,100,000 would be required for the expenses of the year. Of this amount £62,800,000 would be produced by the duties which it was intended to retain, and, with the hop and malt credits, would realize £64,290,000. An income-tax at the rate of 7*d.* in the pound would yield £5,930,000., which, added to the other items of revenue, would make £70,220,000, or an excess of £120,000 above the amount required by the Chancellor of the Exchequer. The right hon. Gentleman further stated that he had struck off £640,000 for the losses which would be sustained by the French Treaty this year; so that, if this scheme of reduction were not adopted, and the revenue were left in its natural channels, there would be a surplus of more than £700,000. Consequently, if they adopted the financial proposals which had been submitted to them, the advantages must be bought by an addition of 3*d.* to the income-tax. He for one admitted that free trade had proved beneficial to the country; it had been universally adopted by the House, and he was at a loss to understand why hon. Gentlemen on the other side—who, if he did not mistake, had sat opposite to Sir Robert Peel—should take credit exclusively for the advantages it had conferred. It might be worth while to pay an additional 3*d.* for free trade; but when they came to consider what was called the free trade part of the Budget, he held that the term so applied was a misnomer. Free trade, as he understood the phrase, consisted not in free imports and the abolition of Customs' duties, but in the removal of everything which afforded protection to native industry—in other words, that the consumer should not be required to pay anything to the producer beyond the legitimate cost of the article. But the Chancellor of the Exchequer could scarcely have been serious in maintaining that duties on brandy and wine were protective duties because they were drinks, and other drinks were made here; the same might as well be said of tea. We could grow neither wine nor tea in this country. It was the same with brandy; though spirit—alcohol—was distilled in England, they could not produce brandy, and the duty on it was not a protective one. The same was the case with currants and other foreign fruits; they could not be grown in England. It was clear, then, that the reduction of duties that were protective only applied to the duties on manufactured articles, to the amount of £1,200,000. The genius of free trade required that they should sacrifice the constituents of the hon. Member for Coventry, in order to get ribands and other articles something cheaper at their expense; and to obtain this reduction of price twopence in the pound was laid on income, which would raise £1,500,000, or a surplus of £250,000 above the £1,200,000 lost by the remission of duties on manufactured articles. This was the price they had to pay for free trade in this particular. What was the other penny in the pound paid for? The £1,000,000 raised by this penny was paid to reduce the price of wine, and the other benefits supposed to be derived under the French Treaty. But it was not for the reduction of the price of wine and brandy solely. It was for something else—the benefit supposed to be gained to the manufacturers of this country, who would export more goods; and to the iron and coal masters, who would export more of their materials. Was that free trade? The great bulk of the nation was to pay additional taxes to buy this free trade for the advantage of the iron and coal masters, and the manufacturers of Manchester. This, he thought, was the very converse of free trade: in fact, they were falling into protection again by another and most extraordinary way. They were buying advantages for the producers and manufacturers. He did not grudge it them, if, in the natural course of things, the French Government chose to admit their coal, and iron, and goods, and they gained an extended market by the natural course of affairs, even if it raised the price of coal and iron at home. But the people were actually called on to pay more taxes to gain them this advantage. He perfectly agreed with the hon. Member for North Essex (Mr. Du Cane); they were to pay 3*d.* in the pound income tax for the purpose of buying an extended foreign market for a certain class of producers. He should certainly support the Amendment.

Mr. MARSH said, that the repeal of a duty was not to be taken as the measure of the reduction in price of the articles from which the duty was removed. The seller of the article must, of course, get a profit on the capital he has expended in paying the duty. This was shown palpably in the case of claret. By a comparison with the cost of a bottle of claret at Rotterdam with the cost of the same at Dover, it appeared that the difference was owing to the high duties on wine, and not to any scarcity in the commodity. That difference was 3*s.* 6*d.* per bottle. The cause of this was, firstly, as he had said that the seller had to get a profit on the duty; and next, that in Amsterdam one hundred bottles of claret were sold for one bottle that was sold in England, and the trader could, therefore, sell it for a smaller profit. It was the same with sugar. The grocer was satisfied with ten per cent on that article, because he sold large quantities of it; but on articles less in demand, such as allspice, he charged 100 per cent and upwards. In cases where the duty was very high, the Chancellor of the Exchequer got some of the duty, but in many cases he got nothing. To show how the removal of duty increased the demand for an article, he would instance the case of india-rubber, which, when a duty was imposed upon it, was used only for rubbing out pencil marks; but, when Mr. Huskisson removed the duty, the trade in the article immediately took an extraordinary development in a very short period. He (Mr. Marsh) had no doubt that the consumption of the various articles from which it was proposed to remove the duties would be enormous in this country. Numbers of persons on the shores of the Mediterranean lived upon dates, and grew strong on them, and though he did not believe dates would ever become the sole article of food for Englishmen, he was satisfied that they would add largely to the food of this country. It was the same with figs, a cheap species of which, extensively used as food in the Mediterranean, could be obtained at 1*d.* per lb. As regarded wine, the consumption of that article had been checked and destroyed amongst whole classes by the duty. In Scotland and England wine was once generally drunk. In the time of Queen Elizabeth her maids of honour were allowed two bottles of claret a day. Habits had changed, and neither maids of honour nor any other maids had allowances of claret. Even in the last century, after a considerable duty had been placed upon it, the consumption was considerable, as might be seen in that amusing novel, *Joseph Andrews*, when the hero calls for his bottle of wine along with his bread. But the question to which he looked was not what people did formerly, but what they did now. He had been in colonies where wine was let in at a moderate duty, and he could bear testimony that it was largely consumed; while, at the same time, it contributed greatly to keep the working classes sober. At Gibraltar, the soldiers drank wine at £5 per pipe, or at the rate of 2½*d.* per bottle—and drank a great deal too much of it. That wine, Benecarlo, was, he thought, the wine that would be most generally consumed by the working classes in this country, as it was strong and rough but well-flavoured. With respect to the income tax, he considered it unjust as it was at present assessed, and he suggested that the Chancellor of the Exchequer should capitalize it, and tax the sum so produced. For instance, in the case of a professional man with £1,000 a year derived from his profession, he would have that income valued; and suppose it was valued at ten years' purchase, he would take the 10*d.* tax on the interest of the income so capitalized. That would give a tax on £300, or something more per annum, instead of on £1,000 as it stood at present, and would bring in more to the Chancellor of the Exchequer. In fact, the tax was looked upon as unjust, and people would not pay it when it could possibly be avoided; and he believed that the Chancellor of the Exchequer was systematically cheated out of half the real amount of the duty. One could not take up *The Times* without finding acknowledgments of conscience money, which amounted in the average, he believed, to £10 a day. Even if the income tax were lowered, a great deal of the money left in the pockets of the people would find its way into the Exchequer, in the shape of Excise duties, and so on. Another mine of wealth was the Miscellaneous Estimates, which had only sprung up within the last twenty years, and which did no good to the country. Moreover, the Chancellor of the Exchequer, who had already had a windfall from Spain, might have another from China, if there were no war with that country. The great point, however, was not to keep up our armaments. There could be no doubt that we were arming against France; and, therefore, if France could be induced to think more of peace and industry, and less of war and glory, it would be of the greatest advantage to England. The French people disliked the sea, and did not much like the army, as was proved by the fact that a substitute for the conscription cost £80, whereas, in any market town in England one could be had for 1*s.*; and if the people, therefore, once get it into their heads that industrial occupation was more profitable than soldiering, the conscription would cease to be popular, and would soon be at an end, and along with it would end large armies in France, and the necessity for large armies and large fleets in England. He hoped the House and the Conservative party would not oppose the Treaty, because, if what was now offered by France was not accepted, this country might never get another offer from the same quarter. He hoped also that other nations—America, Germany, Russia, and the nations on the shores of the Mediterranean—would follow the example of France; and he trusted to see the day when every man in this country would have in his home the products and comforts of every soil for his enjoyment, and when the idea of Adam Smith and Mr. Pitt would be realized.

MR. HORSFALL said, he had never felt greater difficulty in his life than in deciding how he should vote with regard to the Motion before the House. He confessed he would have preferred that the Motion should never have been brought forward, and that they should have gone into Committee upon the Budget at once, and discussed each feature of it upon its own merits. An hon. Gentleman who spoke early in the debate on the other side of the House, had taunted the hon. Gentleman who brought forward this

Motion, because he said that he had adopted free-trade principles in deference to public opinion. He (Mr. Horsfall) thought that was an unfortunate observation, because at this moment those who were attempting to establish free trade in France knew that the Emperor was bowing to public opinion. It had become the policy of this country. It was therefore evidently the policy of this country to encourage free trade not only in France, but in every nation on the Continent. He would make but a single observation with reference to coal. He thought the hon. Member for Leeds (Mr. Baines) rather misrepresented what fell from the hon. Member for Buckingham (Mr. Hubbard). He did not take exception to the export altogether of coal, but merely stated that we ought not to prohibit ourselves from imposing a duty on it. He was quite aware that there were those who thought we ought to take power to prevent the export of coal in times of war. He (Mr. Horsfall) did not concur in that. He was not afraid of the mischiefs which some people thought would flow from an unlimited export of coal, for it was well known that coal could be procured in Belgium, Prussia, and in France itself; and although that coal was not so suitable as British coal for steaming purposes, although it might be procured at an additional cost, yet it would be used at any cost and under any difficulty, and would be found most effective for all practical purposes in case of war. He chiefly found fault with the Treaty on the ground that no reference whatever was made to the shipping of this country. He regretted that the hon. Member for Sunderland (Mr. W. S. Lindsay) had withdrawn his Motion upon that subject. Hon. Members, he was sure, had no conception of the extent of the foreign trade with France. For instance, in the year 1856-57 there were 415,000 bales of cotton exported from the United States to France; in 1857-58, 383,333 bales; in 1858-59, 440,000 bales; and in the year 1859-60, so far as it had gone, it would average above 500,000 bales, requiring, as the House might suppose, a very large amount of shipping. In confirmation of this, he found from the *New York Cotton Circular* that recent exports to France showed an excess over last year, and that a further considerable increase would soon be apparent, as there were on the 1st of the present month loading in the Southern ports 54 vessels against 13 last year. If this trade were carried on in French vessels, he could understand the indisposition of France to negotiate; but what was the fact? In an official document issued by the French Government during the last few days, the admission was to be found that nine-tenths of the shipping engaged in the trade between the United States and France, was American shipping. Why, then, should France hesitate to give the shipping of this country an equality with the shipping of the United States? Our vessels were now debarred by the differential duty. He was aware that there was great difference of opinion as to the operation of the 3rd Article of the Treaty, but the Treaty itself maintained the differential duties now in force, which made a difference in the article of cotton imported into France, for example, between American and English vessels of not less than a half-penny per lb., being as much as the whole freight. It was impossible for English vessels to compete with American under such circumstances. He should have liked to see in the correspondence which had been published relative to the Treaty some evidence that the representatives of Her Majesty's Government at Paris had made an effort to accomplish something for the shipping interest. He felt bound, however, to say, and it would be satisfactory to the shipping interest to know, that the noble Lord (Lord J. Russell) had been good enough to tell a deputation who had waited upon him that negotiations were going on with the French Government with a view to give relief to British shipping, which the noble Lord hoped would be attended with success. To show how these differential duties pressed upon the English shipowner, he would read a letter from an English captain who was at Mauritius with his ship. The writer said:—

> "I am sorry to say I have no chance of any employment here. Freights are low, and only three or four ships loading for London. The *James Livesey* is one of them, and taking cargo at 17*s.* 6*d.* and 12*s.* 6*d.* The bulk of the sugar is shipping to France, and French vessels command as freight £3 10*s.* I have not decided yet where to go, but I suppose it must be back to Calcutta again."

Now, the Mauritius was an English colony, and this was an instance of the disadvantage under which English shipping at present laboured. He wished now to say a few words upon the proposed spirit duties. In the correspondence between the

Secretary of State for Foreign Affairs and our Plenipotentiaries at Paris the noble Lord said that "the lowest point to which for any British purpose Her Majesty's Government could propose to reduce the duty on brandy is 10*s.* per gallon." The noble Lord, however, gave them authority, if they saw that any adequate advantage could thereby be gained, to reduce the duty, to 8*s.* 2*d.* As they had agreed to the lower rate of duty, he presumed there must have been some adequate advantage offered. He wished, however, that it had been pointed out in the correspondence, for the difference between 8*s.* 2*d.* and 10*s.* would have made a material item in the revenue. The reduction of the duty on brandy from 15*s.* to 8*s.* 2*d.* involved a loss of £256,000. Now, an increase of duty on colonial spirits at 1*s.* 10*d.* would give £314,195; an increase of 2*s.* per gallon on British would give £2,321,261, and on brandy at 1*s.* 10*d.*, assuming no increase of consumption, there would be a gain of £101,576. The equalization of the duties at 10*s.* would altogether give an increase to the revenue of £2,737,032. If, therefore, the noble Lord's suggestion of 10*s.* per gallon on French brandy had been carried out, and the duty upon colonial and home-made spirits had maintained the same proportion, the Government might have made a deduction of 2*d.* in the pound in the proposed income tax. He had always been, both publicly and privately, favourable to the repeal of the paper duty, but he should have been disposed to look for a surplus revenue before he proposed that abolition. He should be sorry if the paper duty were not soon taken off, but if its abolition had been deferred for a short time there would have been another £1,000,000 at the disposal of the Chancellor of the Exchequer, who might then have proposed an income tax of 7*d.* instead of 10*d.* Such a proposition would, he believed, have received the assent of the country. The Chancellor of the Exchequer expected to gain £300,000 a year by his registration fee of 1*d.* per package on all goods exported and imported. Now, he had had access to documents and information which led him to a conclusion—and he believed it would be found correct—that the Chancellor of the Exchequer had greatly underestimated the revenue which this 1*d.* tax would produce. In the year 1858, a very depressed year for commerce, this small tax, instead of £300,000, would have produced £829,976. He had no doubt that in the present year, if trade were prosperous, this tax would realize above £1,000,000. He did not think this a fair tax, and he was assured that it would press most unequally and unjustly. One of his constituents wrote to tell him that a 1*d.* tax upon the cargo of one of his vessels would cost him £133. A soap boiler assured him that it would amount to a tax of £600 a year upon his trade. A gunpowder manufacturer stated that the tax would cost him £1,500 a year, while parties dealing in silk and other articles of great value would not pay, perhaps, more than £50. The tax was therefore unjust in principle. Here again, however, it gave him great pleasure to say that the Chancellor of the Exchequer had received all the representations which he and others had made to him with the greatest courtesy and candour, and he had assured the parties interested that he desired to distribute the incidence of taxation in the most equitable manner. He trusted that when the clause came under discussion in Committee, hon. Members would be prepared to give a fair consideration to this tax. With regard to the Motion before the House, he regretted that he could not support it, notwithstanding the statements he had just made. If the hon. Gentleman (Mr. Du Cane) had confined his Resolution to the words—"That this House is not prepared to disappoint the just expectation of the country by largely increasing the income tax," he should have felt it his duty to vote for it; but he could not vote for a Resolution which would neutralize the proposal of the Chancellor of the Exchequer to sweep from the operation of the tariff so large a list of articles. Notwithstanding the predictions they had heard to-night, he felt convinced that the removal of these duties would give an impetus to trade, and conduce materially to the prosperity of the country.

MR. BYNG said, that there was always this difficulty in discussing any abstract resolution, that in general the most objectionable parts of any great scheme, whether financial or otherwise, were selected for attack, while its counterbalancing advantages did not appear so conspicuous; those, therefore, who, like himself, intended to support the proposals of the Chancellor of the Exchequer, would feel obliged on the present occasion to defend the retention and augmentation of the income tax, against which the Motion of the hon. Member for North Essex was especially directed. Much of that difficulty had been removed by the manly and candid manner in which the Chancellor of the Exchequer had put forward the views on which his policy was founded, and also by the declaration of the hon. Gentleman who had just sat down, that he could not support a Resolution the effect of which would be to defeat those proposals. He was anxious not to be diverted by this Resolution from the great points at issue, but to take the Budget and the Treaty as forming portions of one general scheme; and looking at the Chancellor of the Exchequer's proposals from that point of view, notwithstanding that he entertained objections to some of its details, he was prepared to support it. There were many of the points so ably touched upon by the hon. Member for Buckingham, which would no doubt require modification, but he would not be led away by any consideration of the details from a fair consideration of what he regarded as not only one of the most comprehensive, but also one of the most honestly-intentioned Budgets that ever a Chancellor of the Exchequer had had the good fortune to submit to Parliament and to the country. There were in this Budget four points worthy of attention. There was first the great advantage not only to this country but to France which would ensue from the entire removal of prohibitive duties. There was secondly a great simplification of the tariff, the articles included in which were reduced in number from 419 to 47 or 48—which was a wide step towards the improvement of our commercial legislation; and he believed that the advantages which France would derive from this measure would be extended to other nations, and that France was setting an example of free trade which would be followed by every country in Europe. There was, thirdly, the reduction of the wine duties, and though it could not be stated distinctly that in a certain number of years a certain relief would be enjoyed by commerce, yet the case of the Treaty of 1787 might serve as an example. In 1787 the imports of French wines into this country amounted to 75,969 gallons, and in 1792, being five years after the Treaty, they were increased to 723,820 gallons. Then, judging by the past, they should not be astray if they calculated upon a very great increase. He likewise approved of the abolition of the duty on paper; but at the same time he would admit that he thought that remission might have been postponed. But when he recollected the peculiar circumstances of the time—that a Resolution passed unanimously by this House had condemned that duty as unjust and impolitic—the increasing difficulty of defining what constituted paper and the infinite labour and vexation in levying the tax, he could not help thinking that though the Chancellor of the Exchequer might have postponed the remission of the impost, he had taken a wise and bold step, and one which the country at large would appreciate. Now, the remission of the duties which he had just mentioned, as well as of several others, being the advantage which the public would derive from the scheme of the Government; the next point to be considered was what price we should have to pay for the boon which we received. We were, in the first place, called upon to submit, not only to the continuance, but to an increase of the income tax; but in dealing with that question he could not help saying that there did not appear to him to be so much weight as some hon. Members might suppose in that portion of the Resolution of the hon. Member for Essex in which the proposal with respect to the income tax was said to be opposed to the just expectations of the country. He was of that opinion, because he could not fail to perceive that since the Chancellor of the Exchequer spoke, in 1853, of a hope that the tax would by this time be extinct, circumstances more potent than even the Chancellor of the Exchequer had rendered the fulfilment of that hope impossible. It must also be borne in mind that in a speech which the right hon. Gentleman the Member for Bucks delivered when he was Chancellor of the Exchequer in 1858, he declared that to assert that a compact had been entered into which was independent of all circumstances, would be wild and impossible; and that the House, having sanctioned a certain policy, they could not repeal the expenditure which that policy entailed, unless they repealed the policy itself. It was, indeed, quite evident, as the right hon. Gentleman went on to maintain, that the abolition or reduction of the income tax must in a great measure depend on the policy we pursued abroad, as regarded our relations with foreign powers—at home, with respect to our naval and military establishments. And so it was that the Government had been obliged, in deference to the almost unanimous voice of the country, to increase our armaments; not from any fear of foreign Powers—he believed the reason lay deeper. Successive Governments had been obliged to decrease the Estimates, and he believed that the country was not aware of the sums of money that were spent, or of the manner in which they had been spent. But in consequence of these reductions it followed that an absolute and imperative necessity had arisen of placing our armaments on a proper footing. But though the Chancellor of the Exchequer had not been able to redeem his promise, it should not be said that there was no hope held out to them; for though he believed that the extinction of the income tax was impossible, still he did hope, and would be prepared to maintain, that in future years it should be readjusted on an equitable foundation. The income tax had this advantage, that it had a fatal simplicity by which it might be increased at any time, and it would be a very desirable mode of supplying the revenue of the country if some scheme could be devised by which precarious incomes should not pay the same as real incomes. That was a great difficulty. It was a difficulty worthy of such a Chancellor of the Exchequer. It was a difficulty from which many might shrink. But the present Chancellor was a man of whom it might be said—

> "Nil actum reputans dum quid superesset agendum."

If the right hon. Gentleman continued to hold office for one more Session, and should have the opportunity of proposing another Budget, he (Mr. Byng) believed that this question would not escape from his consideration, and that the masterly genius which he displayed on all occasions would doubtless enable him to grapple with and overcome even those great difficulties which the question by its nature presented. With respect to the statement that the differential duties on shipping were not to be altered, because this was a treaty of trade and commerce and not of navigation, he did not know whether that might be satisfactory to those who were more conversant with the subject than he was; but as to the alarm and apprehension shown by some lest we should not be able to prevent the French from using our coals in their ships of war under the 11th Article of the Treaty, he thought that was completely disposed of by what had been said by the noble Lord the Secretary of State for Foreign Affairs a few evenings ago, and by the opinion of the Lord Chancellor which the noble Lord quoted, to the effect that in the case of a war with France the provision with regard to coal would cease to operate. In respect to the question of reciprocity, they ought to remember that the French Emperor had enormous difficulties to contend with. His people were not impressed like ours with the advantages of a free-trade policy, though he (Mr. Byng) believed he had tried to carry out that policy, the advantages of which he had seen in this country, to the utmost of his power, and that he was thoroughly impressed with the conviction that it would contribute not only to the political, but to the material prosperity of his country. Believing that the Chancellor of the Exchequer, by his financial proposals, interwoven and mixed up as they were with a commercial treaty with a great neighbouring Power, was doing much to carry out and consolidate those great principles of free trade which the Ministerial side of the House had always advocated, and which Gentlemen opposite now admitted to be favourable to the interests of the country; believing that with respect to our foreign relations the great scheme before them was calculated to promote "peace on earth and good will to men;" and believing also, that it would do more to advance the prosperity of this country, the welfare and dignity of France, and the peace and happiness of the civilized world than the greatest schemes of territorial aggrandisement by force of arms could acaccomplish, he would most cordially give his support to those proposals, reserving to himself the right to criticise, perhaps to oppose, some of the minor propositions when the proper time for doing so arrived.

MR. BEACH said, he believed that the financial measures which the Chancellor of the Exchequer had brought before them in a speech of surpassing eloquence were founded on a basis more specious than solid, and that it would be found more difficult to work them out than had yet been anticipated. The main ground of the proposition of the right hon. Gentleman was the Commercial Treaty with France. He was willing to admit, with reference to the Treaty, that the highest credit was due to the French Emperor for the spirit he had displayed. It must be a subject of congratulation to civilized Europe that he had recognized the principle that commerce was better than conquest—that it was better to have peaceful intercourse with his neighbours than to fulminate Berlin and Milan decrees, and pursue the policy of the first Empire, which was directed towards the destruction of the commerce of England. He had thereby given the best guarantees for the continuance of peace, and would earn for himself more durable laurels than those of the battle-field. There could be no doubt that the Articles of the Treaty would confer the most signal benefits on France; but if it was asked what we were to have in return, and when the matter was looked at from an English point of view, the case would be found to be very different. We were to have wines at a lower price; but was that a sufficient inducement to us to remit a large amount of taxation, and to enter into a compact of this nature? In his opinion, it was not. The best French wines would not be introduced to this country, but only their sour wines, neither congenial to the English palate nor consistent with the English climate. Among the articles to be introduced from France, he failed to discover one that would be of real substantial benefit to the humbler classes of the community. They were all articles of luxury. With regard to the article of coal, he thought it of the utmost importance that there should be a clear definition of the point whether it was a contraband of war or not. The most eminent jurists had disagreed upon the subject, and he thought the time had come when these differences of opinion should be brought to some definite conclusion. In the case of France going to war with some other nation, much embarrassment might arise from one nation taking a different view of the subject from another. With respect to the remission of duties now proposed, he would not venture to say that such remissions would not be beneficial if this were the proper time to make them; but such a remission should take place when there was a real, and not a theoretical, surplus to deal with. They were entitled, when so many remissions were proposed, to ask that the native producers of this country should receive some relief. The producers of malt and hops were entitled to some consideration, especially when it was remembered that the duties on these articles affected a drink which was an agreeable and pleasant one to the great majority of the population of this country. The foreign hop-growers had an advantage that the home producers had not. The former had the privilege of sending their hops to this country at any time that suited them, and, after paying the duty, bringing them to market; whereas our own hop-growers were compelled to pay the duty at a fixed period, which was now to be of briefer duration than before. To the abolition of the paper duty he had no objection; but there were other Excise duties which pressed more heavily on industry. He held that their first duty was to remove the fetters that cramped the industry of the national producer; and he ventured to submit that when all these efforts were made to promote, encourage, and foster the industry of those abroad, British producers were really entitled to the favourable consideration of the Legislature. Our Estimates for several years had been growing larger and larger, and it was hopeless for any Member to rise and express any opinion as to their reduction; if he did, he was simply considered as impeding the useful progress of public business. He ventured, however, to hope that before next year Ministers would give a calm and candid consideration to the subject, and, by a searching inquiry into those articles upon which taxation could be advantageously reduced, and into those items of expenditure which might fairly be abolished, be enabled to submit lower Estimates than they unfortunately had to provide for this year. The revenue of the country was, fortunately, of an expansive character, but the expenditure had expanded far more. It had been said in this debate that, during the last ten years, the annual expenditure of the country had increased from the average of £52,000,000 to £70,000,000. This was an alarming fact for them to consider. It was, indeed, the opinion of the nation that a large armament must be kept up, not as against any other country, but simply for our own defence. If the system prevailed in other countries of accumulating vast and increasing armaments, it was neither fit nor proper that England should neglect hers; but he did hope that before next year a considerable reduction would be made, and that, as a consequence, there would be a permanent and beneficial diminution in the taxation. Meanwhile, however, he could not help expressing his opinion that it was not expedient, with an increased deficiency, to make the large reductions proposed in the present Budget; and, therefore, although there might be some points in it which he approved, he must give his sanction to the Amendment of the hon. Member for North Essex, considering that, if those articles of taxation were not flung away, there would be no necessity of returning to an increased rate or objectionable mode of taxation.

SIR FRANCIS BARING said, that as he had for many years been accustomed to take a part in the financial discussions of the House, he felt bound on the present occasion to state frankly his opinions. In doing so he did not suppose that the views he was about to express would find much support on that (the Ministerial) side of the House; but, entertaining opinions which he would have expressed had the propositions now brought forward emanated from the Gentlemen on the other side, he felt it hardly fair or courageous to shrink from avowing them, however unpopular they might be. In the first place he wished to say that he considered this to be a Budget question. He had voted against the proposition of the right hon. Gentleman opposite (Mr. Disraeli) to make it a question merely of treaty—they had to discuss the Chancellor of the Exchequer's propositions as a financial whole, the Treaty forming but a part, though a considerable part, of it. With regard to the Treaty, in the first place, he must admit he had never considered himself one of those advanced free-traders who objected on principle to any commercial treaty; he did not see why those who agreed to commercial treaties acted contrary to the principles of free trade. Our later policy had made commercial treaties extremely difficult; but there were two modes of attaining the same end—one, that we should not wait till foreign countries adopted a liberal policy, or punish ourselves while they were waiting and hesitating; but half a loaf being better than no bread, we at least should have free trade on our side, and a liberal tariff, though France refused. That was one course; but the object of it was, that we hoped by our example to induce foreign countries ultimately to come into our policy, so that there might be free trade and a liberal tariff on both sides. There was another course perfectly consistent with an anxiety to obtain free trade—to say, "It is quite true we may be punishing ourselves, but we shall sooner get our ultimate object, which is free trade on both sides, if we hang off for a certain time and negotiate." That was the course which we had been adopting in many cases before the late financial changes. But he felt considerable difficulty in seeing how they could take half one course and half the other. He wished to exemplify the case. He had no objection that they should make a bargain with France, and obtain certain privileges in return for reducing duties on articles of French production or manufacture—the wine duties for instance. But while adopting one course with regard to France, why exclude the possibility of taking the same course with regard to Spain? If they went to Spain and said, "We are prepared to reduce the duties on French wines, and are going to do so by treaty, because France gives us certain privileges; if you do not do the same you will suffer," there never was a moment when it was more probable we should succeed than now in Spain. But unfortunately, while making a Commercial Treaty with France at the very same moment the Government sacrificed every possibility of making a Commercial Treaty with Spain. But it seemed almost impossible that gentlemen who had gone so far as the Government had done in the anti-reciprocity principle should turn round and try to get free trade by Commercial Treaties. What advantages did we obtain from this Commercial Treaty? He did not consider this question in a spirit hostile to free trade. He had not adopted free trade opinions because they were now popular; he entertained them before they were so. But he found it extremely difficult to consider the question of bargain and sale between nations; and as to whether the advantages obtained by France or ourselves were greater, hon. Gentlemen would entertain different opinions. Undoubtedly, his impression was that France had the best of the bargain. Let the House weigh what we had obtained. In that speech of the Chancellor of the Exchequer, of which, after what had been said, it would be almost impertinent in him to express admiration, the subject of wine formed a most important element; but in the letter which his noble Friend (Lord John Russell) had written, no doubt in communication with the Chancellor of the Exchequer, it was frankly stated that the reductions proposed to be made were not in those articles which the Government thought so important as to call for immediate consideration. That admission was made. If, then, we effected these reductions, what were the objects we had in view? First, to enable the people to obtain cheap what they formerly had to pay dearly for; again, to produce a considerable increase of our own trade; and, last of all—no small advantage in the eyes of the Chancellor of the Exchequer—the reduction was of a nature and in an article that the revenue would soon recover—that we should not lose money by the reductions made. Now, as to the first point, the Chancellor of the Exchequer was extremely eloquent on the blessing of wine to the poorer classes; but there seemed to be no due appreciation on the part of the people of the advantages which he held out. The greatest number of petitions—and they were very numerous—were from persons who prayed the House not to make the sale of this blessing too frequent; not to open it to general competition. Who ever heard of the country being prepared to petition that the sale of tea and sugar should not be made too frequent? One hon. Gentleman, indeed, who made a very amusing speech, spoke of the blessing of "black-strap;" but he could not find that there was a very general appreciation of "black-strap" in the community. On the contrary, the measure shadowed out by the Chancellor of the Exchequer for making the sale of wine general had produced a greater number of adverse petitions than they would find in favour of the whole Budget. Next, did they believe that it would cause a very large increase of our trade? The right hon. Gentleman looked forward to getting rid of the consumption of what he had called "that wretched stuff, Cape wine." No doubt it would be a great advantage to secure a better article; but it should be remembered that Cape wine was paid for in articles of our own manufacture; and if it were got rid of, it would be replaced by so much French or Spanish wine. That might be quite consistent with the principles of free trade, and he did not quarrel with it; but do not let it be said that it would increase our manufactures. All they would do would be that, instead of sending their goods to the Cape, they would send them to France or Spain. But they were told that there was to be a large extension in the consumption of wine. It was very remarkable that in the course of his life he had heard that prophecy twice made, and as often falsified. The sanguine Lord Ripon made a considerable reduction in the wine duty. Unfortunately, however, his revenue did not recover in the way he had expected. The Government of Lord Althorp, of which he was himself a humble member, also made a large reduction on French wine. No great advantage was derived from that measure either. He held in his hand a Parliamentary Return, stating the amount of duty imposed on tea, coffee, sugar, wine, spirits, and malt, in 1820 and in 1860, together with the revenue raised from them at both those periods, and also showing the consumption of those articles per head of our population. From that paper he found that although the duty on sugar had been largely reduced, the revenue had more than righted itself. Instead of producing £3,900,000, as in 1820, it produced £5,936,000 in 1860; showing that the article of sugar answered the financial helm. If they reduced the duty upon it, they might be pretty sure, from experience, that in a certain time the Exchequer would be more than repaid for its sacrifice. With tea, again, the case was the same. After a considerable reduction of duty there was a very large augmentation of revenue. Coffee presented a still stronger illustration. An even greater remission of duty was made on that article, and the revenue had very considerably improved under the lower scale. Then came the question of foreign spirits. the duty on which it was now proposed to reduce. Well, the duty on foreign spirits had been greatly reduced, but the reduction had not been followed by the same results. There had been a fall in the revenue derived from French spirits, and a much larger fall in that derived from colonial spirits; and, on the whole, they did not find that they had been repaid in forty years for their reduction of duty. It was remarkable how stationary, both the consumption of wine and the revenue obtained from it, had been. There was a small increase in the revenue from French wine, the duty on which had been largely reduced—namely, from 13*s*. 9*d*. to 5*s*. 9*d*.; on Madeira, Rhenish, and other wines, there had been a fall in the revenue; on Cape wine a little increase. But, taking the whole of the wine duties together, although between 1820 and 1860 the duties had been twice reduced, principally on the foreign article, we had not yet recovered our loss of revenue. There had also been a reduction in the malt duty, though not a very large one, in proportion to the reductions made in other articles; and still there was a great increase in the amount of money it brought to the Exchequer. It was clear, then, that in selecting articles on which to make reductions of duty, they ought to look for those which would repay them fastest. This was not merely a money question. They should consult the tastes and the wishes of the people; and if they found that when they reduced the duties on certain articles without replacing their revenue, and when they reduced the duties on others, they obtained both an increased consumption and an increased revenue, it showed that the people in the one case did not care for the reduction, and that in the other they were very anxious for it. If, therefore, a Chancellor of the Exchequer desired either to serve the revenue, or to increase the comforts of the people, he could not hesitate about the duties which he ought to choose for remission. But it was said there were political reasons why we should accept French wine. In the first place, if such great blessings were to be derived from a Commercial Treaty with France, he felt inclined to ask, "Why don't you enter into Commercial Treaties with other countries." If they were to make friends with France at the expense of a million of their revenue—for it came to that—why couldn't they spend a small sum in making other friends on the Continent, where they had not too many? Let the Government, then, take a lesson from their own book, and apply their principles of friendship to the negotiation of Commercial Treaties with other States beside France. He quite admitted that this was not a mere fiscal question. And here he would take leave to express an opinion which, as coming from a private and independent Member of the House, had no weight or value whatever, except that which any hon. Gentleman might please to attach to it. He could view this question neither as a member of the present Government, nor as one who looked forward to the formation of a Government from the other side of the House. If, then, he was to consider this Treaty, not with reference to its financial but to its political bearings, he was bound to say that, looked at in that point of view, it did recommend itself to his approval. He had never joined in those attacks on the head of the French Government which had been too rife in this country, and he thought that that ruler had been somewhat hardly dealt with in the animadversions to which he was subjected at the time of the memorable Conspiracy to Murder Bill. He had never believed in the schemes for the invasion of this country which had been imputed to that Sovereign. Still, he could not help asking, "Why are we armed? On what grounds are we to make great sacrifices in preparations and fortifications?" They might, perhaps, derive a certain amount of advantage from the course pursued. But let them look at the other side of the ledger. Why were they to have so heavy an income tax? Because of their great Estimates. And why were their Estimates so great? Every foreign Government had a perfect right to pursue the policy which it believed to be the policy of its own country; at the same time, he did not feel much gratitude for having a sop of wine in place of a little "black strap," when he had to pay an aggravated income tax. The Chancellor of the Exchequer had acknowledged that the reason why we could not get rid of the income tax was, not because the revenue had not increased, but because of the enormous growth of the Estimates. No man more cordially desired than he did to see our relations with France wear the most friendly aspect; but at the present moment he was not tempted to be anxious for any intimate alliance with France, as far as her political conduct in Italy was concerned. His noble Friend (Lord John Russell) he hoped was satisfied with regard to the views of the French Government. The policy of England, however, was that Italy should be free, powerful, and independent; that Italy should be able to defend herself from the interference of foreign States. That was not only the policy of England, but it was also the interest of Europe; but as far as he could read its intentions he did not gather that that was the policy of the French Government. France seemed to think that if there should be formed in Italy such a central State as would be powerful she would be bound to look out for something which might be an equivalent and a protection to herself. That, he repeated, was not the policy of England. He should be sorry to see anything done by a commercial treaty or otherwise which should hold us out in the face of Europe as parties to transactions which he feared were likely to be carried out for the acquisition of territory in Italy. He now came to the proposed alterations in our tariff. The present Chancellor of the Exchequer had always entertained the opinion that it was of great advantage to get rid of the small articles which figured in our tariff, while his colleague who formerly filled the same office (Sir George Lewis) expressed a directly contrary opinion. He would leave them to settle their differences between themselves. It might be desirable to have as many strings to their bow as possible; but here it was not at all the question whether they reduced taxes on those small articles—the question was, whether they should transfer the duties paid on those articles to the mercantile transactions connected with them. However, after the speech of the hon. Member for Buckingham, who spoke so much to the point on that subject, it would be a waste of time to go over the ground again. He only hoped that, whatever might happen, they might not, under the notion of free trade, take such a mistaken step as to interfere with the freedom of the merchant's movements. No greater benefit could be conferred on the merchant of this country than by placing him in such a position that the freedom of his movements and the power of saving his time should not be unnecessarily restricted by Excise regulations. With regard to the remission of the paper duty, that, to his mind, was the best part of the Budget. He believed its remission would be a very great benefit, provided it could be made safely with reference to the revenue. Of all duties, so far as his experience went, those of Excise were the most inconvenient; because, let the Government be as liberal as they might to the trader, it was impossible to collect the necessary revenue without interfering with the operations of his trade. Though he did not join in all the hopes of the Chancellor of the Exchequer, yet he was not inclined to ridicule his expectation that the extension of the paper manufacture might be realized, provided he could secure for the manufacturer a command over the raw material. The Chancellor of the Exchequer talked of coaches and other articles being made of paper; he (Sir Francis Baring) had read in a very amusing book lately published on Japan, that paper was a material which entered largely into almost all the Japanese manufactures, and that, in fact, the people there were to be seen walking about in great coats made of paper. But the main reason why he (Sir Francis Baring) rose was to call the attention of the House to the state in which the finances of the country would be left by the Budget. If they had a large surplus, or if they could look to a probable one, they might proceed in the direction they were invited to take more safely; but he wished earnestly to call the attention of the House to the position in which they would stand if this Budget were adopted. No objections were made to Sir Robert Peel's alterations in the tariff, except the ordinary ones always raised against free trade—but he would ask the House to recollect what were the objections made to the income tax when it was first imposed by Sir Robert Peel? The main objection was, that Sir Robert Peel proposed a tax of such a nature that it was impossible to maintain it in its then position as a permanent source of revenue, and he was told that he might pass it then, but that some time or other such a feeling would be raised against it in the country that he would have either to remedy its inequalities or abandon the revenue derived from it. The income tax then brought in far on to £7,000,000; it was now estimated to raise a sum approaching to £10,000,000; and he (Sir F. Baring) wished the House to consider whether they thought the revenue of the country would be safe with £10,000,000 of it resting on the income tax alone? Let the House go with him into the history of the income tax, and then judge whether they had not had from time to time the narrowest escape of losing the revenue derived from it. In 1842 the tax was originally proposed by Sir Robert Peel on a lease of three years. In 1845, when the honeymoon of free trade was going on, there was a renewal of it for another three years without much objection. In 1848 the Government of the day thought they might increase the tax, but they were obliged to abandon that intention. At that time, while the income tax was under discussion, the disturbances in France and Europe broke out, and if it had not been for that circumstance he did not believe, even with the promise of reduced Estimates and the speedy extinction of the tax, the Government would then have carried its renewal. In 1851 his right hon. Friend the then Chancellor of the Exchequer proposed another renewal of the tax for three years. Did he carry it? No; it was carried only for one year, the amendment to that effect being proposed, not by any Conservative, but by Joseph Hume, the honest apostle of free trade. Then, in 1852, came the Budget of the right hon. Gentleman the Member for Buckinghamshire, and the great struggle to which it gave rise. The right hon. Gentleman did not carry his Budget, and the House was obliged to continue the tax for one year. Then came the proposal of the present Chancellor of the Exchequer in 1853. Did any one believe that the income tax would then have passed for seven years, if the expectation had not been then held out by the Chancellor of the Exchequer that measures would be taken which would have the effect of getting rid of it altogether at the end of that period? Even with that expectation attached to the proposal he (Sir F. Baring) was surprised to see the facility with which it passed. He had recently refreshed his memory by reading the speech of the Chancellor of the Exchequer in 1853. It was one of the ablest financial expositions on record; but then the Chancellor of the Exchequer was sailing on a different tack. His two Budgets differed, but his eloquence was the same. But what was his proposal now? It was to renew the income tax for not more than one year. Was that a safe proposal? Was that leaving the finances of the country in a safe position? He was not now taunting the Chancellor of the Exchequer with not redeeming the pledge given in 1853; but, although the right hon. Gentleman could not perform all he promised, he might still have trod in the path he then pointed out. Now, what was our financial position? He (Sir F. Baring) had had something to do with Budgets, but he never had more difficulty in making out what our future revenue would be than from the present financial scheme. He believed, however, that he had done so, and fairly; the result being that, taking our expenditure to be the same—and a man would be mad to expect any reduction in it at present—there would be in 1861-2 a deficit of £12,000,000, or, allowing for anything like a surplus, at least £12,500,000. Was that a desirable position? When Sir Robert Peel, the great exemplar whom they were all now copying, proposed his financial arrangements, did he throw the revenue into such jeopardy? He, indeed, took the income tax to cover a deficit; but he took it not for one, but for three years, until the revenue recovered itself, and he was therefore able to show that for three years, and not for twelve months merely, he had an ample surplus. That was not the case here. In 1861-2 there would be a deficit of at least £12,500,000. "Oh yes!" it might be said, "but if we have an impending deficit, we have at hand the taxes to meet it. We have nothing to do but to continue the income tax and maintain the war duties on tea and sugar." Well, but even that would not do. A 10*d.* income tax and the present duties on tea and sugar would still leave a deficit of, with any margin, from £2,000,000, to £2,500,000; and this amount must be raised by new taxation. It really seemed as though some persons thought that by far the most statesmanlike way of increasing the revenue was by increasing the deficit; and in case of need a 1*s.* income tax was spoken of—but even that, again, he feared, would not be sufficient. Now, this was a formidable position, and he earnestly entreated hon. Gentlemen to consider it, and not rest contented with eloquent speeches about the blessings of free trade. What would happen if at the end of next year Parliament had a deficiency of £12,000,000 to meet? It was proper also to bear in mind a circumstance mentioned by the hon. Member for Stamford (Sir Stafford Northcote) in a remarkably good speech. The present House of Commons would not have to deal with this question. Even if it would have come before them, the Government ought to have looked forward, and to have placed the revenue of the country in some better position than they now proposed to leave it. But we should have not only a new Parliament but a new Constitution. Was it wise or statesmanlike, for anybody who remembered what the first Reformed Parliament was for some years, to bequeath to their successors a deficit of £12,000,000? He (Sir F. Baring) was as good a Reformer as most gentlemen there, and he hoped he should be insulting no one by what he was now saying. Probably it would not be his fate to appear in that House under a new constitution; but he would entreat hon. Gentlemen not to deal lightly with a question of such deep importance to our revenue and position as a nation. He was not one who supposed that England would ever "repudiate," or would deal otherwise than honestly with the national creditor. But no one could rely for a day or for an hour on what might be done under a new constitution by men carried away, perhaps, by some momentary excitement. No doubt the evil would be momentary only. No doubt the good sense and good feeling of the country would very soon set things right. Yes, but what would the nation suffer while things were wrong? Who, then, would think of such trifles as remitted duties on cheese and butter? Even that House had been guilty of acts which had occasioned great consternation in the commercial world; but the loss of our credit, the sacrifice of our character and position in the eyes of Europe, the loss also of our power to raise money when we required it, would be risked by such a momentary folly.

MR. BRIGHT: I have listened with more than usual interest, but not with more than usual pleasure, to the speech of the right hon. Baronet the Member for Portsmouth. It has reminded us forcibly of the Budget speeches which those who were in the House twenty years ago were accustomed to listen to, and which some of us, who were not in the House, were accustomed to read. It seeems to me to be a speech which, whilst clinging very much to the past, is filled with an excess of doubt with regard to the future. Every part of it held up some hobgoblin to deter the House from pursuing the course which the experience of every one since 1842 has proved to be most wise. We were told what dreadful things were about to happen to the country, and how much we should disappoint many persons who are not here to mix in these debates; but unfortunately for the right hon. Gentleman's propositions and his doubts, there is but one voice—there is but one opinion expressed—from one end of the kingdom to the other, with regard to the general propositions which the Chancellor of the Exchequer has laid before us. And if this debate goes on, as I presume it will not go on, into one of the nights of next week, we shall have that apparition of a dissolving view which the right hon. Gentleman opposite, I recollect, once described in connection with a debate on a certain Indian despatch, and I believe there will at last be scarcely any one to vote with the mover of the Resolution now before the House. The Resolution itself is a very fair one and meets the whole question. It meets it more than any one would perhaps discover at the first reading of it. It says:—

> "That this House recognizes the necessity of providing for the increased expenditure of the coming financial year—is of opinion that it is not expedient to add to the existing deficiency by diminishing the ordinary revenue—and is not prepared to disappoint the just expectations of the country by re-imposing the income tax at an unnecessarily high rate."

Now, if that Resolution should be carried, it must of necessity be fatal, not only to the Commercial Treaty with France, but to the whole scheme of the Government. It insists upon that which is the great blot in the policy of the Government—namely, the large and scandalous expenditure—it resists the income tax at the amount proposed—it opposes all reduction of duties, whether of customs or of excise, and it refuses absolutely in point of fact to give effect to the Commercial Treaty with France. It is directly against everything but the expenditure. I do not complain of this at all. I thank the hon. Member for Essex for bringing the matter before the House and before the country in a form in which it could not be mistaken. He wishes to throw out the Budget—to reject the Treaty—to overthrow the Government. The result of the success of his Resolution must be, if not a dissolution of Parliament—a new Government and a new Budget—an increase of indirect taxes—taxes, I presume, upon imports—and, at the same time, an estrangement from France, which I think would be very unfortunate. The country has decided, with the unanimity that I expected it would when I heard the speech of the right hon. Gentleman the Chancellor of the Exchequer, and I believe that Parliament will decide in accordance with the opinion of the country. Now I have some particular reasons for liking this Treaty with France. It has been the object of my most ardent wishes, and it is now the object of my most cherished affections. Not longer ago than in July last year, we had a discussion in this House upon the subject of the financial policy of Lord Derby's Government, introduced by a very remarkable speech from the right hon. Gentleman the Member for Buckinghamshire. The Chancellor of the Exchequer spoke after him, and I was permitted to address the House after them both. On that occasion I claimed the right hon. Gentleman opposite as a convert to the opinions long held, and so often advocated by the hon. Member for Rochdale and myself. I thought that the whole tenour of his speech was in favour of a better policy—better than his own Government had pursued—and better than any Government we generally have had even sitting on this side of the House—has pursued. On that occasion I took the liberty of urging the noble Lord at the head of the Government, and the noble Lord the Foreign Secretary, to attempt, if possible, to come to some arrangement with France, so that these two great countries would be united together in the bonds of common interest by the exchange of their productions. If the House will permit me, I should like, though it may appear egotistical, to read an extract from that speech. I was advising the noble Lord the Foreign Secretary, rather I was telling him what I would very much like to do if it were possible to imagine myself in his place. I said:—

> "I would say to the French Government, 'We are but twenty miles apart, the trade between us is nothing like what it ought to be, considering the population in the two countries, their vast increase of productive power, and their great wealth. We have certain things on this side, which now bar the intercourse between the two nations. We have some remaining duties which are of no consequence either to the revenue, or to protection, which everybody has given up here, but they still interrupt the trade between you and us. We will reconsider these, and remove them. We have also an extraordinarily heavy duty on one of the greatest products of the soil of France—upon the light wines of your country.' The only persons whom, it is said, the French Emperor cannot cope with are the monopolists of his own country. If he could offer to his nation 30,000,000 of the English people as customers, would not that give him an irresistible power to make changes in the French tariff, which would be as advantageous to us as they would be to his own country? I do believe that if that were honestly done—done without any diplomatic finesse, and without obstacles or conditions being attached to it—that would make its acceptance impossible—it would bring about a state of things which history would pronounce to be glorious."

These are the observations or opinions which I ventured to offer to the House in July last year. It was not more than a week after those observations were made, that a communication was entered into between a distinguished person in France and my hon. Friend the Member for Rochdale, with the view of discussing the possibility of carrying out the proposition I had suggested. This being so, the House will excuse me for feeling, perhaps, more than ordinary interest in the course which has been taken, and for feeling more satisfaction than I can express, that the Government has been able, by the liberality of the French Government, to come to an arrangement for the good of both countries, the extent of which it is absolutely impossible for any of us to calculate. I find very strong objections have been made to the course that has been taken. I am afraid that some of the real objections are kept in the back ground. I have been told by persons who seem to have a pedantic affection for free trade, but whose labours I never found united with mine when we were working for it, that this admirable Treaty is a violent infraction of the principle of free trade; but if any person had, in the year 1840, and from that to the year 1846, agreed to make a commercial treaty with this country, under which we were to abolish agricultural protection, or any other protection that existed, and that any country or that several countries should abolish theirs, is it to be supposed that the Anti-Corn-Law League, or any person in favour of free trade, would have shut their eyes to this great proposition of relief for this country? Would they not have accepted with enthusiasm a commercial treaty made for such a purpose at such a time? The noble Lord the Secretary for Foreign Affairs put it in a few words the other night, when he said he was in favour of commercial treaties that were in favour of free trade, but that he did not approve of commercial treaties that were not in favour of free trade. The hon. Member for North Warwickshire (Mr. Newdegate), in a speech the other night, said he regarded this Treaty as an act of submission to France, and he gave utterance to that sentiment in a manner almost tragic, so deeply did he feel the humiliation we were to endure. I have discovered that there are parties in France who say just the same thing, putting the degradation upon the French, and not upon us. I was offered liberty the other day to read a letter from a distinguished statesman, attached to the Orleanist party in France, in which the writer stated his regret that the French Government should make a treaty with England so humiliating to France, and which showed how vast were the sacrifices the Emperor of the French was willing to make for the purpose of having a strict alliance with England. Others, in this country, tell us that we are giving much more than we get. This is a thing which it is difficult to answer from a free-trade point of view; but if I could stand where the hon. Member for North Warwickshire stands, it would be very easy to answer it. And the hon. Member for Leeds to-night, in an able and eloquent speech, met that question. He showed that not only is the allegation not true, even from the hon. Gentleman's point of view, but that the reverse of it is true. If it be assumed, as Protectionists will assume, that whoever makes the greatest reductions makes the greatest concessions and sacrifices, I can demonstrate to the hon. Member, and to all who think with him, that on the face of the Treaty nothing is more clear than this, that with regard to concessions—I wish I had some other word—it does not meet my views at all to use it—the French make five times as many concessions to us as we make to them. Let me be understood as speaking now as if I were a Protectionist; and if I do not speak with common fluency in that character, I may be forgiven. It will be admitted by every one that the only articles upon which we are making a present surrender of revenue that is of importance, are the articles of wine, brandy, and silk — wine and silk being the chief; but if the hon. Gentleman were a Frenchman, he would be positively appalled at the list of articles not less important than wine and silk, but most of them far more important, on which the French are making concessions to us. There are metals of all kinds, of which we export yearly, £17,479,000; machinery, of all kinds, of which we export yearly, £3,700,000; cutlery, of which we export yearly, £3, 826,000; cotton yarns, of which we export yearly, £9,465,000; cotton cloth, of which we export yearly, £37,640,000; linen yarns, of which we export yearly, 1,684,000; linen cloth, of which we export yearly, £4,302,000; earthenware, of which we export yearly, £1,313,000; woollen yarns, of which we export yearly, £3,080,000; woollen cloth, of which we export yearly, £12,032,000; leather, of which we export yearly, £1,359,000; making, together, the enormous sum of £95,280,000 sterling per annum. If the French, in place of an almost absolute prohibition of the whole of those articles, reduce the duties on them to a point from which, in all probability, a large trade will spring up, the hon. Member is too honest, too frank, and too intelligent to insist upon it, that wine and brandy and silk more than counterbalance those eleven articles I have enumerated. It is quite possible that he and others will say, what security is there that we shall have imports received from this country into France. There is this security, that there will be a *maximum* duty of 30 per cent for three years, and then a *maximum* duty of 25 per cent. And the *maximum* does not really mean that a *maximum* is to be maintained; in this case the reverse is meant. As stated in the Treaty, and as is the fact, the duties are to range from 10 to 30 per cent. There are some duties now under 30 per cent; but none of them will be increased. There is no intention on the part of the French Government to exert their right to keep them at 30 or at 25 per cent. But when the convention is framed, and when the whole arrangements are concluded, and the trade is opened under it, I am assured by the very best authority that the result, however good the Treaty may look, will be considerably better than the Treaty. When the Treaty is in operation the tariff of France, in regard to this country, will be in full as liberal as the tariff of the United States; and your own trade and navigation returns issued the other day, show that to the United States are exported in a year £22,600,000 worth of the produce of the manufacturers of this country. The French may not be able to consume so much as the Americans; but taking into consideration the facts that I have now stated, and the figures which no one can call in question, I think we are fairly permitted to come to the conclusion that the present trade with France, which is almost *nil*, will in the course of a few years swell to an amount which will enable it to take rank with some of our very best customers among the other nations of the globe. If I were to refer to one particular article of this list which I have read, the article of earthenware—I might observe that an hon. Gentleman who generally sits on that (the Opposition) side of the House, and votes with Gentlemen opposite, voted the other way on Monday night. Is there any mistake as to the opinion of his constituents? It is no use in plying him with arguments of party warfare; he knows what his constituents think, and, whatever may be the opinion of hon. Gentlemen opposite, his constituents are better judges of what can be done with the produce of the English potteries, than Gentlemen who know nothing of the question. But I have a right to claim the right hon. Gentleman the Member for Buckinghamshire as a friend to this Treaty. There was a time when he was not the leader of a "great party." He was a giant then in another field. He vacated an elevated position there to assume one which is much more laborious. I know not that it is any more useful than that in which he laboured before. But in one of those very admirable books which the right hon. Gentleman wrote, partly for the instruction, and perhaps rather more for the amusement of his countrymen—he described the mode of living of an English nobleman of great wealth in Paris. He says:—

"Lord Monmouth's dinners at Paris were celebrated. It was generally agreed that they had no rival. Yet there were others who had as skilful cooks—others who, for equal purposes, were as profuse in their expenditure. What was the secret of his success? His Lordship's plates were always hot; whereas in Paris, in the best appointed houses, and at dinners, which, for costly materials and admirable art in preparation cannot be surpassed, the effect is considerably lessened by the fact that every person at dinner is served with a cold plate. The reason of a custom, or rather a necessity, which one would think a nation so celebrated for their gastronomic tastes, would better regulate, is that the French porcelain is so inferior, that it cannot endure the ordinary heat for dinner."

Now the right hon. Gentleman, with an instinct which we cannot too much admire, breaks out into something like an exclamation. He says,

"Now, if we only had that Treaty of Commerce with France, which has been so often on the point of completion, and the fabrics of our unrivalled potteries were given in exchange for their capital wines, the dinners of both nations would be improved; England would gain a delightful beverage, and the French, (for the first time in their lives), would dine off hot plates."

And he concludes with an expression which I recommend to his devoted followers—"An unanswerable instance of the advantages to commercial reciprocity." Oneother of those horrid phamtoms which have been raised to alarm the country has been based—if a phantom can be based—upon the question of coal; and there is running in the minds of some hon. Members a notion that this country can do just whatever it likes at sea with regard to the question of contraband of war, and all those old subjects which have been so long matters of discussion among the nations of Europe. Now, last year, when the war in Italy was in progress, there was a discussion in the English papers, particularly in those of the party of which the hon. Gentleman (Mr. Newdegate) is a member, as to the propriety of declaring coal contraband of war. At that time hon. Gentlemen may recollect there was a statement in the papers that the French Government were building a great number of flat-bottomed boats which, it was said, were pretended to be wanted for the conveyance of coal, but were admirably adapted for landing soldiers on a sandy beach. But when these discussions were going on, and a Government not very favourable to France was in power, and the French Government did build these flat-bottomed boats for the purpose of conveying coal to their arsenals, in case England should take the foolish step of preventing its export, at that time there arrived in the harbour of Marseilles two vessels from America laden with coal, as if to show that the question as to whether coal is contraband of war does not rest with England. This question of coal with reference to the Navy of France is a mere bagatelle. I do not know whether hon. Gentlemen have read the statements which have appeared in the papers during the last few days. In the year 1858, not more than 160,000 tons of coal were consumed in the entire navy of France, and the extra cost, if you did not allow a single ton to be exported, would not be more than from 6*s.* to 10*s.* per ton. An extra cost of some £80,000 would not be much for a Government in the emergency of war, and, therefore, to raise this as an argument for not agreeing to the Treaty only shows how contracted must be the vision of the hon. Gentleman, how small his information, that he should suppose a great proposition like this could be impeded for a moment by an obstacle so small and so entirely unimportant. But another point which has been dwelt upon is, that everything that we concede is immediate, and everything that France concedes is in the future. Well, all I should say if I were a Frenchman is this, that it is a great pity that my Government does not follow the example of the English Government. Assuredly, if both countries have been greatly in error, that which soonest escapes from its error will gain the most, and it is clear that the Emperor of the French thinks that the policy of France has up to this hour been wrong. He does not object to meet you on the 1st of July this year from any doubt that he has as to the course of policy which he is pursuing; but he knows that when these great changes are made, changes met by many prejudices and fears, that he is bound to move at such a pace as that public opinion to a large extent will go with him, in order that there may be a general acquiescence in the policy which he thinks it right to pursue. The hon. Gentleman opposite, I think, remarked upon our lending ourselves to be a convenience to the French Emperor, if we agreed to a Treaty which was not necessary to us, because we could do all by the reductions of our tariff, and we did this that we might escape the difficulties of discussions in the French Chambers. We are not responsible for the constitution of the French Chambers; it will be enough for us, bye and bye, when our own House is being reformed, to be responsible for that. But even in 1846, when the free-trade cause was triumphant in the country and in Parliament, Sir R. Peel, wisely so far probably as the fears and prejudices of a portion of the people were concerned, unwisely, I think, as regarded their real interest, delayed the total abolition of the corn laws for a period of three years. I voted against that proposition; but I do not blame him for it now, and I did not seriously blame him for it then. It was a concession which every Government is called upon to make in carrying out a policy of this nature. When we had the great measure of Political Reform it was passed amid menaces and violence; those who would not concede to argument had to concede to terror. When the corn law was repealed, you had an Irish famine, and you had what hon. Members described in such strong language as a great act of treason to a political party. An act of treason to them it might be, but it was an act of the most undoubted patriotism, so far as the interests of the country were concerned. Now in this country at that time there was a gentleman whose name, I think, was Mr. Chowler, who said very extravagant things, and who was encouraged by hon. Gentlemen opposite. He said that "the farmers had more horses than any other class in the country, and what was a better thing, that they knew how to ride them, and that they would rather march upon Manchester than upon Paris." Well, I hope that Mr. Chowler is now penitent and converted. But there are men of this class in France—the French Chowlers. They say that "this Treaty would have to be rent by cannon-shot," which expressed much the same thing, but rather in stronger language even than was used in this country. There are persons in France who attack the Treaty with less genius in support of a bad cause, but, perhaps, with more faith in it than the right hon. Gentleman opposite. And we might find out somebody, if we were as familiar with France as with England—somebody the exact parallel of the Member for North Warwickshire—somebody who gets up and uses the unintelligible statistics of the party. Now, the right hon. Gentleman the Member for Buckinghamshire did not, I think, behave with the frankness which he ought to have done in discussing the question of this Treaty. He described my hon. Friend the Member for Rochdale as a secret negotiator, as if there were something not perfectly honourable and creditable in the course which my hon. Friend has taken. Now, negotiations between nations are not, so far as my reading enables me to judge, conducted in the market places. It is most desirable that these negotiations should, until they come to their final conclusion, be to a considerable extent unknown to the world. But if his negotiation was secret, it was at least successful, because I think never was a Treaty of equal magnitude, involving such vast interests, promising such great results, begun, continued, and ended, within the same space of time as this Treaty by my hon. Friend. The right hon. Gentleman the Chancellor of the Exchequer spoke in much more graceful language of him. He feels, indeed, as I do, and as I will undertake to say the great majority of the people of this country feel. He spoke of him as a benefactor to his country, though undecorated and unrewarded. Sir, he is undecorated so far as those stars and crosses go, which in the history of the world, I think, have been earned as often by baseness as by merit. But he is honoured by the confidence of two Governments, and he possesses the affections of the great body of the people of this country, and as for his reward, he is rich in the consciousness that his public life has been devoted to the public good; and in whatsoever part of the world is to be found intelligent humanity, there are hearts that are ready to bless the beneficence of the labour in which he has been employed. So much, Sir, for this Treaty. It seems a work of supererogation to speak in its favour after the stamp of public approbation which has been placed upon it; but I think it right to say thus much, because my hon. Friend, who has been the main negotiator of it on the part of this country, is not present, and I am unwilling to lose an opportunity of saying how much I feel myself indebted to him for the labour he has bestowed, and the success which has attended it. But this Treaty forms but a part of the general propositions of the Chancellor of the Exchequer. He proposes to sweep away—if I may so speak—that great nuisance—the complicated tariff, and he proposes to do what the right hon. Gentleman the Member for Portsmouth highly approves of, if somebody else had not to pay for it—he proposes to abolish the hated Excise upon paper. If we are to try to discover how much of good there is in these propositions—and I believe from the course of the debate that the opinion that there is great good is growing amongst hon. Gentlemen opposite; I should like to ask you now, without reference to any party struggle, whether you do not think that a penny, twopence, or threepence, more in the pound upon the income tax is not too much to pay for the great good the country will receive from the changes that are proposed? [*Cries of* "No, no!" *from the Opposition, and Cheers from the Ministerial benches.*] Hon. Gentlemen opposite, or some of them, have always said "no, no," to all propositions of this kind, that have been made during the seventeen years that I have had a seat in this House. If you go back to 1842—and here I find I am in error, because on that occasion, I believe, hon. Gentlemen opposite did with some grumbling acquiesce in the course taken by their own Government—in that year the course taken by Sir Robert Peel was exactly that which is now taken by the present Chancellor of the Exchequer. The Chancellor of the Exchequer does not pretend to any originality in his scheme. It is enough for a Chancellor of the Exchequer, if he follows the best and greatest example that has gone before him. Sir Robert Peel came into office then with a deficit of £2,500,000 for the past year and for the coming year. I think the right hon. Gentleman the Member for Portsmouth had been responsible for the finances of the country up to that period. I do not say this for the purpose of throwing anything like a slur upon the financial reputation of the right hon. Gentleman, because it is a melancholy, but a curious fact, so far as my observation has gone, that the Whig party has never yet produced a Chancellor of the Exchequer. Sir Robert Peel found that deficiency. It was a chasm something like that which the right hon. Gentleman made us believe there was in the floor of the House, only it was not quite so wide or quite so deep, as that which he described. But what did Sir Robert Peel do? He did not add 5 or 10 per cent to the taxes, which the right hon. Gentleman the Member for Portsmouth had done without success. No; and he did not say there will be a deeper chasm next year, and what dreadful things will happen if we only follow this up with some direct taxation. But what he did do was this? He made the chasm deeper and wider. He found it £2,500,000, and he reduced the duties of Customs on 750 articles, by which he lost £270,000. He reduced the duty on coffee, by which he lost for a time £170,000; he reduced the duty on timber, by which he lost for the time £600,000; he reduced the duty on stage coaches, by which he lost £100,000, and he abolished export duties to the amount of £70,000, altogether being an amount of reduction almost precisely that which is caused by the Commercial Treaty with France; and he made the chasm which was represented by £2,500,000 into one represented by £3,700,000. That is exactly the course which the Chancellor of the Exchequer is now taking. Sir Robert Peel proposed, with an amount of apology and apparent fear, which, when we read it at this moment, is laughable, showing he knew the material that sat behind him—he knew the party he was leading, and he travelled with them on at a snail's pace for an hour and a half by the clock before he brought them to this perilous avowal that they were to be asked to endure an income tax of 7*d.* in the pound. At that time Sir Robert Peel knew that income tax was so unpalatable to the great owners of property who had been our legislators that he proposed it only for a very short period, but I am not sure he thought that period would see its termination. He proposed it in a manner, too, that was by no means just, because I believe that he felt that a just income tax at that time, even with his great majority, would hardly have been passed through Parliament. Well, his income tax, instead of producing, as he expected, £3,700,000, produced about £5,000,000. The chasm was filled up, there was no deficiency, and the surplus, of course, enabled him to do other things. The income tax from that time has enabled us to do other things, some of which, I am sorry to say, Sir Robert Peel would much have regretted if he had lived, and some of which, had he been Minister, never would have been done. Now, at that time, hon. Gentlemen opposite supported Sir Robert Peel. You saw the chasm of £2,500,000 of deficit; you allowed him to take off £1,000,000 more, and make the chasm deeper and wider; you supported him in a proposition of 7*d.* income tax to fill it up, and you did that although it was opposed by a very large portion of the Members on this side of the House. Well, now, why is it you quarrel with the policy of the right hon. Gentleman the present Chancellor of the Exchequer? He was then one of your Ministers. He supported this plan, and you having confidence in Sir Robert Peel, and him, and the rest of his colleagues, agreed to it all. I am satisfied that, apart from the question of party, you cannot deny that that policy has been a wise one to the country—and a just one, especially, to the great body of the people who are not the possessors of wealth. My hon. Friend the Member for Leeds, asked your attention to one or two facts—facts so astounding that if in 1842 anybody had been willing to stake his reputation upon them by stating them to the House, he would have lost his reputation, and would have been considered little better than a madman. Your exports have doubled, and almost trebled since that time. As to labourers—and here I may appeal to the right hon. Gentleman the Member for Buckinghamshire—I recollect when driven to the last extremity for arguments, he used to say, I will rest the whole question of protection to the land upon the condition of the agricultural labourer. Is there a man on that side of the House who will deny for an instant that the condition of the agricultural labourer at this moment is better than he has ever known it? I believe since 1842 the advances of the labourer's wages—and when I speak of labourers I mean all the working classes of the country—the advance in their wages has been at the very lowest 20 per cent, and the steadiness, the continuity, and security of their labour has been increased by, at least, an equal amount. Look at your own farmers! You know they were charged with coming whining to the House for protection. They never come here now at all. Hon. Gentlemen, representing counties, do not move for Committees on agricultural distress. Your farmers are all busy at their farms, instead of coming to Parliament to ask for protection and very high prices to pay their rents, and your landowners — the most fortunate men in the whole world have survived that which threatened annihilation. You are now more prosperous in your abundance than ever you were. You have more enjoyment in what you possess, because you know the rest of your countrymen have more enjoyment than they had before. All that Providence, a stable Government, and an industrious people have showered upon you, is at this moment infinitely more secure than it was at the time when these measures were first propounded and had begun to be carried into legislative force by Parliament. Why will you not comprehend this? You do comprehend it. I have been told by Members of agricultural counties, and in the south and in the west, where free trade was most feared, and that with reference made specially to the hon. Member for Rochdale and myself, that we never did or proposed anything, and nobody else ever did or proposed anything for the agricultural interest that was so beneficial to them as the abolition of the corn laws. But, Sir, though I have spoken thus far in approbation of the Treaty, and in approbation of the relaxation of the tariff, and the abolition of the excise duties upon paper, do not let it be understood for a moment that I am not sensible to the blots which there are—to that one great blot, at any rate, which there is in the statement which the right hon. Gentleman had to make to us the other night—a very foul blot which will tarnish the character of the Government, and which, I venture to promise them, if there be not something done to remedy it, will make their term of office not at all protracted—I will say, as I said before in another place, the frightful, scandalous expenditure. Now I shall have a word or two to say to the Government on this matter, because when I am giving, as I am anxious to give, my hearty support to their general scheme, it would be unjust to my own convictions and to the interests of the country if I omitted to point out where I thought the Government was guilty of that which the whole country almost, now, and all, by-and-by, will loudly condemn. Now, I hear some Gentlemen say, £30,000,000, after all it is very cheap for the securing of the country. But, then, Gentlemen who have got the expenditure of the £30,000,000 are not a bit more secure than they were when it was £15,000,000. I have heard the first Lords of the Admiralty year after year,—and I must refer to more than half a dozen of them—year after year assure this House the defences were perfect, and the country was in an absolute state of security. I always found the successor of the first Lord of the Admiralty unsaying all his predecessor had said, and assuring us, unless we paid more than a million additional, the aforesaid security would not be obtained. There are Gentlemen also equally simple-minded, who tell us this expenditure has no reference to France. The right hon. Gentleman opposite (Mr. Disraeli) did not believe in the cry of invasion; but yet the right hon. Gentleman did not rise to protest against the amount of the Estimates proposed by the Government. He left the amount of the Estimates in the hands of the Government, but felt fully confident as to their raising the amount. I cannot help saying that the whole of this matter has reference to France, and, therefore, let us not disguise it from ourselves. I believe the whole cry to have been a huge imposture—to have been a huge lie palmed on the country. I believe there is not a particle of foundation for all the panic which has been raised by many persons out of doors, and I am sorry to say by not a few persons who have seats in this House. Now, in 1853, the Chancellor of the Exchequer made a famous speech, for which people have been twitting him because he does not do now what he hoped at that time he would be able to do. Now, people cannot have money in their pockets and spend it, and no country ever went to war, more especially this country, without incurring a fearful expenditure; and if they will indulge in this luxury they will find, as they have always done, it is a very expensive one. Since 1853 your naval and military expenses have been doubled. Let us exactly see our course—and I will not detain the House more than a minute or two,—our course with France since 1853. In 1853, during the Russian war, according to my belief, the blood of your countrymen was needlessly shed in the Crimea. At the same time, in the same conflict, the blood of the subjects of the Emperor of the French was shed, I believe, needlessly also. That war concluded, you negotiated with the Emperor of the French as your friend and ally in 1856. At the end of 1856, in concert with the Emperor of the French, you were acting on the Governments of Italy, especially on Naples, and you withdrew your Minister from the Court of Naples. In 1857, you were, by a course which I think most rash and most criminal—by your Minister and Plenipotentiary in the East—you were involved in a war with China. And at that time you received—I do not know whether you solicited—but you accepted the cordial assistance and concurrence of the Emperor of the French, and of the forces which he had in the East. Well, in 1860, or rather in 1859-60 you have by the unwisdom of another of your representatives in the East, apparently another war with the Chinese. And contrary to every principle of sound policy, contrary to the interests of England both here and there, you have again engaged with the Emperor of the French to conduct operations in China, and great English forces, and a great French force, are on their way together to the Chinese seas. So, from 1853 until now, through good and through evil generally, too often through evil, you have had a close alliance with the French Government, and now, in 1860, you negotiate a Treaty of the most important character, more important, I believe, to the future of the two countries than any other that was ever negotiated between France and England. What are the instructions, and I read only one sentence from them, which the noble Lord the Minister for Foreign Affairs wrote over to Paris, addressed to Lord Cowley and Mr. Cobden, he says,

> "Its general tendency would be to lay broad and deep foundations in common interest, and in friendly intercourse, for the confirmation of the amicable relations that so happily exist between the two nations."

Not that henceforth may exist, but that now so happily exist. What does the Treaty itself say? The very first introductory clause in the Treaty says this:—

> "Her Majesty the Queen of the United Kingdom of great Britain and Ireland, and his Majesty the Emperor of the French, being equally animated with the desire to draw closer the ties of friendship which unite the two peoples, and wishing to improve and extend the relations of commerce between their respective dominions, have resolved to conclude a treaty for that purpose."

Well, now, what can be the reason that with those instructions, with that Treaty ratified, with this perfect amity, with these more powerful than all past bonds for uniting not only the two Governments, but the two peoples—why is it we have this enormous increase of the Estimates? I say it is a wonderful inconsistency; it is altogether illogical, and somewhere or other there is a great hypocrisy—and that somebody is guilty of an immorality, the darkness of which I find myself at a loss to select words to describe. Now, if hon. Gentlemen opposite had fixed on this blot, if you could have had, shall I say, the patriotism—if the hon. Member for Essex could have moved a Resolution to this effect:—"That whereas Her Majesty's Government has recently concluded a

Treaty of Commerce and amity with the Emperor of the French, therefore this House does not see the necessity for increasing the Estimates beyond £26,000,000, which were voted by Parliament last year"—if you had proposed a Resolution—for if £26,000,000 gives you no security, rely on it, £30,000,000 will not; it is not any power which is in money or oppressive taxes to secure you—if you could have proposed a Resolution like this, you would have come before the country with a character for a regard for economy and the interests of the common people, which, I say, you will not earn if you succeed with the Resolution you have submitted to the House. I should like to ask about this expenditure which I condemn, and which I think is an insult to the intelligence of Parliament and the country. Am I hostile to any interest in the country in speaking thus of this grievous extravagance? Am I supposed to be hostile to the interests of the Court? There is no rock on which so many dynasties have foundered, as the rock of reckless and needless expenditure. Am I supposed to be hostile to the interests of the aristocracy of the country? What has destroyed aristocracies more than the corruption engendered amongst them by the lavish expenditure of public money, and by the discontent which must be created amongst the people? Am I hostile to the services which swallow up for the most part these sums? The military service of the country should be the servant of the country; it should be the defender of its rights and its property; it should never be allowed to grow to an extent, and to be fed with such profusion—its appetite growing with what it feeds upon,—that it becomes not a blessing, but an evil of the first magnitude to the country. It may be that the Cabinet had hard work to make up its mind on the subject. I suspect so,—I know nothing, but having got the Treaty in one hand, and £30,000,000 of military expenditure in the other, there must be contending in the Cabinet two principles very adverse in character, and if that contention goes on for another year, we may promise ourselves another change amongst the Gentlemen who at present occupy seats on the Treasury Benches. But hon. Gentlmen have referred in language of apprehension to what the next Parliament may do. I am not much afraid what the next Parliament may do, or what the next Chancellor of the Exchequer may do. I shall be very glad if he is more economical—if he has recourse more fully to the principles of direct taxation, so far as he has already established it. But the £12,000,000 of income tax is not to come off unless by a reduction of Estimates. You cannot go back to the Excise and Customs. Let me tell right hon. Gentlemen who represent so much of the property of the country, henceforth it is written irrevocably that the vast expenses which you are incurring, not for the great body of the working people, for they seem very much alike in all the old countries in Europe, but if, as you suppose, for the defence of your property, then this vast expenditure must henceforward be charged to the property of the country. That expenditure and that income tax are inseparably bound up together, and the sooner people make up their minds to it the better. Let it not be supposed that I am speaking in favour of the income tax as it now exists. I believe, with the hon. Member for Buckingham, whose speech I am sure the House listened to to-night with great pleasure, that the income tax, as now levied, is becoming intolerable. I judge of it, for one thing, by the number of letters which every day I receive from all parts of the country on the subject, and I dare say other Members receive as many as I do. I judge of it also from what I see in letters published in the columns of newspapers, and from what I hear from those among whom I mingle. I am in favour of the income tax, so far as it is a direct tax and a tax on means. I support it now, objectionable as it is, just as I supported it in past years, because we have this present compensation for it. But the time may come—it may come next year—I think it probably will come next year, if the Estimates be not largely reduced—it certainly will—when you will be placed in this difficulty, that you cannot dispense with the income tax, and the country will not tolerate it in the shape in which it has hitherto been levied. But now the question is not of the income tax, for nobody proposes its abolition this year. The question is between the proposition of the right hon. Gentleman the Chancellor of the Exchequer and the Resolution of the hon. Member for Essex. I am in favour of the proposition of the Chancellor of the Exchequer. I speak the sentiments of my constituents—I believe all but, if not actually, universally—and the sentiments of every public assembly, so far as I have seen, which has been gathered together to consider the question throughout the country during the last ten days. This scheme is a great scheme: if it had not been for those thirty millions, what a scheme it might have been! I heard the Chancellor of the Exchequer treading on the thorny path of those thirty millions, and I did think that there must be, somehow or other, a conscience, which is not always a convenient partner for a Chancellor of the Exchequer. I thought if he had the power logically to carry out his own principles, the principles embodied in the Treaty and in the tariff, there would have been a much larger reduction of duties and a much greater relief afforded to all classes in the country. He spoke of the patience of the tax-payers. Do not try that patience too far. I would not ask you to be afraid of the people; I ask you only to be just to them and just to yourselves. It is not the poor man alone who suffers from injustice. He suffers now, and heavily too; but there is a suffering hereafter if history does not lie, that shall come upon the rich if they continue expenditure and taxation which are needlessly oppressive to the poor. I say, then, this scheme is a great scheme, and, therefore, I support it. It relieves industry by the removal of Customs' duties, and abolishes one of the very worst Excise imposts that ever crippled the industry of any portion of the people. It extends the hand of friendship, not to a Government only, but to a great nation across the Channel. Amid the much darkness of Europe it is a spot of light, and opens to humanity a prospect,

> "Bright as the breaking East, as midday
> glorious."

I think it a great measure of justice to England—a great measure of friendship to France; and I am convinced that, acting and working through the means of these two great nations, it will be found hereafter to be a great measure of mercy to mankind.

MR. WHITESIDE: Sir, there was one expression which dropped from the lips of the right hon. Member for Portsmouth which I am sure we all heard with regret, that in which he stated that he perhaps might not be in a future Parliament. I believe, notwithstanding the sneers in which the hon. Member for Birmingham has seen fit to indulge, that the character and conduct of the right hon. Gentleman, the good sense and sagacity shown in his opinions, and the moderation with which he urges them, entitle him to the respect both of his friends and his opponents. The hon. Member for Birmingham has given to the right hon. Gentleman's speech no reply. The opinions of a statesman of experience meet with no favour from the hon. Gentleman. The only impression made on the hon. Member for Birmingham in listening to the arguments of an opponent is wonder that a man can be found so irrational as to differ from him. The fears and hobgoblins that haunt the right hon. Gentleman are discussed by the hon. Member with a smile of contemptuous pity. He forgives the right hon. Baronet, because he says the Whig benches were never known to furnish a Chancellor of the Exchequer. That is the hon. Gentleman's courtesy towards a great party that has held a high position in this country, that has been led by men whose names are written in the history of England. But the hon. Gentleman has fallen into a mistake—if he will pardon me for pointing out a slight error in one who is generally so accurate. He says he will support a certain section of the administration. That is quite a mistake; it is they that support him, and he has not hesitated to announce that if they misbehave—that is to say, if they differ from him—he will dismiss them. How complimentary is this to statesmen who have long held office; especially how complimentary to the noble Viscount and the other eminent persons who assist him in the administration. But let the hon. Gentleman recollect that before now he has attempted to defeat the noble Viscount, and that in a fair fight on a former occasion he did not find that noble Lord a feeble antagonist. Parliament, he says, will agree in his views. Sir, that is the strongest argument against Parliamentary Reform that I ever heard, because if the House of Commons understands its duty, which is to watch the opinions as they may be expressed of the hon. Member for Birmingham, if they respond to all he says, no future Parliament could do his bidding more effectually and completely. Now, he means to insinuate that this is a question of which nothing is to be said but on one side, and that the best thing that could be done would be instantly to endorse every opinion he has uttered. And what was the style of his speech tonight? He informed us first, of what I was glad to hear, for I never heard them before—namely, the circumstances under which the negotiation, out of which this Treaty sprung up, was commenced. He has informed us that it all arose out of a speech he himself made. He read an extract from that speech, and I admit that it is worth hearing a second time. But having read that extract, with a modesty remarkable in him, he then pointed out how his Friend, Mr. Cobden, travelling on the Continent, and carrying that extract in his head, commenced in France a negotiation on his own account, and was then employed by Her Majesty's Ministers to effect the most glorious Treaty that was ever entered into between two great kingdoms. Now, the hon. Gentleman says, that as a Free-trader he supports this document as it stands, and expresses his astonishment that any one can be found to criticise it. Sir, some of the ablest men in this country, men of the soundest understanding, individuals who love their country as dearly as the hon. Gentleman can do, have ventured, not in a spirit of ill-will or animosity to France, but in the performance of their duty to their country, to point out the blemishes and defects to be found in that Treaty; and that, as they understand it, it is a Treaty, not of reciprocity, but of a one-sided and partial character. The hon. Gentleman has not done justice to his opponents. I have always heard that it was the custom of the great men of this country to put the arguments of their opponents more strongly than they had been put, in order that their replies might be more brilliant and decisive. But what has the hon. Gentleman said with reference to this transaction? He first gives us an account of the exports of England, and informs us of our great trade with America. Quite true. The hon. Member for Buckingham said the same thing to-night, and pointed out with all the good sense which a man thoroughly acquainted with his subject would evince, that such is our trade with America, and it would be idle to expect we could ever enjoy the same extent of trade with France. And I believe that is quite true. The hon. Gentleman then said that this Treaty was a master-piece of wisdom on the part of the French Government and a marvellous piece of liberality. And why? Because, he said, the duties on many articles were much higher than 30 per cent, but now, owing to the persuasive eloquence of Mr. Cobden, the Emperor of the French has reduced the duties to the moderate amount of 30 per cent for a given time, to be still further reduced to 25 per cent at a future time. Was he authorized to say that the great staple manufactures of England and Ireland could find an entrance to France under that scale of duties. Has he any right, in fair argument, to say that the duties will be less than that which the Emperor of the French has reserved to himself the right of making them? Has he any right to argue that they will be different from that which is expressed in the letter of the bond? I tell the hon. Gentleman I have been informed by gentlemen connected with the manufacturing interests, and as respectable as himself, that linen yarns from Ireland never could, with a duty of 30 per cent, gain an entrance into the kingdom of France. Nay, more—I have been informed that under that Treaty, so ingeniously contrived by Mr. Cobden, while under former circumstances a certain class of yarns, the duty upon which was paid by weight, could be admitted, they will now be excluded, while the finer and lighter descriptions cannot be admitted. Therefore, until we see the Convention which is to be laid on the table—until we know all the details of the measure which is to consummate that Treaty, and with which the hon. Gentleman appears to be perfectly acquainted—we shall not thoroughly understand the grandeur of the scheme propounded for our acceptance. Now, Sir, the hon. Gentleman not only spoke on behalf of the French Government, but on the part of the British Government. I saw the hon. Gentleman leave his seat and hold a brief consultation with Ministers of that section of the Cabinet upon which he smiles. No Member of the Cabinet has yet spoken in this debate; no Minister has yet indicated the policy of the Government of this country. But, somewhat unexpectedly, the hon. Member for Birmingham has undertaken the defence of a section of the Government, and of the French administration and government. Now, is he quite sure that this Treaty has been framed in accordance with the principles of free trade? Those gentlemen who write books and make speeches on the subject of free trade are a very peculiar race. When you quote their books they say—"Oh, those are written to confute you, and not to bind us." When you quote their speeches, they say, free trade is an excellent thing; but if you allude to its theory, they charge you with the antiquated principles of Protection. But what is to be thought of a

Free-trader who approves in general of Treaties of Commerce? Did the hon. Gentleman ever read the Motion made by Mr. Ricardo, when that eminent person, skilled in political economy, said—"We want trade, not Treaties of Commerce, for they are opposed to our principles;" and called upon the Chancellor of the Exchequer of that day to carry out those principles and to reduce those duties in a very marked degree? Does the hon. Gentleman recollect the answer of the right hon. Gentleman the then Chancellor of the Exchequer to that appeal, when he told Mr. Ricardo that it was well the Government of England was not committed to such hands as his. Why, the very thing itself—a Treaty of Commerce—is a contradiction of your creed. Mr. M'Culloch has said it. But just let us look at this Treaty for a moment, and consider what the hon. Gentleman has told us. We find in it an Article relating to coal—an article concerning which the hon. Member has made merry. What is the nature of that Article? It is a contract between France and England, whereby England binds herself for a period of ten years not to place any duty on the export of coal. What is the effect of that Article? It strips this House of its legislative authority for that time, and this country of its power to deal with that article during the whole period of the Treaty. If the hon. Gentleman is right in his argument, what follows? A similar Treaty may be made with Portugal, with Spain, with Russia, and with every country in Europe. What becomes, then, of the principles of the creed which denounces such treaties on the ground that they fetter you. Now, Sir, with reference to the political effect of that Article: has it none? The hon. Member derides the antiquated notion of any articles being considered contraband of war. I have inquired into the opinions of French jurists upon this subject, and I will mention a significant fact. French writers held a few years ago that coal was contraband of war, but they now most suspiciously hold a different opinion, and say it is not contraband of war because it is wanted more for French consumption than for war. Then, Sir, the hon. Gentleman proceeded to inform us that of all the magnificent measures ever carried this was the most magnificent. Will he pardon me for saying that he has extended his researches but slightly into the history of Treaties of this kind if he holds that opinion. He has heard during this debate of the great Treaty of 1787, carried by Pitt. What was the character of that treaty? It was a treaty of navigation and of commerce. And why has it been eulogized by great writers on the subject of free trade? Because it was founded upon commercial reciprocity—because it secured no benefit to one country that was not enjoyed by the other, and, therefore, was equally beneficial to both. Can any one say that this Treaty is of a similar character? The hon. Gentleman cannot be of that opinion; and in discussing it fairly and freely, those gentlemen who sit here on this (the Opposition) bench are not deserting the duty they owe to their country, but performing it strictly and thoroughly. Then the hon. Gentleman says that the cost of coal to France would be very slight. That is not the question. He knows very well that the French coal is not fit for ships of war or for navigation, while the English coal is eminently so. [Mr. BRIGHT: No, no!] He says "No," but I say "Yes," and the French themselves say the same thing. The English coal is hard, and does not break into small particles. The fleet of the French Emperor, according to the accounts published of it, is to extend to 100 sail of the line, and the vessels of that fleet would lie like useless logs on the water unless they were supplied with a proper description of coal to navigate them. The hon. Gentleman then says that the French Emperor has acted wisely, as I understand him, in effecting this Treaty without consulting the Legislative Chamber of France. [Mr. BRIGHT: Not so.] I understood the hon. Member to argue that the Legislative Chamber of France was of such a character that it was a wise policy on the part of the Emperor not to consult them.

MR. BRIGHT: No, indeed; I did not say anything about it.

MR. WHITESIDE: Well, he certainly cast no censure on the French Emperor for not consulting his Legislative Chamber. But, in my opinion, one of the greatest objections to the principle of this transaction is this—that a treaty of this kind ought to be what the hon. Gentleman has himself described it as—namely, a treaty between two nations, and which has the assent and cordial approbation of the people of each. It ought not to be effected by an absolute ruler without taking the advice or the consent of that portion of the people who are appointed to give either.

It is one of the most unfortunate circumstances connected with this Treaty that such a chamber as France possesses, being a Legislative Chamber, has not had an opportunity of expressing its opinion upon this Treaty; and those who are the champions of a free and constitutional Government in other countries ought not to frown on the Senate, such as it may chance to be, which exists in another kingdom. But I have observed of the hon. Member for Birmingham that he is very well disposed towards absolute Powers, and has before now pronounced even panegyrics upon the Emperor of Russia and the Emperor of the French; has condemned those who ventured to impugn their aggressive policy, censured those who endeavoured to restrain their inordinate ambition; and has invariably shown rather an attachment to despotic power in foreign countries. I maintain his speeches in this House on the subject of Russia and of France were not speeches that were responded to by the English nation; and I think it is very remarkable to observe in the career of the hon. Gentleman that he seizes every opportunity of denouncing those who ventured to oppose the designs of Russia, or who have ventured to repress the ambition of the French Emperor. But, Sir, when he made his speech about Russia to-night, did he recollect that of the Cabinet—that celebrated Cabinet which drifted into a war with Russia—the present right hon. Gentleman the Chancellor of the Exchequer was the shining ornament? Has he contemplated that that section of the Cabinet which he now befriends were Members of that unhappy Administration? Is he of opinion that they deserve censure for the part they took in that Russian war? And, as an economist, does he not know that the cheese-parings that the right hon. Gentleman the Chancellor of the Exchequer sometimes recommends are mere trifles in comparison with the cost of that Russian war? If that war was wrong, then the gentlemen who conducted that war are entitled to and deserve the censure of the hon. Member for Birmingham. But I observe in the tone of the hon. Gentleman's speech something not creditable to the right hon. Gentleman the Chancellor of the Exchequer. I observe that the hon. Member for Birmingham makes a distinction between the members of the Cabinet, and says there is a section consisting of Gentlemen sitting in that Cabinet who might be supposed to disapprove of war Estimates, to condemn the expense incurred in the defences of the country, and to hold an opposite opinion from that which they officially expressed. If I understood that rightly, as having been spoken by the hon. Member, I think he pronounced as severe a censure upon the right hon. Gentleman the Chancellor of the Exchequer and his friends as ever was pronounced by one public man upon another. If these expenses have not the right hon. Gentleman's cordial approval, if the policy of the Ministry is not his policy, if he does not in part assent to what they are doing in reference to the expenditure, military and naval, of the country, he ought to join with the hon. Member for Birmingham, and then what power could resist their united talents. The hon. Gentleman seems bent upon constructing a Ministry that shall be formed exactly conformable to his wishes; and he has intimated to the Whigs in this House, once constituting a formidable party, that the knell of their political doom is rung, and that they must no longer expect either his smile or his favour. I do not exactly comprehend what he meant by his dissertation on the corn laws, nor by his denunciation of the naval and military expenditure. Why is he not here when these Estimates are moved for? Why is he not here to perform the duty he owes to his constituents? Why is he not here to point out the extravagance, and to control and limit the expenditure he condemns so loudly in the lump? Why? because it is easier to make a speech condemning what is done by a Minister than to discharge the laborious and painful duty which a critical examination of that expenditure must impose on him, and to undertake a duty which he has never performed regarding them. I cannot understand the course the hon. Gentleman has taken. He has commanding eloquence, untiring energy, and he fears nobody; but why does he not grapple with the Minister who proposed these inordinate Estimates, and make a distinct proposition to the House and to the country? I believe that the hon. Member acts wisely and prudently, and that he suspects his proposition would not meet with the favour of the House, and that it would be sure to be dissented from by his countrymen. The hon. Gentleman condemned the war with China, and I agree with him on that subject. Mr. Cobden brought that question before the House in a spirit of fairness, and with an ability and power of argument that commanded the assent of those whom he addressed; but has the hon. Member failed to forget that he is supporting a Ministry that has now sent out another warlike expedition to China? Has he forgotten the Estimate of £850,000 that was delivered this morning as a beginning, a small beginning, for the expenses of ancther Chinese war, and all springing out of the policy of the chief of the present Administration, who placed that policy successfully, but as I think erroneously, on the country. Why does the hon. Gentleman, who abhors the principles of war, and who thinks this war with China barbarous and inhuman, not stand up in the House and bring the Minister to account for his conduct respecting it? The Chancellor of the Exchequer himself moved that Estimate. Why was not the hon. Member in the House? He has a taste for irony and an aptitude for ridicule, and he might have heard the master of rhetoric deliver a sentence that no human being could listen to with patience, namely —that powder and ball, and Armstrong guns, and 30,000 men, would be dispatched as messengers of peace to conciliate the Celestial Empire. Did the right hon. Gentleman imagine at the time he so represented this warlike expedition to the House, that is was in truth a message of peace and conciliation, and that the best way to conciliate an ill-used, oppressed, and injured people, was to adopt the policy pursued, and send out a mighty armament and troops to bombard and destroy the Celestial City? Why does the hon. Member for Birmingham not oppose that policy? He condemns the war in China, but by a strange inconsistency supports the Minister that makes war upon it, and passes a panegyric on the right hon. Gentleman who must have advised that war with China, who had the talent and the capacity to get us into it, but who wanted the talent and tact to get us out of it. What is the use of making vague speeches that terminate in nothing? There is no inconsistency in his own conduct, I admit, because he is in favour of peace and of peace Estimates. How does he reconcile the inconsistency of supporting a peace policy and war Estimates? They are irreconcilable. He told them the other night that if Gentlemen on the Conservative side of the House thought fit to carry out his views, that they might be sitting on the Treasury Bench, and that when those Gentlemen in the Ministry whose talents they all admired, and whose abilities no one would deny, ceased to be agreeable to him, they must shift places with their opponents. My private opinion is that the hon. Member for Birmingham overrates his power. He has warned us in the course of his discursive address, in which I think he showed more industry than originality, how a former Reform Bill was carried by violence and clamour. But is it not possible that another Reform Bill might be carried by the same means? When was it the hon. Gentleman conceived that distate for violent legislation, or clamorous appeals against the constituted authorities of the country, that he expressed to-night? I trust that the Reform Bill, when it comes, will not be carried by clamour, violence, or outrage, and that we shall have the pleasure of hearing the hon. Gentleman in a future Parliament condemn the Estimates and rise to reduce the expenditure of the country. The hon. Gentleman says he does not hate the aristocracy, and that on the whole he is no enemy to the aristocracy. Well, that is consolatory; it is an old institution of this country. I agree with him that an aristocracy that sustains itself by corruption — by a privileged abuse of its power — by a wasteful expenditure of the public money, ought to fall; but I believe the aristocracy of this country will stand, notwithstanding the assaults of the hon. Gentleman—that it will stand by reason of the useful services rendered by its Members in the other House of Parliament to their countrymen by unflinching patriotism and their exalted wisdom. The hon. Gentleman has not said much upon the merits of the Chancellor of the Exchequer and his Budget; will he allow me to say a word, and to pay to that right hon. Gentleman a just compliment? I heard the right hon. Gentleman's speech on opening his Budget for four hours without once winking. I could not do more for Cicero; but, Sir, the light of reason dispelled the delusion and chased away the enchantment. When I considered the subject-matter of his speech, I was convinced against it by the inexorable logic of facts. The hon. Member for Coventry designated the Budget as an ambitious Budget; another hon. Member characterized it as an audacious Budget; and if I may express myself more modestly and measuredly, I would say it is a bold experiment on the country. The right hon. Gentleman spent the first hour of his speech in explaining, with painful particularity, the amount of his deficit. The right hon. Gentleman seems to me on certain occasions to represent himself in Parliament as an injured political economist, who is endeavouring, but in vain, to stem a torrent of wasteful expenditure perpetrated by a spendthrift Parliament. Having created and explained his deficit, he said if his policy were carried out you would have an overflowing exchequer; but it was necessary, he said, at the same time to point out the disturbing causes which exhausted our resources, and what are they? The Russian war, which he himself counselled and advised. I admit that the right hon. Gentleman has the talent to fill the Exchequer, but he has likewise the cleverness to empty it effectually. The Member for Birmingham, a man of sense, must know that a mistaken war will cost more than all the niggardly economy of half a century will save. Having moralized on the Russian war, he proceeded to inform us what were the disturbing causes which reduced his balances. I was asked by an East Indian whether the right hon. Gentleman had made in the House a speech about China, and whether he had stated that the expense would be half a million for the invasion of China. I said I thought he did. "Then," said my informant, "the Budget is a myth." He then asked me, "Did you ever hear of the war with Persia?" But I answered I knew nothing about it, and I think, in saying so, I speak the sense of nine-tenths of the House of Commons. It was a war carried on by the noble Viscount on his own account. Mr. Layard was so unlucky as on one occasion to ask the noble Viscount a question about the Persian war. He got an answer that brought down peals of laughter on the unfortunate interrogator, and the subject was never alluded to afterwards. But, said the questioner, are you aware what the bill was for the Persian war two millions, notwithstanding the short comparative distance of Persia from a country where arms, ammunition, and troops were? Well, said this Gentleman, you may be sure that if the war with China is a reality, and if the business is to be done, the Chancellor of the Exchequer ought to have fixed the cost, and modestly fixed it at four millions. The paper of this morning makes a beginning of £850,000—a figure which ought to recommend itself to the attention of the hon. Gentleman the Member for Birmingham. I appeal to the Chancellor of the Exchequer whether that is not a disturbing cause in his Budget, and I think he will leave the lucky Gentleman who succeeds him a deficit of twelve millions, as the hon. Member for Portsmouth said, including the indefinite expense of the Chinese war, combined with his lamentations that he could not give us a more generous Budget. Having pointed out his deficit, one would have supposed that the right hon. Gentleman would have exercised his marvellous ingenuity to show us how it might be supplied, but, instead of this, he proceeded with indefatigable industry to make still further and greater gaps in his revenue. Having explained what sum had to be paid, he went on simply to propose a double income tax. Now, if he wishes to know why we venture to oppose him on the Budget, I will tell him. My notion of the character of his speech was, that he sincerely regretted that the income tax was not greater, and that if he could he would make it more—not having the fear of the hon. Member for Birmingham before him, who, I remember, resolutely said last Session that if he were alive, he would, in the next Parliament, face and confront, and put down, the Minister who would presume to maintain that most odious of all taxes ever invented by statesmen. He has performed his threat, and kept his word. He is here to compliment the Chancellor of the Exchequer on the income tax. I think that a Gentleman whose ideas of political economy are so accurate and clear, has altered his own opinion, and that when the good time comes, and the new Parliament arrives, and the Whigs are scattered to the winds and their party shattered into fragments, that then the great system of direct taxation to which he had alluded would be carried out effectually by a brilliant triumvirate consisting of himself, the hon. Member for Rochdale, and the Chancellor of the Exchequer. Now, what did the Chancellor of the Exchequer do when he made an hiatus in his revenue? He said, you must take away the duty on wine. Suppose there was no Treaty with France, still it might be said if you could reduce the duty on tea and sugar, paper and wine, you would. The right hon. Gentleman misunderstands the policy of Sir Robert Peel. That policy was not to dry up sources of revenue. His policy was to reduce the duty on consumable articles, expecting, and wisely so, that by a greater consumption the revenue would be increased? Now, what is the ground on which the Chancellor of the Exchequer ushered in his views? Was there anything more unfair or unsound than the analogy he presented to the House to induce it to adopt his proposal first of a 3*s.* and then of a 1*s.* duty on wines? "Wine," he said, "was said to be the rich man's luxury. The same was once said of tea, but it was reduced and became the poor man's necessary, and if you follow my advice the same consequences will follow." He put it very eloquently—but it was a brilliant fallacy. Consider the nature of the article, and the class of the consumers—consider the history of taxation in every country in Europe, and it would be seen that there never was a more unjust analogy. The Chancellor of the Exchequer asked why should not the article of tea be called a luxury as well; but the masterly authority of Adam Smith differs from him, for when he distinguishes, in his able work, articles which are necessaries from luxuries, he places the article of wine in the category of luxuries, and declares his opinion that it should be taxable as such. M'Culloch, in writing on taxation, is of the same opinion. All the authorities are against the right hon. Gentleman. The analogy he puts defeats his argument, namely, the great consumption of tea. I have looked through the whole of the returns, not merely in this country, but in Belgium and France, and the facts are just the converse. No more interesting paper can be read than the Report of the Commission of Inquiry sent from Paris in 1849 to examine into the cause why wine was not consumed more largely in Belgium after the differential duty in favour of French wines in that country. The question the Commissioners had before them was whether wine might not be largely consumed in Belgium, and what habits tended towards the consumption of that article. They investigated that subject with the acuteness for which Frenchmen are remarkable, and the result was that in exact proportion as you find tea, and cocoa, and coffee, and beer consumed by the masses, will you find wine consumed precisely in the opposite degree. So here likewise the same results will follow, and the writers on political economy pointed to that very fact. They constructed tables to prove, and to prove to demonstration, that the article of tea s unlimited in consumption; that tea may be consumed by the young, the old, the sick, the strong man and women; but that wine is to be put in an opposite category. Therefore, the analogy contended for by the right hon. Gentleman—namely, that wine would be consumed in the same way as tea was utterly unsound, and was contradicted by the very facts found recorded in the books to which I have referred. Now, what authority had he for showing that wine would greatly increase? Was it Sir Robert Peel, or was it Pitt? Why, Pitt raised the duty on wine, and at the time when the duty was the highest the consumption did not fall off, and he got the most money. What was the opinion of the right hon. Gentleman himself on the subject? Why, when I desire to answer the Chancellor of the Exchequer, I will appeal to the right hon. Gentleman the Member for the University of Oxford. He has himself given the reason why the whole of his plan is impracticable. I will now read to you what the right hon. Gentleman himself said on the subject, and I never heard anything more satisfactory. Indeed, I should not be surprised if I induced the right hon. Gentleman to withdraw his Budget. The right hon. Gentleman in 1853 said:—

> "I will first mention an article of importance in which we can make no change, and that article is wine. I refer to this tax, as it is a tax of peculiar susceptibility, and the cause of an agitation out of doors which is almost as perilous to the wine duties as certain climates are to the growth of wine itself; and because it is desirable that if the House and the Government think no change can be made in the duty, that opinion of the House and the Government should be clearly and intelligibly expressed."

And he then said, as is customary with gentlemen of that school, there are three courses to take:—

> "There are three plans, any one of which may be followed with regard to wines. One would be to reduce the duty to a low uniform duty of 1*s.* 6*d.* or 2*s.*, or at most 2*s.* 6*d.* the gallon."

Now, recollect the effect which also must attend the present scheme:—

> "Now, you cannot do that unless you are prepared to sacrifice an amount of revenue for the first year of, at the very least, £700,000, besides an additional difficulty in regard to the drawback on stocks on hand."

We have not heard what the drawback will be now. I think the answer of the right hon. Gentleman was a little vague on that subject—

> "With respect to which," he goes on, "it is

> not impossible that the Government might form a sturdy Resolution, to which the House of Commons might be induced not to concur. But whether that be so or not, a loss to the revenue of £700,000 on the article of wine is very serious, and the importance of the change in connection with its cost will not, we think, advantageously bear a comparison with other objects which the Government have in hand. Another plan would be to fix a duty of several rates on wine of different values, somewhat resembling the duty on different qualities of sugar. But if that is attended with difficulty in the case of sugar, with how much greater difficulty would it be attended in that of wine? It has many recommendations certainly, and this among them, that it would admit low classes of wine at a smaller loss to the revenue."

That is as good now as it was then.

> "But the revenue departments will have the greatest difficulty in carrying out such a system. It would be complex in its operations; the wine trade, almost to a man, are opposed to it; and I cannot say that public opinion is so much in its favour as to induce us to attempt to carry it into effect. That being so, there is no choice for us but to say that, whatsoever be our opinion of the operation of the present wine duty, we are unable to propose any change in it, and we must pursue the third and only remaining plan—that is, to retain the existing duty. While we cannot propose any change in it at the present time, neither can we see any definite or early prospect of a change hereafter."

Now I would ask the House whether that argument is not as good an argument now as then. Will you answer this question? Are you abolishing the wine duty from a sincere conviction that you are abolishing it wisely and safely; or are you abolishing the duty in consequence of the French Treaty, and nothing else? Why, when the wine merchants held their meeting, they stated that the plan of the Chancellor of the Exchequer was impracticable—that is, the alcoholic test. I happen to know a gentleman who went to Paris to see the way in which they test the alcoholic strength, and he said, "It will require a chemist to do it; the plan, for quick and ordinary business, is impracticable." Now, one word about the paper duty. This Treaty stated the fact, that French paper is to be introduced into this country; and in the same document the raw material from which they make paper is prohibited being exported to this country. Do you call that commercial reciprocity? It is commercial reciprocity on one side. While I hold that a treaty which gives reciprocal duties to be right, for that reason I hold this Treaty to be wrong. The right hon. Gentleman wound up his financial scheme in a short and summary manner — that is, by doubling the income tax. I will not enter into the character of that tax. I forgive the right hon. Gentleman many mistakes. I forgive him the result of the succession duty, as I consider he carried that measure with great ability; but his calculations, though elaborate and ingenious, were wrong. I do not censure him on that ground, but what I cannot understand, and what I never will submit to patiently and silently, is, to hear a gentleman of his attainments and his position inform me of the character of the income tax, and then tell me to double and to adopt it. I recollect one sentence of the right hon. Gentleman as to the whole policy of the income tax. It did him the highest honour, and I have never forgotten it since, and I will venture to say, if the right hon. Gentleman will resume his old position, and perhaps a higher position than he now holds, one independent of office, the representative of the learning, piety, and wisdom of the country, he would, I think, feel forcibly the appeal he made to Parliament in reference to that tax.

> "No doubt the income tax has a great many recommendations as part of the permanent revenue of the country, but there are also great objections against it. One is a moral objection, for I believe it does more than any other tax to demoralize and corrupt the people, not from the extent of its levy, not from the fault of those who levy it, but from the essential nature of the tax itself."

Here, then, we have a statesman of the highest character informing us in the same speech in which he stated that he had studied the subject with the deepest and closest attention announcing that the income tax is the most demoralizing and corrupt of any. Having established that great truth—having shown that it is a demoralizing tax—that it changes the manly virtues of the Englishman into the opposite vices—makes him a deceitful, scheming, hypocritical, lying character; sometimes, it is true, exhibiting remorse and repentance by making restitution. If this tax is to be doubled, then, according to the right hon. Gentleman we are to double the immorality and double the corruption of the country. Now, Sir, I agree with him in that opinion, which he deliberately expressed. I believe, as he declared, that of all taxes the income tax is the most mischievous. He has given me no sufficient reason for now increasing its immorality and doubling its corruption, and, acting on the opinion he proclaimed, with all the fervour of conviction, I must say that I never will consent to the Chancellor of the Exchequer doubling a tax which is the most vicious in our system of taxation, which demoralizes and corrupts our country. How a Gentleman can call on the House of Commons to double that tax without holding out the slightest chance of amelioration, but rather pointing to an increase and future addition to that tax, how he expects us to be convinced by such arguments passes my comprehension. It is a tax which corrupts society, and therefore I oppose it. I believe the wine duty ought not to be reduced, and therefore I object to its reduction. I believe the paper duty ought not now to be repealed, although, as the right hon. Member for Portsmouth says, it may hereafter most properly be reduced, but not now. I believe, according to the speeches of the right hon. Member for Carlisle and the right hon. Member for Kidderminster, some few years ago, that where a deficiency exists you ought not to draw bills on futurity and leave to another year all the confusion of the finances of the present which your impolicy may have created. For these reasons, I, for one, think that the Treaty requires to be reconsidered, and reconsidered in three or four important particulars, and that the Budget of the right hon. Gentleman, considering the circumstances of the country, is unwise and inexpedient, and ought to be resisted.

MR. CARDWELL: Sir, the lateness of the hour conspires with the admonition which the speech of the right hon. and learned Gentleman who has just spoken furnishes to warn me against any vague observations on general subjects. I shall, therefore, confine myself, in the course of the remarks which I am about to make, to that which is the legitimate question under the notice of the House. The Resolution which has been submitted to us by the hon. Member for Essex sets forth, I must admit, most candidly and fairly the policy of the party to which he belongs. He protests against the whole scheme of the Government, rather than raises objections to particular provisions. He calls upon the House in the most explicit manner, to reject the Treaty with France, and to give its assent to none of those great and important remissions of taxation which are proposed in the financial scheme of the Government. He does not seek, in short, to kidnap a single vote, but invites hon. Members to go with him into the lobby upon grounds the most intelligible and direct. Let us, then, clearly understand the position in which the country is placed. You are now called upon to provide the largest military Estimates which probably any legislative assembly was ever called upon to vote in a time of peace. This financial year is, moreover, rendered remarkable by the fact that there will be a large remission of the public burdens consequent on the falling in of the Long Annuities. Now how, let me ask, ought we, under these circumstances, to proceed? The hon. Member for Essex contends that the £2,000,000 and upwards which we gain by the remission I have just mentioned ought to be taken advantage of with the view of reducing the income tax. My right hon. Friend the Chancellor of the Exchequer, on the other hand, invites you to avail yourselves of this sum to enable you to pursue still further that great and beneficial policy from which such invaluable results have been experienced. But let me for a moment call your attention to the Estimates; and in doing so I may perhaps be permitted to say that I think the right hon. Gentleman who has just sat down has—considering those obligations under which he and his Colleagues were formerly placed by the hon. Member for Birmingham—displayed to-night the quality of political gratitude to but small advantage in commenting upon the lucid and brilliant speech which that hon. Member has addressed to the House. But to return to the subject of the Estimates; I am perfectly free to admit that I think great honour is due to the Government by which we have been preceded in office for having called upon Parliament to sanction an increase in our expenditure with the object of placing the honour and safety of the nation beyond dispute. And I feel assured that, whatever may be the success of political parties, and to whatever side the smiles of fortune may incline, the hon. Member for Birmingham will find, when he appeals to that public opinion which, he says, is the last resort, that there is no subject on which the people of this country are more unanimous than they are with respect to that which involves the maintenance of our naval and military services upon a footing calculated to secure the safety and honour of the country, unlimited and unmodified by mere financial considerations. Having those large Estimates, then, to provide, with the view of securing that object, and having a remission of over £2,000,000 on the public burdens owing to the falling in of the Long Annuities, next comes the question whether you are to adopt a policy of stationary finance, or to take another onward step in that policy of progressive finance to whose benefits we are each and all of us witnesses. Hon. Gentlemen opposite, indeed, desire that we should deal with other sources of revenue than those which my right hon. Friend the Chancellor of the Exchequer has fixed upon for the purpose of meeting our increased expenditure. They have, however, failed to inform us on what articles contributing to the comfort and enjoyment of the people at large additional taxation to supply the deficiency between our income and expenditure is to be raised. In 1852, the year preceding that in which the great increase in our Estimates took place, the revenue derived from those other sources to which hon. Gentlemen seem desirous particularly to draw our attention was £48,000,000. In the present year you have an increase of nearly £14,000,000 in your naval and military Estimates, as compared with 1852, for which you have to provide; and is the whole of that sum, let me ask, to be made up by the income tax? Why, if you take into account the produce of the income tax in 1582, as contrasted with its estimated amount for the present year, you will find that the additional sum raised by the tax is only £5,500,000. Whence, then, comes the remainder of the large increase that has taken place in your naval and military expenditure? From those other sources of revenue to which you refer. But, you will say, the argument on this head fails, because those other sources are not the subject of remission of taxation. The greater amount which is now raised from them is, then, the result of the increased prosperity of the people, and it is because you have increased the revenue from these sources without adding to the burdens of the community that we now call on you to take another step in the same direction. Since 1852, when the ordinary sources of revenue yielded £48,000,000, we have diminished by successive stages the Customs and Excise by more than one-third; and yet they produce more at the end than they did at the beginning. It is by the successive reimpositions of the income tax that this extraordinary relief has been obtained, and through the agency of the income tax you are now able to remove from the public shoulders a burden greater than the large increase that has taken place in the navy and military expenditure for which we have to provide. But the hon. and learned Gentleman who has just sat down says, we are not taking another step in the course which Sir Robert Peel began. Sir Robert Peel, he says, understood the instrument with which he worked, and he adopted a plan by which when he removed taxes he added to the productiveness of the revenue. I forget whether the hon. and learned Gentleman was in Parliament at the time; but let me ask him whether he remembers when the duties on glass, cotton, wool, and a hundred other articles entirely disappeared from the Customs? When we repealed the duty on glass, bricks, soap, and other articles, and when we now propose to repeal the duty on paper, is it the doctrine of Gentlemen opposite that in no shape do we return the revenue to the Exchequer, because we cannot obtain it from those very articles themselves? Do you not increase the industry of the country? Do you not give more employment, and add to the wages of those employed; and, by stimulating consumption, add at the same time to the commerce of the country and to its revenue? The hon. and learned Gentleman appealed to Adam Smith. I do not know whether he is deep in the study of Adam Smith's works; but seventy years ago this doctrine was laid down in his book, that if you were to reduce the Customs' duties to a small number of articles in general consumption, you would find that the net results would not be diminished, and that your trade would be greatly increased. And so we have found during the last fifteen years, when step by step we have, through the agency and instrumentality of the income tax removed burdens, increased the means of industry, and added to the comforts and consuming power of the community. The policy we have pursued has conferred innumerable benefits on the country. It has trebled your foreign trade, added to the wealth of every part of the community, diminished the expenditure for pauperism and the returns of crime, and, indeed, produced almost every social benefit that the wisdom of the Legislature could confer. But we have heard to-night of the great importance of the foreign relations of the country. We have heard of the extensive trade that has under this enlightened policy been carried on with the United States of America. Since 1842, when this policy began, we have had frequent disputes with the United States, and it will be recollected that in 1846 there was a feeling of the deepest anxiety lest those disputes should involve us in the calamity of war with that country. In the year just passed we have had a misunderstanding with the United States, but no feeling of anxiety was felt by the public on the subject. Why? Because such had been the growth of commercial intercourse between the two nations in the interval—so strong were the commercial recognizances into which the two nations had entered—so great the securities they had mutually given for the maintenance of peace—that no man believed that any carelessness or neglect or want of wisdom on the part of either Government, or of both, could be the cause of war between them. If that has been the case with respect to the United States, what may we not anticipate from the present Commercial Treaty with France? Is there any commodity which France produces that we do not want or any that we produce that France does not want? Some gentlemen talked as if French wines were naturally hateful to the English constitution; but is there the slightest foundation for the idea that the produce of the one country can be injurious to the other, and can any good reason be shown why the population of the one country should not desire to enjoy the productions of the other? The two nations—the greatest and most highly civilized of the world, appear destined by nature to consume each other's produce. Yet our trade with France is not so great as with Holland or the Hans Towns. And why have we not a large trade with France? We had one once, but the Treaty which arose out of the national jealousy of France put an end to it, and in this respect was the most successful for its evil purpose of any that has ever been negotiated. David Hume, a hundred years ago, wrote in this strain respecting the trade that had been destroyed between the two countries. He said—

> "Our jealousy and hatred of France are without bounds. These passions and prejudices have raised innumerable barriers and obstructions in the way of commerce, and we are commonly accused of being the aggressors. What is the result? We have lost the French manufactures, and our woollen manufactures have been transferred to Spain and Portugal, where we pay a higher price for what we get. Every new vineyard in France formed to supply us with wine would necessitate the establishment of an equivalent manufacture to supply them with English goods."

But that is not the view taken by Gentlemen opposite. They are such enthusiasts in free trade, these recent converts, that they will not allow you to introduce free trade through the agency of a treaty which would put an end to the protection that originated in a treaty. But the hon. and learned Gentleman opposite seemed to be horrified at the idea of free trade in France being introduced under the constitution of things now existing in that country, and even, as he seemed to think, in opposition to the constitution under which the French people lived. Suppose the French had reached that stage of progress when they are prepared, not to adopt free trade pure and simple, but only in the shape of a commercial treaty—why, if the conditions of the Treaty are favourable to us, and if it is a recommendation to France that the object should be carried out under the form of a treaty—why should we not be permitted to treat with them in that shape? We have had considerable difficulty in converting hon. Gentlemen opposite; after long years of exertion we have now satisfactorily accomplished that task; why then should not the Government be permitted to pursue with regard to the French that plan which will most recommend to their feelings the great objects of commercial freedom? Of one thing I can assure the hon. and learned Gentleman; when once a nation has begun to taste the benefits which freedom of commerce necessarily confers, their own experience will lead them to walk onward in the same course. Probably not twenty years will expire before the most determined opponent of these liberal measures now existing in France will be as cordial, as enthusiastic, a supporter of them as the hon. and learned Member himself. The hon. and learned Gentleman objected to have these commercial relations with France except in a perfectly constitutional manner; the right hon. Baronet the Member for Portsmouth (Sir F. Baring) objected to have them at all. The policy of the French in Italy did not please him, and therefore he did not see the use of making a commercial Treaty with them. On the other hand, Sir, I believe our policy should be to break down the barriers which have so long separated the two countries, by introducing the products of the one to the consumption of the other; and by so doing I feel assured we shall be conferring on mankind as well as on ourselves a benefit and a blessing second only to that which accompanied the downfall of Protection itself in this country. Sir, there were many points in the hon. and learned Member's speech on which I should have liked to offer some observations, but already we have passed the hour at which it would have been possible to enter on those parts of the question. Before I conclude, however, I wish to say another word with regard to the case put by the right hon. Baronet the Member for Portsmouth. He looks with dismay at the future prospects if this financial scheme be carried; but he did not tell us in what way the dismay was to be remedied by the adoption of different counsels. If we have a large expenditure to meet—and no one more cordially than myself believes that, in the present circumstances of the country, it is absolutely necessary to incur that great expenditure—but if that great expenditure must be incurred, the ways and means must be provided. We have had an able speech to-night from a distinguished financial authority; he ended by landing us in a deficiency of £2,000,000, offering no suggestion as to how that should be supplied. Probably he would recommend an export duty on coal. The hon. Baronet the Member for Stamford had not solved the problem how the deficiency could be met without an addition of taxation. To what new tax did he refer?

Sir STAFFORD NORTHCOTE: None whatever. I took the Chancellor of the Exchequer's own figures.

Mr. CARDWELL: So far as I could make out, the hon. Gentleman did not tell us how the deficiency should be made up. The question simply turns on this,—how are the £2,000,000 the produce of the Long Annuities to be utilized? The Motion of the hon. Member for North Essex utilizes them by diminishing the income tax. The Government, on the other hand, says:—"Spend that sum of £2,000,000 in a mode which shall remove the pressure of £4,000,000 from the shoulders of the people; which shall unfetter industry; which shall stimulate trade; which shall promote the comfort of the people; which shall increase their powers of expenditure and lay the foundation of future additions to the resources of the Exchequer." There has now elapsed a considerable period during which no advance has been made in the work of commercial freedom. We have had the beneficent experience of the great experiment of former years. We have a more loyal and contented people, and the same produce of the Exchequer as before that great experiment was made. I say it is a narrow and short-sighted policy to renew the income tax, and pass no remedial measures for the benefit of the people. I say he who so proceeds is like that person who in the severity of winter and the pressure of distress shall consume his seed-corn. The man who now adopts the better policy, by which the temporary sacrifice of revenue, with an addition of corresponding amount, shall be made in order to produce increased resources for the future, is a wise husbandman who meets the temporary emergency by a temporary sacrifice, and commits to a fruitful soil that seed which he knows from former experience will speedily return to him in a large and an abundant harvest.

Mr. NEWDEGATE moved the adjournment of the debate.

Debate *further adjourned* till *To-morrow.*

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, February 24, 1860.

Minutes.] Public Bills.—1ª Charitable Uses. 3ª Indictable Offences (Metropolitan District); Endowed Schools.

SPAIN AND MOROCCO.

QUESTION.

The Earl of CARNARVON said, he wished to put a Question to the noble Lord the Under Secretary of State for Foreign Affairs. Their Lordships were aware that the Spanish troops had obtained considerable advantages over the Moors, and that in consequence of their recent victory and the capture of Tetuan the aspect of affairs in Africa had undergone a considerable change. He understood that negotiations had been going on between the Moorish authorities and the Spanish commander; and he saw it stated in the newspapers of that morning that Marshal O'Donnell had made proposals for a peace between the two countries. The terms which he offered to the Moors were stated to be, that an indemnity should be paid to Spain for the war, that the Roman

Catholic religion should henceforth be respected in Morocco, that commercial stipulations should be entered into between the two nations, and that the territory which the Spaniards had occupied by force of arms should be made over to them as a permanent cession. With the first two conditions England was not particularly concerned; but he conceived that she had a material interest in the other two. The Spaniards were, no doubt, perfectly entitled to enter into any commercial or financial arrangements with Morocco, but this country was obviously interested in seeing that they did not, whilst securing advantages for themselves, impose indirectly restrictions upon the commercial privileges which other nations already possessed. He wished, therefore, on this head to ask the noble Lord whether he was in possession of any information as to the commercial stipulations under negotiation between Spain and Morocco, and whether he had any objection to produce the papers on the subject. The last condition of the proposed agreement—having reference to the cession of territory—was of still greater moment to this country. It appeared from the printed correspondence that on the 22nd of September the Secretary of State for Foreign Affairs, alarmed at the reports which prevailed as to the intentions of Spain in regard to the retention of territory she might have acquired by arms, wrote to Mr. Buchanan our Minister in Spain for information on the subject. The noble Lord stated that the British Government had no intention whatever of placing any obstacles in the way of the Spaniards, so long as they limited their operations to the reparation of the injuries they had suffered from the Moors, and the vindication of national honour; but that if the outrages of wild Moorish tribes were to be made a ground for the cession of territory, Her Majesty's Government were bound to look to the security of Gibraltar; and he therefore instructed Mr. Buchanan to ask for a written declaration of the intentions of the Spanish Government on that point. Mr. Buchanan accordingly applied to the Spanish Government for information on the subject; and the Spanish Minister replied by a rather wordy communication, which furnished little definite indication of the intentions of his Government. Mr. Buchanan was thereupon desired to renew the subject of which, Lord John Russell stated, the importance could not be overrated. He received for answer that the Spanish Government felt it difficult to state the exact nature of the guarantees they might find it necessary to demand, but that at all events they would not vary the intentions they had formed from the beginning of the question, not to occupy any point on the Straits, whose position would afford to Spain a superiority dangerous to the navigation. Now, it was clear that what constituted a position dangerous to navigation was one thing in an English and another in a Spanish point of view. He wished, therefore, to ask whether the Government were in possession of any reliable information on the subject, and if so, whether they would have any objection to lay it on the table? The correspondence closed at a point which left the intentions of both Governments in doubt, and the impression to be derived from the communications on both sides was far from satisfactory. If the Spanish Government determined to hold permanent possession of this territory, they would hold the ground from Ceuta southeast to Tetuan, and it was not quite clear that they did not intend to occupy ground in a westerly direction from Tangier. Such an occupation might easily become dangerous to our navigation and the security of Gibraltar, and was a question which could not fail to be regarded with interest and solicitude by the Government of this country.

LORD WODEHOUSE said, that as the noble Earl had only given him notice that he intended to ask him whether the information published in *The Times* of that day was correct, relative to the terms of peace offered by Marshal O'Donnell to the Moors, he should confine himself to answering that question, and should not enter into the other matters to which the noble Earl had referred. The intelligence received by the Government was that—besides the demands specified in *The Times*, for the cession of the territory conquered by Spain, including Tetuan, the payment of a large indemnity, and concessions as to commerce—Marshal O'Donnell had demanded that a port on the Atlantic coast, near the Canary Islands, should be ceded by Morocco to Spain, and that Spain should have the right to establish a diplomatic agent and a Roman Catholic Mission at Fez.

DIVINE SERVICE IN THEATRES.

VISCOUNT DUNGANNON, in rising, pursuant to notice, "to call attention to the performance of Divine Service at Sadler's Wells and other theatres by clergymen of the Church of England on Sunday evenings; and to move a Resolution, that such Services, being highly irregular and inconsistent with order, are calculated to injure rather than advance the progress of sound Religious Principles in the Metropolis and throughout the Country," said, that if, from the first, he felt a hesitation in bringing the matter before their Lordships, that difficulty was enhanced by the conversation which took place in their Lordships' House a few evenings ago. He, however, considered the question of so much importance, as affecting the true interests of religion and the stability of the Church, that he could not shrink from the duty he had undertaken. He ventured to say that neither in the memory of the oldest Member of their Lordships' House, nor of the oldest person living, had the fact of a clergyman appearing upon the boards of a playhouse been paralleled, or even heard of before, nor had he found any record of such an event. The Puritanical sect at the time of the Great Rebellion, great as was their disregard of the sacred ordinances of the Church, never dreamed of conducting Divine worship in a theatre, nor had the generation succeeding them, with all their levity and careless recklessness, ever associated the idea of the Church of God with the theatre. He might, perhaps, be referred to the numbers of persons who, Sunday after Sunday, attended what was called Divine service in these theatres. But he believed it could scarcely be called a devotional feeling at all. Curiosity was a natural ingredient in the human mind, and it was easily aroused by anything at variance with customary ordinances, and contrary to usual rule. It was quite as extraordinary to see a clergyman in full canonicals preaching in a playhouse, as it would be to see a comedian, fresh from the pantomime, and tricked out in all his finery, ascend the pulpit of a parish church on Sunday morning. He would yield to no man in a desire to see Gospel truth promulgated far and wide; but there was a place for all things, a time for all things; and two ways of doing everything; and, however righteous the end in view might be, the means adopted to bring it about ought not to be of so questionable a nature. By what motives did their Lordships suppose the persons who attended these theatres were actuated? Were they really attracted by a desire to hear the Word of God and a feeling of devotion, or did they not rather go out of idle curiosity, and could the impressions they brought away with them be of such a nature as to tend to their lasting and permanent benefit? Could these persons, on entering a theatre, divest their minds of the associations that naturally belonged to such a place; and could they forget that on those very boards where the clergyman was preaching the Word of God, clown and harlequin had a few hours before been performing their antics, and would be repeating them in a few hours afterwards? Could services conducted in such a place tend to ameliorate the condition, or to advance the spiritual interests of the persons who resorted to them? What, he would ask, was to be the end of this state of things, and whither was it eventually to lead them? What possible benefits could be derived from such extraordinary and novel proceedings? Let him call their attention to what had occurred before these occasions, according to the reports in the public papers, at the Sadler's Wells and Victoria theatres. It was stated that on the curtain being drawn up at Sadler's Wells, the clergyman appeared in a garden scene; the boxes were filled with ladies and gentlemen in white kid gloves, just as at an ordinary theatrical performance; and during the delivery of the sermon cheers were heard from the gallery, while oranges and ginger-beer bottles were going their ordinary rounds. At the Victoria Theatre placards were put up announcing that refreshments were provided; and the noise from corks flying about, and the sale of apples and provisions was such, that the clergyman had to pause, and take a show of hands whether the audience wished to hear him, or to allow these things to proceed. Now, he thought such a state of things deserved the public attention, and, above all, the serious attention of the right rev. Bench. He asked—and the right rev. Bench would correct him if he was wrong—whether a few years ago a clergyman who took part in such proceedings would not have been suspended or subjected to some other severe ecclesiastical censure? They were told that great numbers of persons who were anxious to hear the Word of God could get no place of worship to go to. Were the churches of the metropolis crowded to overflowing? If they were so, he hoped the noble Earl (the Earl of Shaftesbury), or the most rev. Prelate, or the right rev. Prelate who presided over the see of London, would tell them whether no other means could be found of providing accommodation for the poorer classes before resorting to this, the very lowest that could be conceived. Were there not throughout the metropolis an immense number of large buildings that might be appropriated to this object? Did not every parish contain large schoolrooms, mechanics' institutes, or places of that kind in which the people might more appropriately be convened for the performance of Divine worship? The moral effect of these proceedings could not but be injurious. If they degraded the Church, they to that extent impaired its usefulness; and he could not help thinking that a clergyman who preached in a theatre showed himself forgetful of his proper functions, and injured his power of doing good. It perhaps might be said that there was a certain class of persons who could not be induced to attend worship at all, unless it was provided for them in places of this kind, and unless something was done to tempt them by pandering to their fancies and their appetites. But it appeared to him that if they had to make people religious by pandering to their fancies, rather than by appealing to their consciences, the religious feelings of the community must be at a low ebb; and he very much feared that the Church which resorted to expedients of that kind could not be a very enduring one. The objects he had in view in bringing this matter before their Lordships was to call the attention of people out of doors to what was going on. He wished every man in the country, be he layman or clergyman, Churchman or Dissenter, Protestant or Roman Catholic, seriously to reflect on this state of things, and ask himself where it would all end. These proceedings could not but be offensive to the feelings of many pious persons—offensive to a large number of the middle and trading classes who had been brought up to reverence their Church and respect its worship. No two things could be more incongruous than the church and the theatre, the one being set apart for the worship of God and the other for mere pastime; and their Lordships knew that licentiousness, more or less, prevailed in connection with the theatres of the metropolis. They often heard that there had of late years been a great improvement among the labouring and working classes in respect to religious subjects. He could perfectly remember that two years ago, when the question of the services in Exeter-hall was before the House, the noble Earl (the Earl of Shaftesbury) drew a vivid picture of the effect those services had on the working classes. The noble Earl then anticipated the greatest advantages to the cause of religion from the practice of performing Divine service at Exeter-hall; and he should like to hear from the noble Earl how far he considered that these anticipations had been realized. Everybody knew the great efforts made by the noble Earl to improve the condition of the working classes—to raise them in the social scale, to give them better dwellings, and the like—efforts which entitled him to the gratitude of the public. But he (Viscount Dungannon) was convinced that the inevitable effect of conducting religious services in theatres would be to produce in the minds of the lower orders of the community for whom those services were designed, a feeling of indifference for the solemn ordinances of religion. The Established Church of this country seemed to him to have arrived at this time at a period of considerable difficulty and trial. At present there were two extreme parties in the Established Church, both, in his opinion, equally straying from a true and straightforward course. They had on one side a body of clergymen who under the plea of a strict accordance with the rubrics and formularies of the Church used vestments and adopted ceremonies which, while they involved no sort of principle, were opposed to the general feeling of the country. A striking instance of the consequences of a departure in one direction from that happy medium had been seen in the unhappy riots which had occurred at the east end of the metropolis. Although nothing could possibly extenuate the conduct of the persons who took part in those flagrant acts of violence, he thought the extremely injudicious course adopted by the Incumbent of the church in question and the rest of the clergy associated with him there had really and essentially given rise to the disturbances which there was so much reason to deplore. There was another party in the Church to whom it seemed to be a matter of indifference, provided the Word of God was preached, where and under what circumstances religious services were conducted, regardless of the command which especially applied to the worship of God, that all things were to be done "decently and in order." He might be told that in the services in question the Liturgy of the Church was not used, and that there was merely an extempore prayer and a sermon. But he thought that would be begging the question. To him it seemed wholly unimportant whether the clergymen preached an extempore or a written sermon, or whether he used one form of prayer or another. It was enough to know that he was ministering in a theatre. But these parties were, he was persuaded, the cause of great and serious evil. In both the services in question an example had been set which, by and by, might have a dangerous tendency. He would never hesitate to enter his protest against a practice which, though adopted on the plea of promoting the spiritual welfare of the humbler orders of the community, he believed was injurious to true religion, and would end in materially undermining the foundations of the national Church. If there existed such a great desire among the working classes in the metropolis to hear the Word of God, would not all the churches be filled to overflowing? And yet it was a notorious fact that the services in most of the City churches were attended by not more than fifty or sixty people. Besides, if there was really a need for providing services for the poorer classes, why not make an appeal to the country? He was certain that such an appeal would not be made in vain, and it would surely be better than establishing a precedent of this description. He had a sincere love and veneration for his own Church, and would yield to no man living in the desire to see the Word of God propagated; but, however much he might honour the motives of those who promoted the services in question, he entirely dissented from the mode in which they sought to give effect to them. The present state of things was worthy of the careful consideration of the right rev. Bench. Had they or had they not the power of directing or of checking these proceedings, if found injurious to religion? Had they the power of checking the practices complained of at St. George's-in-the-East? If not, he thought it was high time that such a power should be placed in their hands. For himself he looked upon this state of things with great regret, because he feared it would be productive of unmixed evil—of a total disregard for religious forms — and that, far from producing the good effects which its promoters anticipated, it would lead to utter confusion in religious questions in the minds of the people. Believing that these services would neither convert the unbeliever, reform the scoffer, or convert the waverer, and that they would end in utterly disappointing the hopes of those who had originated them, he should move the Resolution of which he had given notice, leaving it to their Lordships to deal with it as they thought fit:—

"That the Performance of Divine Service at Sadler's Wells and other Theatres by Clergymen of the Church of England on Sunday Evenings is calculated to injure rather than advance the Progress of sound religious Principles in the Metropolis and throughout the Country."

The Archbishop of CANTERBURY said, that he gave the noble Viscount who had brought forward this subject the fullest credit for the purity of his motives, and for his sincere desire to promote the interests and dignity of the Church of England. With regard to the questions of law which the noble Viscount had put to the Episcopal Bench it was true, as the noble Viscount had represented, that some years ago the course of which he complained would have been open to ecclesiastical censure; but since the period to which the noble Viscount referred an Act had been passed for extending the liberty of religious worship; and, having regard to the provisions of that Act, the course complained of could not be said to be illegal. With regard to the question whether that course was one of which the Bench of Bishops approved, he (the Archbishop) would say, and he believed his reverend Brethren would concur with him, that, had they been asked before the course of proceeding was adopted of which the noble Viscount complained, whether they considered its introduction would be proper and expedient, their answer would have been in the negative, inasmuch as our associations are altogether opposed to the idea of making use of a theatre as a church. But the matter had not been so brought before them, and the question now before their Lordships was, not whether these services should be introduced, but whether, having been already so introduced, their Lordships were prepared to interfere with a view to their suppression. He (the Archbishop)—and he believed many of his Brethren would concur with him—must say that he was not. Their Lordships must not forget that in this crowded metropolis there were great numbers of persons whose feelings and associations are entirely different from their own: who are not less opposed to regular religious services, and regular places of worship, than the feelings of others are opposed to the connection of religion with the scene of theatrical representations. Neither could he subscribe to the statements of the noble Viscount as to there being such ample accommodation for religious worship in the consecrated buildings of the metropolis. It was too well known to him (the Archbishop) that for the poor and outcast there was not such accommodation; and it must be borne in mind that it was not for the upper or for the middle classes, but for the outcast and poor, who had no other accommodation provided for them, that this attempt was made of which their Lordships were called upon to express their disapprobation. If persons, of whom there are too many, who close the doors of the church against themselves, or if others against whom the doors of the church are practically closed for want of room,—if some of those can be induced, either from curiosity, or any other motive, to attend Divine service even in a theatre, — if some could be induced to hear the Word of Truth, perhaps for the first time, in those unhallowed places—if some of those who came, possibly to scoff, remained to pray—he (the Archbishop) could not find it in his heart, even if he had the power, to shut the gate against them, or to take upon himself the responsibility of discouraging those who had provided them with means of hearing the word of God, which otherwise might never have reached their ears. His counsel was to leave these services to find their natural level—they had not originated them—why should they interfere to prevent them?

THE EARL OF SHAFTESBURY:* My Lords, however unwilling I may be to address your Lordships on this or any other subject, I believe that, as I am certainly the only culprit in this House, and as I have been one of the principal movers in originating these services, your Lordships will naturally expect me to give you some information on this subject. I rise, therefore, not to justify but to explain; although I should have thought that even the superficial knowledge which everybody must have of the condition of this metropolis, and the difficulties and dangers which beset society here, would have been quite enough to have carried conviction, and have satisfied any reasonable mind. But if your Lordships desire it, and will bear with me, I will state the motives which have actuated myself and others in this movement, the mode in which it has been conducted, and the results which we have attained.

Now, the first argument urged against these services is, that between them and the associations connected with a theatre there is an utter incongruity. Well, I admit that the case is an abnormal one, and I am not going to find fault with those who feel startled by the proposal to hold religious services within the walls of a playhouse. It is natural that such a feeling should be entertained; and, indeed, I myself have shared it to a certain extent. In deference to this feeling we have done everything in our power to procure other buildings in which these services might be performed. The necessity to do something for the vast multitudes in the east and south of London was overwhelming; and minute inquiries were made for any large rooms or open spaces in which Divine worship could be celebrated. Nothing of the sort, however, could be found, and we were therefore compelled to hire theatres as being the only places fit for the reception of any large body of people. My Lords, among the masses to whom religious services are altogether unknown, who are rarely or never visited, the greatest possible repugnance is found either to church or chapel—to anything, in short, which bears the least appearance of a registered place of worship. I have heard many of these people say over and over again that they never had been inside any place of worship, and that they never would enter one so long as they breathed. Possibly such a prejudice may in time be overcome, but meanwhile we have to deal with it. Now, there are music-halls which might have been hired, although not so capacious as the theatres; but these places were rejected because, in almost every instance, they are connected with taverns; and it was apprehended that great mischief would follow if those who were expected to attend were brought into any such connection. But before going further I will notice one of the most monstrous assertions I have ever heard. Surely that may be called monstrous which is quite inconsistent with truth. The noble Viscount (Viscount Dungannon) said that ginger-beer bottles were opened and oranges cried during Divine worship just as during the theatrical performances. Now, having myself attended some of these services, I can solemnly deny any such statement. What might have been going on outside the walls of course I do not know; but I can quote statements made by clergymen and Nonconformist Ministers who have attended these ministrations from the first of January down to the present time, in order to show that nothing could have surpassed the order, decency, and attention of the persons present. I have myself attended three of these places, in each of which there were 3,200 people of the lowest description; and during the whole of my experience I have never seen a body of men so attentive to the great truths that the preacher addressed to them.

I do not deny that the associations of a theatre are, to a certain extent, incongruous with such services; but is it more incongruous than for a Christian Missionary to enter a heathen temple, defiled, as it may be, by every impure and cruel rite, and there announce to the listeners the truths of the Gospel? Many a Minister of the Church of England is compelled, during his ministrations, to go into the worst places and exercise his sacred functions even at the death-bed of a prostitute in a brothel; but, as he is engaged in his duty, the place becomes sanctified by the duty he performs. Surely, the noble Lord is passing the most complete condemnation—it is he, not I—on all those that go to a theatre on a week day, when he says that a theatre is so foul that it is impossible to entertain in it a high and holy thought; that the Word of God cannot be preached there even on a Sunday without desecration, and without casting a stain on the character of a Minister of the Church of England. If then, theatres be such foul places, even on a Sunday, and with religious services, what must be the condition of those who enter them on a week day, when they must be at the very depth of foulness and secularity!

VISCOUNT DUNGANNON denied that he had stated what the noble Lord attributed to him. What he had said was, that there was a class of persons of a serious character who objected to what passed in theatres, extending even to immorality, and he had asked whether those persons could approve public worship in those places on Sundays. He had never said it was impossible for well-disposed persons to go to theatres, nor had he found fault with those who went to them.

THE EARL OF SHAFTESBURY said, I understood the noble Lord to say that a theatre was a place where even on Sundays no holy sentiment could be felt, and I justly inferred that if that be the case on Sundays, it must *à fortiori* be far more so on week days. Now, let me point out what is the true history of this movement. Those who are really acquainted with the state of a great portion of the people of this country, and particularly of the metropolis, have long beheld it with dismay and apprehension. I believe I may state, without fear of contradiction, as the statement is founded on minute inquiry, that not two per cent of the working men in London attend any place of worship whatever. In the inquiry before their Lordships' Committee on Church Rates, Dr. Hume, of Liverpool, gave the following evidence, which, bad as it is, gives a result more favourable than for London.

> "Do you think, he is asked, that the active progress of irreligion is one of the phenomena that now surround us?—If your Lordship will allow me to read a few numbers, I think those will speak for themselves. In Southwark there are 68 per cent who attend no place of worship; in Sheffield there are 62; in Oldham, 61½; in Lambeth, 60½; in Gateshead, 60; in Preston, 59; in Brighton, 54; Tower Hamlets, 53½; Finsbury, 53; Salford 52; South Shields, 52; Manchester, 51½; Bolton, 51½; Stoke, 51½; Westminster, 50; Coventry, 50. I have taken 34 of the great towns of England, embracing a population of 3,993,467; and 2,197,388, or 52½ per cent of the population of those towns, attend no place of worship whatever. The population is growing very rapidly in our large towns, and religion ought to grow with at least equal rapidity, but is not doing so. Our population in England is rapidly increasing; but it is still more rapidly becoming a town population. In 1851 we had 9,000,000 in towns of 10,000 people and upwards, and only 8,000,000 in smaller towns, in villages, and in rural districts; and at the close of the present century I believe that 70 per cent of the gross population will be seated in large towns. Therefore, if our large towns are left to themselves, practical heathenism must inevitably soon outgrow Christianity."

Listen to the statement of a City missionary in Lambeth. These are mere representative instances, samples of what is generally prevalent:—

> "At 1 o'clock the public-houses open, when it is no uncommon thing to see more than 100 men waiting for the opening of the three gin-palaces at the Marsh Gate, and in the evening to find these places full of men and women, who feel themselves more at home here than they do in their wretched apartments. The New Cut is as notorious for its places of amusement as for its Sabbath-breaking or its drunkenness. The penny gaff, or Olympic Circus, still exists, and there is reason to fear it is doing a world of mischief. No respectable person goes, so they have it all their own way, and corrupt the minds of youths without rebuke. The Victoria Theatre is well attended. The company may be seen standing at the doors about four o'clock. They are almost exclusively the

dirty poor,—the working people such as we visit. Astley's, the Surrey Theatre, and the Bower Saloon are all very near the district, as well as many concert-rooms of a low character. The district is notorious for vice. Granby Street, Waterloo Road, is the chief place for fallen women in this neighbourhood. In this street and the next there are supposed to be more than 100 women who live on the wages of iniquity. They are not so wretched in their appearance or their homes as are those at Westminster, nor are they so accessible. The women who keep the houses do all they can to keep me from speaking to the inmates. It is at the doors of the houses that I have my interview with them. In describing the state of the district the depravity of the juvenile population must not be overlooked. It is at the Sunday evening ragged school that much of this is seen. The conduct of many of the youths is abominable; their language is outrageous, and cannot be repeated. Human nature is seen here in some of its darkest shades. But for the ragged school things would be worse with this class than it is."

Evidence may be multiplied without end. Here is the opinion of the rev. Mr. Weeks, whose testimony no one could gainsay:—

"The late incumbent of this district, the rev. Mr. Weeks, has been recently appointed Bishop of Sierra Leone, where he was before for many years a missionary of the Church Missionary Society. He was for years incumbent of the district, and, after gaining much knowledge of its condition and the habits of its population, he remarked in a printed statement which was issued by him, 'I can testify that the moral and religious condition of St. Thomas's, Lambeth, will bear no comparison to that of Sierra Leone, on the west coast of Africa, with which I was connected as missionary for twenty years.' We mentioned in our introductory remarks, that St. Thomas's district had at present no church. Contributions have been for many years collected for the erection of one. And it is a remarkable fact, as illustrative of the heathenish condition of parts of London, even as compared with the distant parts of the globe to which foreign missionary societies send labourers from England, that £29 14*s.* 6*d.* has been contributed from native congregations in Sierra Leone towards the proposed new church for this part of Lambeth."

My Lords, I maintain that, in order to know what is the condition of the people, it is necessary to go among them, not only by day, but by night, and to visit them early and late in their dens and recesses. It is necessary to see them under all their conditions and in all their phases if we desire to become acquainted with their precise character, to examine their peculiar habits, and, as it were, their natural history; and I defy any one who has penetrated into their retreats, not to come back in terror, dismay, and shame at finding that among a great number of people in this country there should exist a state of things so perilous and so disgraceful. Not but that the special religious services of the last two years have produced good fruit; and when the noble Viscount taunts me with my early prediction, and says, that great benefit has not arisen from those services, I reply that, regard being had to the means which the promoters of the movement have had at their disposal, they have come up to and even exceeded our expectations. By a letter to myself from the incumbent of one of the largest parishes in Southwark it appears that nearly 100 artisans from that parish had gone to Exeter Hall because they liked the style of the service there, and what was the result? why that, instead of being absentees from the parish church a large proportion had become habitual attenders on Divine worship. This is the way the leaven works; and if a taste for God's Word is thus excited in men's minds, they will settle down by degrees either as members of the Church of England or of some one of the Nonconformist bodies.

Another and very material fact to be borne in mind is the peculiar character of a large portion of the people of London. Considerable numbers are nomad in their habits: not less, perhaps, than 50,000 or 60,000 persons in the metropolis are in an almost constant state of motion, seldom being stationary for more than two or three months. The statement in my hand proves the migratory life, either from taste or necessity, of the population:—

"The missionary," says one witness, "has been for the long period of fifteen years labouring in the district, and certainly not without result, although that result would doubtless have been more apparent but for the migratory character of the people. He estimates that of the 600 families visited by him, about 300 annually remove."

Again, the books of a school in ——— district showed that, with an average attendance of 380 scholars, there has been an average of 340 new scholars every year.

"I have to deplore," says another, "constant changes of residence on the part of the people. Often the missionary had no sooner obtained a footing in a house than its occupiers removed. In one street, on going round, he had found all gone."

And yet, let it be remembered, that the City missionary must revisit the whole of his district once every five weeks. But the most remarkable evidence received on this point came from a most amiable and efficient minister, the Rev. Albert Rogers. That gentleman stated—

> "As the late incumbent of Regent Square Church, the district attached to which contained about 10,000 souls, of whom some 6,000 or 7,000 were poor, and having laboured among them during a period of nearly seven years, I am capable of forming a very decided opinion respecting the habits of the lower classes. I had labouring with me between thirty and forty district visitors, one or two curates, and three lay agents, and their unanimous testimony was to the effect that our united efforts for the good of the poor, and especially of the poorest, were almost paralyzed in consequence of their roving character. Repeatedly whole streets in the lower parts of the district have been cleaned out of their inhabitants, and a new colony has arisen in it in the course of a few weeks. Some houses were occupied by thieves and prostitutes, who generally have no certain dwelling-place. Our schools suffer in proportion to the roving habits of the parents of the children, and it would not be difficult, from the statistics of the schools in London, to prove the migratory character of the poor."

Now, these migratory habits of the people render it impossible to bring to bear upon them the ordinary parochial machinery of the Church. Moving, as they do, from one point to another, it stands to reason that, in this manner at least, they can never be reached. But something must be done, and that speedily; for, although matters have greatly improved within the last twenty years, and are still improving, yet the state of things is of the most fearful description. I am speaking correctly when I say that, although the regular depredators and thieves of London — those who live by perpetual breach of the law and nothing else — may not, according to the inquiries I have made, exceed the number of 3,000, yet there is a large floating class of the most dangerous description in the metropolis, who get their daily sustenance by jobs of all kinds, small trades, and by picking up money here and there, not in a violent or fraudulent way, but of whom it may certainly be predicted, that if there should be, from any cause, but a momentary suspension of order and authority, they would, to the number of 100,000, be let loose upon the property and lives of the inhabitants; and sure I am that their terrible excesses would throw the riots of Nottingham and Bristol into the shade. A moment's sight of the populace when aggregated in Houndsditch, Petticoat Lane, Rag Fair, the New Cut, and other such places, would be better for proof than whole volumes of Reports, and endless speeches founded upon them. No evidence, however full, no language, however strong, is adequate to the truth. It must be seen, and felt, and tested, by personal contact with the people themselves.

Such are the classes whom I and my friends desire to soften and to render amenable to order and civilization. They must be won, and for that purpose resort must be had to everything that is true and legitimate. For this purpose I rejoice to say that many Churchmen and Nonconformists have joined together in a common effort. The question now is, shall these vast masses be left in ignorance, or shall they be brought in this way to a knowledge of the truth? Is the evil of thus opening the theatres comparable to the evil of abandoning the people to total darkness? I may be told that a Committee of your Lordships' House, appointed at the instance of the Bishop of Exeter, has produced a very admirable Report, recommending a variety of measures for the diffusion of religion. Very true; but, in the first place, I doubt whether that project will ever be carried into effect; and, in the next, I am not quite certain that, if carried into effect, it will be in any degree successful. The old prejudices will still continue against church and chapel. But your Lordships have been told by the noble Viscount that there is church and chapel room in many parts of London sufficient to contain the largest congregations. It is not so in fact, but let it be so for the sake of argument. How will that overcome existing prejudices? In the first place, the preacher may not be attractive; yet these wild and irregular people must be conciliated; and, in the next, the church or chapel may be at too great a distance from the abodes of the poor. Reference has also been made by the noble Viscount to the City churches; but the City is entirely denuded of its population on Sunday, and, in many parts, even on the week days; the churches are surrounded by tenements converted into warehouses, and even if the clergymen could compel the people to attend Divine Service, their congregations would never exceed forty or fifty persons each. The City churches are altogether useless for missionary work.

My Lords, I must maintain that in an endeavour to bring these poor people to a knowledge of sacred things, we must have no little regard to their habits, their feelings, and even their prejudices. They are men of like passions with ourselves, of the same capacities for virtue and vice, for time and for eternity. It is by our neglect, and by the neglect of those who preceded us, that they have been reduced to their present condition. We have given them no help in matters where it was impossible that they should help themselves; we have permitted every physical and moral mischief to grow up around them, tainting both body and mind by their poisonous influences; and it is not for us to censure or ignore the weaknesses that our own misconduct has created. We may not treat them with indifference, and say that, unless they conform at once to our rules and systems, they shall receive nothing at our hands. Why, consider, there are many who dislike to show their faces during the day. It is a fact, that the afternoon services are never so well attended as those in the evening; and for this reason, that many of these unhappy beings are so filthy and so ill-clad that they are ashamed to come out in the light and expose themselves to the public gaze. They creep forth under the shadow and shelter of night, and thus occasionally attend the evening service.

But there is a lower stratum of humanity still; and this, too, must be reached. We cannot stop in what we have begun; and we are resolved to go deeper and deeper, and use every legitimate and every available appliance for the purpose of spreading a knowledge of God's truth among the destitute and outcast population of London. My Lords, I assert that it is not the locality that can desecrate the word of God, but it is the word of God that consecrates the locality; and here is a proof. The noble Viscount has spoken of disorderly scenes in one of the theatres. There has never been any disorder. When the people, unaccustomed to such things, entered for the first time, and took their seats, there may have been a great deal of bustling about; but I defy the noble Viscount to produce a single human being who will venture to say that he was present during the time the services were going on, and saw or heard anything that would have been objectionable in the most devout and pious congregation ever assembled within the walls of a church. Now for the proof of what I have asserted. At the opening of Sadler's Wells on the 1st of January, a most indefatigable and admirable clergyman of the Church of England, officiated—the Rev. Mr. Owen—well known during the fury of the cholera at Bilston. What was his description of the conduct of the people? The adults, he said, entered the building quietly enough; but about 500 or 600 boys in the upper gallery made considerable disturbance by shuffling their feet and calling out to one another. Before the services began Mr. Owen rose, and addressing the boys, told them he had come to do them good here and hereafter; that if they would be quiet and listen to what he had to say, he should thank God for their presence; but if their object was to create a disturbance he entreated them to leave the place. From that moment to the close of the services, which lasted an hour and a half, "you might," to use the words of Mr. Owen, "have heard a pin drop." Was that no triumph? Was there here no moral discipline?—no hope for good and lasting effects? The services began with a plain hymn, then a chapter of the Bible was read, then an extempore prayer was put up by the minister, then another hymn, and then a sermon. Must we not regard it as a great moral victory, that a minister of religion, by simply announcing to a motley crew that he had come to preach to them the Word of everlasting life, had persuaded 2,500 persons—the mass of them unaccustomed to any religious services whatever—to sit quietly for an hour and a half, and listen to the glad tidings of the gospel? At the Victoria Theatre there occurred a remarkable scene. A well-known man was going in. One of the policemen present said to a City missionary, "You should not admit that person; he is one of the most dangerous men in the district, and will make a terrible disturbance; it will take four of us to carry him to the station-house." The missionary allowed the man to pass. His conduct throughout was admirable; and next morning the missionary called upon him at his own house, and the man suffered him to read the Bible and offer up a prayer. Was that no triumph? Was there here no prospect of better things? Had not clergymen and Nonconformist ministers described in touching language the good impressions they had seen produced? The experiment, in fact, has been attended with wonderful and encouraging success. This letter, dated the 6th of February, which I have received from Sir Richard Mayne, will show how the people have behaved themselves in circumstances so trying and so novel:—

"Before answering the inquiry in your letter I thought it best to make special inquiry on the subject. I have now the satisfaction to acquaint you that the people attending religious worship in the theatres and public places mentioned in the memorandum have conducted themselves with great propriety. There has not been cause for the police interference on any occasion."

On the 23rd (for I was desirous of having the latest information), Sir R. Mayne again wrote:—

"The conduct of the people continues to be most decorous. I have been able to reduce the number of police on duty at each of the places since my letter to you of the 6th of February."

He had reduced the number of constables at our theatres; and yet at that very time he had sent, of necessity, sixty policemen in full uniform to attend the services and keep order at St. George's-in-the-East!

Again, I say, was that no triumph—was nothing gained there? Was the contrast, though painful, not instructive? Is it nothing to find that if we only speak to the people in a kind, straightforward, sincere, open, and earnest manner, we may govern their affections, and keep them in obedience and good order? My Lords, what the people of England want is, not patronage, but sympathy; the bringing of heart to heart, the acknowledgment on the part of persons of all conditions, of all degrees of wealth, that they are men of like passions with themselves, with the same hopes, the same aspirations, the same fears, and the same destinies. If any Prime Minister of England, and those associated with him in the Government, will only show that sympathy, especially in its highest and most solemn form, the people might be led like a flock of sheep.

The question will naturally be asked, What are the numbers of those who have engaged in these services, and upon whom so happy an influence has been exerted? Observe, my Lords, it is not in a single instance only that good effects have been produced, nor have audiences been attracted by the mere novelty of the thing. These services have been going on since the 1st of January, at five different theatres during the first five weeks, and at seven since last week. The total number of people who attended at the seven houses which were open on Sunday last was 20,700; and allowing, for the sake of argument, a deduction of 10 per cent for people coming from mere curiosity, there would still remain 18,630 persons who had come to hear the word of God, and who had never before frequented any places of public worship. I am aware of the assertion that these people do not belong to the lowest class, which has never yet been reached, and that these services only serve to withdraw good folks from the churches and chapels they ordinarily attend. But this has been disproved in the most emphatic manner by the experience of all those who have been present at any of these celebrations. I do not deny that there is a still lower class than that which has hitherto come to these services, a class which we shall have much difficulty in reaching; but we have, I maintain, most certainly got at a very low class indeed by means of this movement. A City missionary writes:—

"I have been really astonished at the multitude of persons who are attending these services out of very low neighbourhoods, and who previously altogether neglected public worship."

The incumbent of St. Matthew's, St. George's-in-the-East, a young minister, who has been very zealous in going about among the poorer classes, and has acquired much experience of their character, states:

"I have preached at the Obelisk in Southwark, in Ratcliff-highway; I have preached for two seasons on the steps of the Royal Exchange; and last Sunday I preached at the Garrick Theatre. The place was densely crowded by persons of a class I never before got at."

Mark these words, my Lords, "never before got at," from a person so conversant with these classes.

"I have carefully inquired," he adds, "from the City missionaries, and I find that their meetings are better attended, a deeper religious feeling pervades them, and their access to the homes of the people is much more easy."

Another experienced clergyman says—

"These characters, and such as they, do not, and will not, attend the ordinary ministrations of the Word of God in church or chapel. They have an aversion to cross the threshold of a place of worship, where they think their appearance would be a subject of remark."

The same testimony is borne by the Rev. Newman Hall, the distinguished minister of Surrey Chapel, who states that the class of people who attend the Special Services are just those whom we are most anxious to improve. But let me read to your Lordships, in illustration, two short letters, giving an account of these celebrations. They are well worthy of attention. The first is from a very eminent Nonconformist Minister, the Rev. Mr. Graham:—

"In connection with the united committee," he writes, "I preached in the Victoria Theatre last Sunday evening to a great concourse of people. The assembly was of the most heterogeneous character, but the great body of the hearers were evidently such as never enter a house of worship, and never would, except the Gospel sought them in such places as those in which it now can get them to assemble. When we entered the theatre, the assembly, especially in the galleries, was noisy and confused, and cries of 'Tom' and 'Bill' and 'Jack' were frequent and loud; but before the service had proceeded ten minutes, all were as orderly and attentive as in most religious assemblies. Indeed, before the close of the sermon, all was deeply solemn and still. I mingled with the multitude as they issued from the service, and had an opportunity of more closely observing their bearing and grades. They appeared to be drawn from the lowest stratum of London population, such as the Great Master would have had compassion on as sheep scattered and without a shepherd. Nowhere in the three kingdoms, during a ministry of nearly twenty years, have I ever preached to an assembly of my fellow men that seemed more deeply to need the preaching of the Gospel of holiness and peace. In none of the Special Services have I felt myself so much in place as an evangelist as preaching to those who are in every sense 'the poor.' The spirit of Christian union in these services makes them, I think, especially telling."

What can be more descriptive, what more touching than this narrative? The other is from the Rev. Mr. Acworth, the Vicar of Plumstead, and is of equal value:—

> "When I officiated," he says, "at the Victoria Theatre, the theatre was so crowded that it was found necessary by the police to shut the door before the time of service. The congregation consisted almost entirely of working men. The hubbub that existed ceased the moment I asked the dense congregation to unite in prayer; but from the few voices that joined in repeating the Lord's Prayer, I judged that the larger portion of them had little or no acquaintance with it. After singing a hymn, I preached, for nearly three-quarters of an hour, upon Moses lifting up the serpent in the wilderness. On giving a narrative of the life and miracles of Moses, and of the lifting up of the serpent as typical of what our Saviour had suffered to obtain for us eternal life, I was listened to with the most extraordinary attention, as if the subject had never been heard of before. I had had a considerable prejudice against going into a theatre; and it was only the strongly-expressed opinion of laymen who had studied the character of our London population that induced me to undertake the service. The best answer to my prejudice was the appearance of my auditory. During a ministry of thirty years, I never entered so much into the feelings of the Author of our religion, who 'when He beheld the city wept over it.'"

These statements I can confirm by my own personal experience, having myself attended at the Victoria Theatre on three successive occasions. The audience each time numbered no less than 3,200 persons, so closely crowded that a straw could not have been placed between them. From the beginning to the end of the service no assembly could have been more orderly, more attentive, more apparently devout, and more anxious to catch every word that fell from the preacher's lips. On one of the occasions, so solemn and touching was the discourse of the preacher, and so moved were many even of the wildest and roughest present, that when, after the "Benediction," they rose to leave the building, they went so quietly and solemnly that you could hardly hear the sound of a foot-fall. Surely no one can deny that a deep and solemn impression is made on the minds of those people: it is found that many come to the services week after week; and can it be doubted that we are by degrees spreading a leaven throughout the whole population? We only want, I am confident, more extended machinery, and more numerous opportunities, to produce a really living and lasting effect upon those large masses.

Now there can be no mistake as to the character of the assembly. At one celebration of the service, the men mustered in proportion to the women as nine to one, and on another occasion as seven to three. I asked a person who happened to be present, and who is conversant with the character of the people in the neighbourhood, and knows most of them, both by calling and by name, to give me some idea of the sort of people who were gathered together. The man replied that there were 3,200 present he was certain, because he was expert at such calculations, from having to count the people in the theatre; and of that number 2,000 belonged to the class called "roughs"—the most violent, disorderly, and dangerous of all the men in that very quarter. This man lifted up his hands in amazement when he saw how quiet was their demeanour. He had expected uproar, and even danger, and he frankly said he could not comprehend how those two thousand wild, unruly fellows behaved themselves so well. And certainly it is a very remarkable thing, and a great moral result, that so many men of such turbulent character and disorderly habits should have been got to listen patiently and quietly for an hour and a half to a religious service, an occupation so unusual, and, as we might have supposed, so distasteful to them. Do you inquire as to the fruits? A report is weekly made to the committee for conducting these services as to the character of the audiences on these occasions, and the effect produced. These reports are one theme of congratulation and expression of thankfulness from those who have taken part in them, that they had been permitted to enjoy an opportunity of making known religious truth to thousands and tens of thousands, who, except for this instrumentality, would have gone to their graves without a knowledge of the God that made them, and of the Saviour who died for them.

But it is said that the issue of holding these religious services in theatres is to draw away the congregations from other places of worship. Happily, the fact is just the reverse. I hold in my hand the testimony of several clergymen and Dissenting ministers of the districts around these theatres, who unite in saying that there has been no abatement, but rather an increase, in the numbers of their congregations. They state, and it is reasonable that it should be so, that many of those who had attended these services had been so impressed by what they had heard, that they had become regular attendants at the churches or chapels of the neighbourhood. Now, if there is a human being who is well acquainted with the working people of the metropolis it is the Rev. Joseph Brown, rector of Christ Church, Blackfriars. Mr. Brown's parish is included within one of the most awful localities in the world. I wish that your Lordships would go there and spend a little time in that and similar neighbourhoods. You would thus do a great service. It would be time well spent. Proofs such as this, of interest in the welfare of the people, of a desire to know, and, if possible, improve their condition, tend to harmony and good-will among all classes, the preservation of order, and loyalty to the Crown. I remember, in one of my walks in the east of London, an intelligent working man said to me,

> "I hear that there are very fine folks at t'other end, with such fine carriages and horses; why don't they come here, and see what we are a-doing on? We are worth thinking on, for we are many."

He spoke the truth: they are "worth thinking on;" and it is to recover a treasure so valuable, and bring them back to the Communion of Christian life, that the present labour is bestowed. Now, Mr. Brown, whose church is near the New Cut, says that his afternoon service is not affected by the services in the Victoria Theatre; and he even recommends a morning service therein for the benefit of the ens of thousands who are to be found in the New Cut on Sunday morning. In the New Cut, like Petticoat Lane and Rag Fair, on Sunday, are thousands of persons, many of whom pass the day playing at skittles, at pitch-farthing, and in almost every crime; and it is hoped that some of these, at least, may be enticed into the playhouse to listen to the Word of God. However abnormal these services may be, good cannot but follow the collection of 20,700 of these persons to hear the Gospel, many of whom would otherwise be in the highways and the streets, having no other occupation than to break the Ten Commandments from first to last. The Rev. Newman Hall, minister of Surrey Chapel, says:

> "My church was quite full with an attendance of 2,500 prior to the services. There has been no diminution since."

The Rev. R. Robinson, of York-road Chapel, states:

> "I am happy to say that the attendance at the chapel has suffered no diminution whatever since the opening of the Victoria; even the young have not been drawn away."

The Rev. Hugh Allen, the rector of St. George's, Southwark, writes:

> "None of my church services have been at all diminished, either in numbei or interest; and I have no hesitation in saying that these special services at the theatres, so far as they have come under my notice, were attended principally by the class of persons for whom they were instituted; and the attention given to my preaching there was as solemn and as marked as ever I witnessed in any church."

Of the services at Sadler's Wells, the Rev. Daniel Wilson, of Islington (a well-known name), says:

> "I am not aware that the congregations attending any of our churches in this locality have been affected by the special services."

The Rev. Robert Maguire, of Clerkenwell, observes:

> "My congregation in Clerkenwell church has not been in the slightest degree affected by the theatre services."

The Rev. A. M. Henderson, of Claremont Chapel, testifies:

> "My congregation has not been lessened."

The Rev. H. Ingram, of Pentonville Chapel, also:

> "My evening congregation has improved, rather than diminished, since the opening of Sadler's Wells. On the evening of the special services we were crowded."

With respect to the services at the Garrick

Theatre, Whitechapel, the Rev. T. Richardson, incumbent of St. Matthew's, Pell Street, to whom I have already alluded, says:—

> "My evening congregation has increased ever since I preached at the Garrick, and the increase has been from the lowest orders."

The Rev. R. H. Baynes, incumbent of St. Paul's, adds:—

> "These services have in no way affected my evening congregation, though my church is not more than three hundred or four hundred yards from the theatre."

This is an important fact. The Rev. W. Tyler, Mile-end Chapel, says:—

> "We are still always full."

The Rev. C. Stovel, Commercial-road Chapel, says:—

> "If anything, the evening attendance has improved."

The Rev. J. Markwell alone writes:—

> "I must say that the congregations of an evening at St. James's, Curtain Road, have, since the service at the Britannia Theatre, Hoxton, fallen off greatly; still would fondly hope that God will own and bless these extraordinary efforts for the conversion of sinners."

But here I may remark that the congregations, assembled at the Britannia Theatre, are of a somewhat superior class, and though consisting of persons who are not frequenters of places of worship, are not composed altogether of the wild and destitute beings who flocked to the other theatres. Who can entertain a doubt that these services are producing a considerable benefit by small means — an enormous church and chapel-extension at a small cost? The argument against them, and it is the only one, is, that there is something unpleasant in the association. I do not deny there is something abnormal in these services, something that is unpleasant. But the Right Rev. Archbishop has put the case truly and well when he says, that, "while on the one side there is a natural and legitimate sentiment, on the other there is principle." It is so; for what do those who object to these services give in exchange, what do they offer in the present most awful necessity for doing something? Suppose that an appeal be made to the country for church accommodation, and that the country should in time respond to the appeal, would the response be equal to the demand? I was told by the late Bishop of London that, when an appeal was made to the public for twenty additional churches for the metropolis, by the time the money was collected, and the churches were built, the population had increased in a far greater proportion than the churches would contain, and the arrear remained the same as before. Now, suppose the House should adopt the Resolution, and suppose the services should in consequence be discontinued, what is to be done meanwhile? Years must elapse before this great scheme of church accommodation, even if adopted, could be carried into effect, and hundreds of thousands would go to their graves in utter ignorance of all saving truth, and contributing while they live to the disgrace, dishonour, and insecurity of the country.

My Lords, hard things have been said of the ministers of religion who have taken a part in these services. I have a totally different view; I cannot too much commend them. I feel bound and rejoice to bear my testimony to the conduct of the Nonconformist ministers in this matter. Some of their most eminent men have joined this movement with hearty zeal. The noble Viscount says that we are endangering the Church. Just the reverse. I believe that the movement of which this is a part has done more to strengthen and perpetuate the Church than any other cause; and the clergy of the Church who have participated in these services have gone far to rivet the hearts of the people to the Establishment. But there has been some talk of an inhibition to stop these services. Now, first I doubt the legality of such an inhibition; and I, for one, am prepared, if an inhibition be issued, to test its legality. I question whether any human being or any law has the power of preventing a clergyman in his capacity of a Christian citizen from performing that great duty, the salvation of souls, in season and out of season, at all times and in all places, to any who may be disposed to hearken. I hold in my hand a short letter from a clergyman of the Church of England; and here I may remark that many other clergymen of the Church are coming forward to join in this work—it speaks the sentiments of a large body who feel that principle in such a work is paramount to every other consideration. The writer says:—

> "I presume the right of Christian men to exhort an ungodly multitude, wherever found, ought not to be interfered with; and it was only as a Christian man that I addressed the multitude in the Garrick Theatre I wore no ecclesiastical dress, and used no part of the Church service."

He well asserts the right of the clergy, and shows that it is exercised with moderation and judgment.

My Lords, you must perceive the rising struggle to preach the Gospel among this mighty mass of human beings. Can you be indifferent to it? I ask whether you are prepared, as members of the Church of England, to see the Church stand aloof, and the whole of this movement given up exclusively to the Dissenters? Will you say to these destitute and hungering men, "We can do you no sort of good. Come, if you like, to Episcopal churches and chapels, and there you shall be preached to in a stiff, steady, buckram style. We will have you within walls, consecrated in due and official form; otherwise you shall never hear, from us at least, one word of Gospel truth." Are you prepared to admit that the Church of England, despite the pressing necessity, is bound so tightly by rule, and rubric, and law, and custom, that she can do none of the work? Will you say, "We have not a sufficient force of clergymen; we have not churches or chapels; we have no money to ordain and support the ministers of religion?" In that case the people, who are benefited by these services, will reply, "Let the Nonconformists, then, do the work, but let the Church of England take up her real position as the Church of a sect and not that of the nation; she has been applied to and found wanting, and let us follow those who have called us to the knowledge of the truth." My Lords, I believe it will be found that those who have been awakened to religious impressions by ministers of the Church of England will connect themselves with the Church, and that those who owe those impressions to Nonconformist ministers will join Nonconformists. But whatever may be the case in this respect, I trust your Lordships will not be heard to declare that no minister of the Church ought to take part in this great movement, and fatal would it be, if, for any reason, our clergy were to withdraw from it. I have great respect for the Nonconformist body. Among them I have many affectionate and valued friends; but I have a sincere attachment to the Church of England. I dread to see that Church lose one particle of its influence or power, or shrink from what I believe to be its sacred duty. I rejoice to see the friendly rivalry that exists between the clergy of the Church, and Nonconformists, in relation to this great work; but I, for one, will not surrender to them the right, the comforts, the privilege, and the joy, of evangelizing the masses of the people. My Lords, you are asked to pass a Resolution. The Resolution, if passed, cannot have the force of law in reference to this movement: it would be just so much waste paper, and no more; and not being backed by public opinion could have no influence out of doors in checking or impeding us; the only effect it could produce would be to rouse a strong feeling of indignation or sorrow. I hope the noble Viscount will not go away with the notion that this is a movement in which the middle classes take no interest. The middle classes of the present day are much better informed than those of a former generation. They know that the safety of their lives and property, and the preservation of public order, depend on their having around them a peaceful, happy, and moral population; and they feel that the course now being pursued, is one which, by the communication of Christian truth, will mainly conduce to that issue. I implore your Lordships not to adopt this Resolution; but whatever may be the decision of the House, I feel myself bound to say—and I am speaking, I know, the sentiments of those with whom I am associated—that, by the blessing of God, we will persevere in the course which we have begun, as long as we have breath to speak and material to work upon.

EARL GRANVILLE hoped, after the turn the conversation had taken, that he was not going beyond his province in making an earnest appeal to the noble Viscount to withdraw the Resolution which he had brought before the House. Their Lordships would remember that the noble Viscount, in bringing forward his Motion, based it on certain circumstances which were very obvious at first sight, that these special services in theatres were contrary to our ordinary associations and feelings, and then stated certain facts which he alleged had taken place in connection with the performance of Divine service at the theatres. He denounced in strong terms certain things which he believed to have taken place on the information of an anonymous report in a newspaper, the name of which he did not mention. Some part of these facts had been contradicted by the most rev. Prelate, who at the same time informed their Lordships that, while these services were in the first instance repugnant to his feelings and convictions, yet, after full examination of the whole state of the case, he could not find it in his heart, even if he had the power by law, to prohibit those who availed themselves of the only earthly means in their power of bringing the Divine truths of the Gospel to the knowledge of many who in no other way could find it. They had heard also in the very remarkable speech of the noble Earl (the Earl of Shaftesbury)—a speech temperate, eloquent, and impressive, and delivered under the advantage of a full knowledge of the circumstances—information of very great interest and importance. The noble Earl had stated many important facts which every one who had heard them must have listened to with the deepest interest; but he concluded that the noble Viscount would not be inclined to admit statements coming from one who was to a certain degree bound up with this movement. It was impossible for the House to entertain a question on which it did not possess full information; and besides, they must bear in mind that this was a subject with which the House ought not to deal in its single capacity. If this movement was a good one, if it justified the hopes and expectations entertained of it by the noble Earl, if it should prove a blessing to any portion of their fellow-creatures, their Lordships would only make themselves a laughing-stock by attempting to oppose it. If, on the other hand, it was found calculated to produce mischief to society, and to injure rather than advance the interests of religion, public opinion would, he believed, speak out in such a way as to put an end to it. More than that; in such a case it would be the duty of Parliament to interfere by an Act, but it was not for that House to pass a Resolution, which, as the noble Earl observed, would only be so much waste paper. He thought, therefore, that for the sake of the House itself it was important that they should not—even if it were regular to do so—pass Resolutions on subjects as to which they could have no practical effect whatever, and so accustom the public to treat their Resolutions with indifference, which he flattered himself was far from being the case at present. He was sure, therefore, that he only spoke the feeling of the House when he asked the noble Viscount to withdraw his Motion.

THE DUKE OF MARLBOROUGH said, that whatever might be the opinion entertained as to the services to which their attention had been directed, it was obvious from the very remarkable speech of the noble Earl (the Earl of Shaftesbury) that there was a great spiritual need, which it was their duty to supply. The noble Viscount seemed to think that sacred things belonged to sacred places only, and that the Gospel of Christ should only be preached within consecrated walls. But an abnormal state of things called for an abnormal remedy. He thought the noble Viscount had not sufficiently considered the spiritual exigencies of the country, which required peculiar and extraordinary efforts to meet them. They must endeavour, by all legitimate appliance to meet the wants of the great mass of the community, and especially of those of the poorest and most neglected class. Whether the theatres were or were not proper places for meeting the wants of these classes so far as Divine service went they were only taken possession of because no other suitable places could be found. What the spiritual necessities of the people were had been more fully laid open by the Reports of recent Parliamentary Committees, and it behoved all Christian men te grapple earnestly and speedily with a declared necessity. There could be no measure better than the introduction of Sir Robert Peel's system, which provided for the formation of parishes without churches in the first instance; and the proper source from whom endowments for those parishes was to be derived, was an improved administration of the Church property. He hoped some measure would speedily be taken by the sale of a portion of livings under Crown patronage to increase the number of churches—a scheme which had been recommended in the Report of the Royal Commissioners. He was glad that the Motion of the noble Viscount had brought forth the interesting statement of the noble Earl, which would, he thought, be attended with the best effect.

THE BISHOP OF LLANDAFF said, the population of his diocese had increased in a greater ratio than in any other part of the kingdom, not even excepting Lancashire; but not so the church accommodation. At the beginning of the present century the population of his diocese was 107,000; at the census of 1851 it had increased to 347,000, having much more than trebled itself. He was acquainted with a gentleman who knew Cardiff fifty years ago; its population, which was then 1,800, was now nearer 40,000 than 30,000. He believed the late Sir John Nicholl remembered Merthyr when there were only seven houses in it, but at the last census the population had risen to 15,000. The clergy in his diocese were all anxious to do their duty; but how could they be expected to cope with the spiritual wants of such an enormous population? They were told there was a great number of Dissenters in the diocese. They admitted it, and were thankful that it was so. Dissent in Wales originated in a great degree in the apathy of the Church of England, but it had been augmented a thousand fold by the inability of the clergy to supply the wants of the church while the population had been increasing to so great an extent. The Prelates of the Church were conscious of the evil associations of a theatre to which the noble Viscount (Viscount Dungannon) had alluded. But what were they to do? If he (the Bishop of Llandaff) was called on to elect between allowing Divine worship in theatres, and seeing thousands of the population perishing in their sins, he could not but remember his Saviour's command, to go into the highways and hedges, and compel them to come in. He hoped the debate might result in calling the attention of the Government to the great and pressing want of spiritual accommodation which prevailed, not only in the metropolis, but in many parts of the country. As for appeals to the public, the noble Viscount must have read the Report published last year of the evidence taken before the Committee of the House of Lords on the subject of church rates. The subject of appeals to the public was over and over again referred to in that Report, and clergymen said that they were completely secularized by having to make constant appeals in order to obtain the necessary funds for the Church.

THE BISHOP OF LONDON said, it was desirable that no misapprehension should go abroad with reference to the position assumed by the right rev. Bench on this question. The discussion had been of so extremely interesting a character, and had elicited so many facts with which their Lordships could scarcely have been expected to be acquainted, that he trusted it might stir up a desire to remedy the evils which had been so forcibly pointed out. But they must not allow themselves to be so far carried away by the noble Earl (the Earl of Shaftesbury) as to conceive that the plan he had so eloquently and feelingly set forth was the only one by which those evils could be met. He (the Bishop of London) believed they were really indebted to the noble Viscount for having brought this subject before the House. He had done so in the most temperate and quiet manner. Nothing but the conviction that he was conscientiously discharging a duty could have induced him to bring the question under their Lordships' notice; and he (the Bishop of London) for one did not regret that he had done so, even though he should eventually consent to withdraw his Motion, which he (the Bishop of London) trusted he would do. But it would be said, if the evils were so great, and the remedy proposed by the noble Earl was so efficacious, it was surely the duty of the heads of the Church to put themselves distinctly in the front of this movement. It had been said that neutrality appeared to be a wrong position for a Bishop to assume in this matter. A few nights ago he stated that the position which he himself had assumed was, more or less, one of neutrality. He would now state why he had assumed that position. The noble Viscount, in his opening address, would have had their Lordships to suppose that this was a public movement which the heads of the Church sanctioned. But it was obvious to all now that it was a private movement —a movement of certain private individuals, who, feeling deeply the responsibility cast on them as Christian men, living in a community which was in a very abnormal state, determined to try an experiment, not perhaps consonant with the general feeling of the Church, but yet one which they thought might result in great good. He (the Bishop of London) thought they had acted wisely in not consulting the heads of the Church in entering on an experiment which might not, after all, have been successful. He was glad in not having been invited to take public part in this matter, but rather that the right rev. Bench should be asked to allow it to take its course, and then, when they saw that it was really attended with good, say whether or not they could give it their sanction. The noble Viscount argued that a few years ago a clergyman would have been suspended for taking part in the services in question. He (the Bishop of London) did not know that that would have been the case. He could hardly think that it would. At all events, the most rev. Prelate had pointed out the change that had taken place in the law within the last few years. It was not illegal, and nothing could make it so but an inhibition from the Bishop. The noble Earl did not speak with very much respect of an episcopal inhibition, but had intimated that the question might be tried in a court of law. Supposing, however, that an inhibition were legal, would the noble Viscount, after hearing the statements which had been made that evening, say that it was his (the Bishop of London's) duty or that of the Bishop of Winchester, in whose diocese some of those theatres were situated, to drag before a court of law any clergyman who, from conscientious motives, took part in these services? Surely no one would wish that if this were not illegal now, he should take steps to make it so. He was aware that a Bishop's power was not altogether dependent on inhibitions. One word from the most rev. Prelate of his entire disapproval of this movement would, no doubt, have at once induced the clergy to bow to his revered authority and cease to take part in these services. But the right rev. Bench felt that they would be taking upon themselves a very grave responsibility indeed in expressing any such opinion in the face of a mass of human beings whom either they or their forefathers had hitherto sorely neglected. Could they, dare they, call upon the clergy, either by inhibitions or by other means, to refrain from ministering to these persons? The right rev. Bench did not feel called upon to prevent the clergy from engaging in this work. At the same time, he was not prepared to say that he went entirely with the movement. There were several things in it which he did not like. The associations connected with a theatre created a certain dislike to the use of such a building for religious purposes; but on mature reflection, he did not know whether this was not an objection founded on feeling alone, and whether, therefore, the conflict was not one between mere feeling and the deeper call of duty and of principle. With regard to the effects of theatrical entertainments, to which allusion had been made, he did not know whether one result of this movement might not be that theatres would become something better than they had ever been before. No doubt it was a great evil that there should be so much mixed up with a theatre which rendered it impossible for Christian people to avail themselves of it as affording a highly innocent and improving amusement; but it was, nevertheless, a popular amusement, and, perhaps, a better state of things in connection with it would result from the present movement. They might be thankful if this were so. He begged that their Lordships would not go away with the impression that, because this great experiment was being tried, no other efforts should be made in the same direction. Other buildings more suitable for Christian worship might no doubt be found; and, above all, he did not doubt that if an appeal were made to the country to consider how great was the mass of irreligion and indifference which required to be grappled with, funds would be forthcoming, if it depended on funds, for the extension of our parochial system. True, they must wait long before churches could be built; but they need not despair on that account, and meanwhile it would be well if those who felt strongly against this movement would see that the churches we had already were thrown open to the poor as freely as possible. It might be very difficult to lure them in, but at present they were not lured in but locked out. No idea seemed more deeply ingrained in the minds of many officials in our parishes than that the abject poor had no right to be accommodated in our churches. In this and other ways, perhaps, important results might flow from this movement. They were not to accept it as the best which could be originated; but that it had been productive of good few could doubt, and he hoped that many other efforts of a kindred nature might be made to promote the same ends.

VISCOUNT DUNGANNON said, that what had passed left him still unconvinced that evil might not arise from turning places of public amusement into places of public worship. Throughout the country there was a strong feeling that such practices involved a desecration of God's holy ordinances. But he should not regret having brought this subject before their Lordships if it had the effect of inducing the community at large to consider these things, and see how a remedy could be best applied to those crying wants which the noble Earl (the Earl of Shaftesbury) had so forcibly described. It had never, however, been his intention to put the House in, perhaps, the invidious position of having to express an opinion upon this subject. He was satisfied with the discussion which had taken place, and should now withdraw the Motion.

THE LORD CHANCELLOR had been forcibly reminded by this discussion of a line written by Dr. Johnson. On one occasion, when far removed from cathedrals and sacred edifices, this great moralist joined in a worship which was no doubt most acceptable to Heaven; and he then expressed this sentiment:—

"Legitimas faciunt pectora pura preces."

Motion (by leave of the House) *withdrawn.*

PERFORMANCE OF DIVINE SERVICE.

PETITION.

Lord EBURY *presented* a Petition from Charles John Bosanquet, R.N., a magistrate of the County of Essex, and Churchwarden of Enfield, complaining of the present state of the Law respecting the Performance of Divine Service, and that more Power may be given to the Bishops to enforce their legal orders. The noble Lord stated that the Petitioner complained of the manner of performance of Divine Service by the Vicar of Enfield in a church in that parish, and prayed that the law with regard to the celebration of Divine Service might be made so plain and simple that such practices as these and such as had taken place at St. George's-in-the-East, might be put an end to in a complete and summary manner. He ought to state that, in reply to an inquiry upon this subject, he had received a communication from the Vicar of Enfield, stating that, according to law, he was perfectly right in the course he had pursued. He would, therefore, make no observations on the present Petition beyond remarking how well founded were the objections which he had himself brought under the notice of the House on this subject.

The Bishop of LONDON said, that his noble Friend seemed to consider that this was a case similar to that of St. George's-in-the-East. But there were in reality several differences between the two cases. The present case was not that of a parish church, but of a private building licensed as a chapel, and one of the points relied on by the vicar was that it was his own private property. Now, the difference between a parish church and a private building was very great indeed; and it did not follow that because certain practices were inadmissible according to the common rules of good sense in a parish church, they should not therefore be allowed in a private chapel. The vicar also alleged that that chapel had been built almost entirely by the subscriptions of persons who wished that particular form of service which was observed there; so that he was only carrying out the desire of those who had caused the edifice to be constructed. There was this further great difference between the two cases, that the authorities could only judge of the feeling of the parishioners through the representations of the churchwardens, and two out of the three churchwardens were opposed to the views of the petitioner, and were anxious to have Divine worship conducted in the mode adopted by the vicar. So that this was not a petition by the churchwardens in their united capacity, but that of a single gentleman. Moreover, there was this essential difference between the two cases, that the vicar, in conformity with the opinion expressed by himself (the Bishop of London) and the Archdeacon, had, as he (the Bishop of London) understood, discontinued in the parish church every practice to which the parishioners had objected, while he maintained his right in the private chapel built by private persons to adopt the forms which they desired. At the same time he stated that if he (the Bishop of London), his diocesan, intimated to him that he had better close the chapel he would close it immediately, but that having received the money of the persons who wished for that peculiar service he could not adopt any other. He did not know that the vicar was right in that view of the matter, but this was what he had stated. He regretted to say that that case had been brought in another form before the magistrates in petty session; but the magistrates, exercising, as he thought, a very wise discretion, had dismissed it. There was one point of great importance involved in the case. The petitioner prayed that the law with regard to all these matters should be altered, or should, at least, be thoroughly investigated. He (the Bishop of London) could not conceal from himself that that evil was every day extending and that in various parts of the country the people were becoming irritated against individual members of the clergy who chose to set themselves against the wishes of their parishioners in respect of the form of worship. It was no wonder, that the law upon the subject should be uncertain. The very idea of a national Church was that it was a Church rooted in the affections of the people, and it was not likely that there should be found in the statute-book a distinct law to force clergymen not to introduce practices which were alien to the feelings of their parishioners. He, therefore, earnestly trusted that the presentation of that and of other petitions would lead, if not to an alteration of the existing law, at least, to a thorough examination of the law. It was the opinion of persons of great authority—and that opinion was, he thought, deserving of the consideration of Her Majesty's Government—that many of those difficulties might be got rid of by a certain clause in the Act of Uniformity of Elizabeth, whereby there resided in the Crown, acting on the advice of the Metropolitan (the Archbishop of Canterbury), a power to settle those questions, and that the decision so come to would have the force of law. If that were the case it would relieve Parliament from the necessity of further legislation. Such a power, he was sure, ought to be vested in some constituted authority, and he believed that, without it, great danger would result to the Church.

Lord REDESDALE thought that the case might be met by the introduction of a new canon. There was a strong feeling among a large class of persons that the question should be settled by Parliament; but unquestionably Parliament was not at the present moment a fit body to undertake the solution of the difficulty. Every one, however, must feel that if there was a doubt as to the law of the case it was desirable that that doubt should be cleared up, for the sake alike of the Bishops, of the clergy, and of the people. His belief was that if the question were fairly taken up by Convocation, it might be settled by the introduction of a canon, in a manner which would give satisfaction to everybody except the most extreme party, who, however, would feel themselves specially bound by any decision emanating from such an authority.

The LORD CHANCELLOR said, his notion was that a canon of Convocation could not change the law of the land; it could only bind the clergy of the province in which it was enacted. The Act of Uniformity which was enacted by Parliament could not be altered without the authority of Parliament.

Lord REDESDALE thought that a canon would not in the slightest degree interfere with the Act of Uniformity.

The LORD CHANCELLOR said, that all these matters were settled by various Acts of Parliament known as the Acts of Uniformity, all of which were founded on and referred to the Act of King Edward VI.

Lord EBURY said, he had the greatest desire to see the question settled in a peaceful manner. He should be happy to see the question taken up by the members of the right rev. Bench. He wished to ask the right rev. Prelate whether a Commission had not inquired into this subject, and reported against the conduct of the vicar.

The Bishop of LONDON said, that the word "commission" had two meanings. This Commission was only a private inquiry, at which the Archdeacon presided, and his (the Bishop of London's) advice was, that these practices should be discontinued.

Petition to lie on the Table.

House adjourned at a Quarter past
Eight o'clock, to Monday
next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 24, 1860.

Minutes.] New Writ Issued.—For Surrey (Western Division), *v.* Henry Drummond, esq., deceased.

Public Bills.—1° Admiralty Court Jurisdiction; County Prisons (Ireland).

3° Attorneys and Solicitors; Dwellings for Labouring Classes (Ireland).

SPAIN AND MOROCCO.—THE DUKEDOM OF TETUAN.—QUESTION.

Mr. WYLD said, he would beg to ask the Secretary of State for Foreign Affairs if Her Majesty's Government have received any information of the Decree of Her Most Catholic Majesty the Queen of Spain, by which the title of Duke of Tetuan has been conferred upon Marshal O'Donnell, together with the territory of Morocco, upon which the victory of Tetuan was gained?

Lord JOHN RUSSELL said, he must beg to state that the Government had received information from our Minister at Madrid, stating that the Spanish Government intended to confer the title of Duke of Tetuan upon Marshal O'Donnell; but they had no information with regard to any intention of accompanying the title with any grant of territory. The Government, however, had been informed that it was intended to ask for Tetuan as part of the terms of peace.

VOLUNTEER RIFLE CORPS.

QUESTION.

Mr. EDWIN JAMES said, he wished to ask the Secretary of State for War, Whether Her Majesty's Government intend to order any Battalions or Regiments of the Volunteer Rifle Corps now formed and in course of formation, during the ensuing summer, to the Camp at Aldershot, or any other encampment, in the same manner and for the same purposes as Regiments of the Line and Militia Regiments have been encamped?

Sir ROBERT PEEL said, he would beg to interpose another question on the same subject before the right hon. Gentleman answered. As the Secretary of State for War had stated that he hoped the Volunteers would become a part of our permanent establishment, and that with the augmentation of batteries those Volunteers would become a substitute for the Royal Artillery, he wanted to ask the right hon. Gentleman whether the Articles of War applied to those "parties" as at present enrolled; and whether they were liable to the same military duty and discipline, as regulated the British Army ?

Mr. SIDNEY HERBERT said, with regard to the first part of the hon. Baronet's question, that, as it proceeded upon the supposition that he had stated that the time must come when the Volunteers would replace the Royal Artillery, he had no hesitation in sweeping away the whole superstructure, by saying that he had never entertained such an opinion, and therefore never could have made any such statement. [Sir R. Peel: "You distinctly stated it."] If he had said any such thing he could not conceive how his words could have been so ill put together, as to bear a meaning so opposite to the sense which he entertained of the relative value of the Volunteer Corps and the Royal Artillery. The Volunteers were not under the Articles of War, like the Yeomanry, except when called out for some special purpose. With regard to the possibility or probability of the Volunteer Corps being sent down to Aldershot, like other regiments, he could assure his hon. and learned Friend (Mr. E. James) that the terms on which these troops were engaged, and the intentions with which they were enrolled, were so different from those of the regular troops that he could not imagine that it would enter into the head of any Government to think of ordering them to leave their homes to go down to Aldershot. Indeed, the Government had no such power by Act of Parliament, and certainly they had no intention of asking for the power by any sort of *post facto* legislation.

MEDICAL OFFICERS IN THE NAVY.

QUESTION.

Sir EDWARD GROGAN said, he wished to ask the Secretary to the Admiralty if it be intended to carry into effect the spirit of the late Naval Warrant as regards Medical Officers in the Navy by granting to these officers when serving afloat naval rank, and uniform with the distinctive badges of rank, corresponding to the military rank granted to them by this Warrant, both afloat and when serving with Her Majesty's Forces ashore?

Lord CLARENCE PAGET said, the terms of the Navy Warrant had been carried out with regard to the pay and the rank of these officers, and with regard to the uniform, the Admiralty were only waiting until the decision of the House in reference to the increase of pay of Masters and Engineers had taken effect before taking it into their consideration.

EXEMPTION FROM RATING OF STOCK-IN-TRADE.—QUESTION.

Mr. WHALLEY said, he would beg to ask the Secretary of State for the Home Department, Whether it is his intention to introduce a Bill for renewal of the Act 3 & 4 *Vict.*, c. 89, exempting the profits of Stock-in-Trade, and other property liable by law to be Taxed for Relief of the Poor, from being so taxed; and, if so, whether such Bill will be introduced at such a period of the Session as to admit of inquiry by a Select Committee as to the grounds for such exemption, either in connection with any inquiry which will be ordered as to the assessment of the Income Tax under Schedule D, or otherwise?

Sir GEORGE LEWIS said, the Act of 3 & 4 *Vict.*, c. 89, by which Stock-in-Trade was exempted from rating, by an Act of last Session, c. 44, had been continued until the 1st of October, 1862, and the end of the following Session. It was not his intention, therefore, to introduce a measure this Session to continue that Act.

MALT FOR CATTLE-FEEDING.
QUESTION.

Lord HENRY THYNNE said, he wished to ask Mr. Chancellor of the Exchequer, Whether he is prepared to remit the Duty on Barley malted for agricultural purposes?

The CHANCELLOR of the EXCHEQUER said, the question which had been put to him by the noble Lord did not grow out of any proposal recently made by the Government. It was one which had been made for many years—he might almost say for generations—in discussion with the Revenue Department; and he was sorry to say that he was not aware of any arrangement which could be made for the purpose of permitting the malting of barley for feeding cattle free of duty without the greatest danger to the Revenue. Her Majesty's Government consequently were not prepared to sanction any such remission.

DRAWBACK ON PAPER.
QUESTION.

Baron LIONEL ROTHSCHILD said, he would beg to ask Mr. Chancellor of the Exchequer, if he is prepared to state whether, at the time of the abolition of the Paper Duty, he will grant the Drawback upon all the stocks of Paper in the hands of the Stationers bearing an uncancelled Excise Label?

The CHANCELLOR of the EXCHEQUER said, he must remind the hon. Member that the proposition of the Government was to repeal the duty from the 1st of July, on which day the drawback would be allowed on all paper made since the 1st of April which was found in the hands of dealers. The proposal for granting the drawback on whole stocks of paper, irrespective of the date at which they were made, was one which would be attended with great difficulties, and he therefore was not prepared to accept it. But he believed it was possible to meet all reasonable desires in another mode without causing any sensible inconvenience to the country, or any obstruction to the ordinary and regular progress of trade, which would be by postponing to a somewhat later date the absolute repeal of the duty. If the question were renewed in a day or two he should be prepared to state the precise date which might be fixed upon; but it would be a date later by one or more months than the 1st of July.

SALARIES OF COLONIAL CHAPLAINS.
QUESTION.

Sir JOHN PAKINGTON said, he wished to ask the Under Secretary of State for the Colonies, Whether Her Majesty's Government have decided to advise the Queen to withhold the Royal Assent from the Bill lately passed by the Legislature of Tasmania for reducing the Salaries of the Colonial Chaplains?

Mr. CHICHESTER FORTESCUE said, that it was with some regret that the Government had advised Her Majesty to withhold Her Assent from the Bill in question. That had been done, not from any desire on the part of the Home Government to interfere with the policy of the Colonial Government upon ordinary domestic questions, but solely on the ground that the Bill in question affected improperly the rights and interests of Chaplains in Tasmania, which the Crown was bound to protect.

PRISONS (SCOTLAND).—QUESTION.

Mr. E. CRAUFURD said, he rose to ask the Lord Advocate what course he intends to pursue with regard to the Prisons Act (Scotland) Continuance Bill, and whether he will undertake to introduce a general Bill to abolish the Prison Board, and to amend the present system of Prison Assessments in Scotland, at a period sufficiently early to insure its being dealt with during the present Session?

The LORD ADVOCATE said, he proposed to proceed that evening with the Prisons Act (Scotland) Continuance Bill, which was only intended to regulate a difficulty that had occurred about Assessments. With regard to the other branch of the question, it was his intention to introduce a measure on the subject, and he hoped that it might be passed into law during the present Session.

THE IRISH POST OFFICE.
QUESTION.

Mr. VANCE said, he wished to ask, Whether there is any inquiry pending with respect to the expediency of removing the Accountant's branch of the Post Office in Dublin as well as in Edinburgh?

Mr. LAING said, there was no intention of removing the Accountant's branch of the Dublin Post Office to London.

On Motion that the House at its rising do Adjourn till Monday next,

NOTE CIRCULATION.—(INDIA.)

QUESTION.

Mr. R. W. CRAWFORD desired to put a question to the Secretary of State for India, which through some inadvertence had not been placed upon the Notice Paper, respecting proposals that may have been made by the Government of India, and the course that the Home Government are prepared to recommend, for the issue of promissory notes payable upon demand in that country. He also wished to inquire whether the right hon. Gentleman will be willing to produce any despatch containing the terms of the arrangement, which is one of great importance to commercial interests?

Sir CHARLES WOOD replied that proposals had some time in the summer been forwarded by the Government of India for establishing a note circulation in that country; but they expressed some doubt as to the expediency of introducing it at that time when the public mind was in a feverish state on financial subjects. This despatch arrived soon after he became Secretary of State for India, and at that time it was in contemplation to send out Mr. Wilson as Financial Councillor to that country. An answer was accordingly returned to the effect that the Government thought it desirable that such a measure should be introduced after full consideration, and after the arrival of Mr. Wilson, who from his thorough acquaintance with the subject, and from his experience of all which had taken place in this country respecting the circulation of notes, was likely to bring a considerable stock of English knowledge and experience to the aid of the Indian Government, who, well acquainted as they were with the circumstances of that country, had not much practical acquaintance with the issue of notes. Before Mr. Wilson left England he (Sir Charles Wood) held communications with Mr. Wilson, with several Members of the Council, and with the Governor and Deputy-Governor of the Bank of England, and the general outlines of a scheme were arranged. Since Mr. Wilson's arrival in India he had communicated with the Governor-General and with many of the ablest officers of the Government, with commercial men both English and Natives, and with others on the subject, and he had sent home a very able Minute embodying the results of their consultation. The document, however, was not in the shape of a despatch, because it had not been considered by the Members of the Council of Calcutta, to which place Mr. Wilson was to have returned about the middle of last month, and he then proposed to introduce a Bill for the purpose of establishing a note circulation in India. An answer to the Minute was now before the Indian Council, and as soon as it had passed, he (Sir Charles Wood) should lose no time in laying all the papers on the table. No precise amount of notes to be issued had been determined upon; but the object of the Government was to establish in India a circulation issued by Government, on the same footing as the notes of this country were issued by the Issue Department of the Bank of England. They would be altogether independent of any bank already in operation, and totally disjoined from any banking operation whatever.

BUSINESS OF THE HOUSE.—QUESTION.

Mr. DISRAELI: Assuming that the discussion on the Motion of the hon. Member for Essex will be concluded to-night, as I hope may be possible, it would be convenient for the House to know what is the proposed course of public business for next week.

Viscount PALMERSTON: It is proposed to go on with the discussion connected with the Budget on Monday, and we hope the House will permit it to proceed continuously.

NATIONAL EDUCATION (IRELAND).

QUESTION.

Lord NAAS said, it appeared by the Dublin papers of the previous day that a very important circular had been issued by the Lord Primate of Ireland to his clergy on the subject of national education, in which reference was made to a certain correspondence which had taken place between the right hon. Gentleman the Chief Secretary for Ireland and the secretaries of the Church Education Society. He wished to ask the Chief Secretary for Ireland, Whether that is the only official correspondence which has taken place between the Government and the Church Education Society; and whether the right hon. Gentleman has any objection to that correspondence being produced?

Mr. CARDWELL said, he was sure

that the noble Lord and all who were interested in the cause of education in Ireland had seen the circular with the greatest satisfaction. The only official correspondence were the letters referred to in the circular, and he should have great pleasure in laying it on the table.

THE WINE AND SPIRIT DUTIES.

QUESTION.

Mr. T. DUNCOMBE said, he would beg to ask Mr. Chancellor of the Exchequer to state, Whether he means to propose the Resolution on the Spirit Duties on Monday next. He also wished to know whether he will have any objection to postpone the first Resolution, which relates to Wine, until the question of the amount of the Spirit Duties has been decided. The two questions were so mixed up that it was impossible to come to a satisfactory arrangement with regard to the Wine Duty previously?

THE CHANCELLOR OF THE EXCHEQUER said, he could not accede to the appeal which had just been made to him. With regard to the wine duties, it was true that under certain circumstances the duty on wine must be affected by the duty on spirits; but, in his opinion, those circumstances with reference to the state of the British wine trade were so improbable that he did not feel that they constituted an element of discussion. The intention of the Government to propose the alteration of the duties on wine and spirits, in the terms of the Resolution now on the table, was so thoroughly understood by the public that it would be very inconvenient to deviate from that resolution, and accordingly the Government intended to proceed with the Resolution in Committee on the Customs Acts on the first day that they found themselves at liberty to do so. With regard to the second Resolution—that relating to the duty on spirits—it was their intention that it should be taken immediately after that on wine. He was now in a position to state the precise terms in which the duty on spirits would be proposed, and which varied somewhat from the wording of the Resolution as standing on the books. The Resolution would, of course, be printed and circulated immediately; but he took that opportunity of reading it, in order that it might be made known at the earliest possible moment:—

"That the duty on foreign spirits, excepting rum, shall be at the rate of 8*s*. 6*d*. per gallon; the duty on rum, whether colonial or foreign, at the rate of 8*s*. 3*d*. per gallon; and the duty on British spirits of all descriptions, at the rate of 8*s*. 1*d*. per gallon."

The House would perceive that the existing difference between British spirits and colonial rum—namely 2*d*. a gallon—would be retained; and the difference between British spirits and all others, excepting rum, would be fixed at 5*d*. To make the information complete, he would state that it was the intention of the Government, in consequence of the disadvantage under which the British distiller laboured in endeavouring to manufacture spirits for the foreign market, to propose a limited allowance on the export of British spirits over and above the amount of export duty ruling; that allowance was as follows:—On raw and unrectified spirits, 2*d*. per gallon; on rectified and potable spirits—that was, spirits prepared for consumption—3*d*. per gallon.

SIR FITZROY KELLY, in reference to what he now understood would be proposed, asked whether it is intended on the Resolution relating to the Duty on Wines, to raise the general question as to the reduced Duty, and the application of the alcoholic test?

THE CHANCELLOR OF THE EXCHEQUER: I am not aware that any part of the Resolution will require to be changed. In point of fact, there will be no difficulty, because the question respecting the application of the alcoholic test, as it is called, has no reference at all to any change that will come immediately into operation, but entirely to changes that will be proposed at a later period. It will be quite open to any hon. Gentleman to vote on or discuss the question of the reduction of the duty on wine to a uniform rate of 3*s*. per gallon, without prejudice to the other portion of the Resolution, which is founded on the scale of the alcoholic test.

MR. T. DUNCOMBE thought that with regard to the spirit duties the statement of the right hon. Gentleman was not quite satisfactory. With the intervention of Sunday, the distillers would only have one day to consider the alteration that had been proposed almost at the eleventh hour. He hoped that this part of the Resolution would be deferred till that day week, or Thursday, and the discussion on the other parts of it might be taken in the interval.

THE CHANCELLOR OF THE EXCHEQUER: I wish to meet, as far as I can, the convenience of the hon. Gentleman;

but the only concession the Government can make, with a due regard to the exigencies of the circumstances, is this:—I will take the Resolution respecting manufactured goods as the second, immediately after the Resolution on the wine duties; and the Resolution on the spirit duties shall be taken last in the order. I do not mean the last of all the Resolutions, but the last in order of those involving the changes in our Customs required to satisfy the terms of the Treaty entered into with France.

On Motion, That the House at its rising do adjourn to Monday next:—

THE CHINESE EXPEDITION.

QUESTION.

General PEEL thought it desirable (as there were many contradictory reports in circulation) that the Secretary for India should state to the House what was the amount and description of the military force about to be despatched to China. He had seen in *The Times* newspaper of Monday last a statement, taken from the Indian journals, that a force of 20,000 men was about to proceed from India to China. It was said to consist of fourteen regiments. Now, it was very desirable it should be known what those regiments were, as great interest was naturally felt by those who had friends serving with their regiments in India as to whether they were to remain in that country or be sent to China. The right hon. Gentleman had already stated that all the European regiments had been transferred from the Indian to the English establishment. With regard to that part of the force which consisted of Native regiments, he understood that three of them were intended to relieve the three Native regiments already in China. As these three regiments in China were paid by the Indian Government, he took it for granted that those going to relieve them would also be paid by the Government of India; but the remainder of the Native regiments would be paid by this country. Now, in the Estimates no provision had been made for them, except the sum of £500,000 taken on account of the expenses of the war. This amount would not cover the expense of transport and stores. The force in China would also be on Indian pay and allowances. The second part of his Question referred to the number of British troops to be paid for out of the Indian revenue during the next financial year. The total number of Her Majesty's army was 235,852; of these 143,362 were on the British establishment, and provision for them voted by Parliament, leaving 92,490 on the Indian establishment. It was important they should clearly understand this point, even in reference to the subject they were about to discuss that night. The sum taken for military purposes for the next year would not cover the total expenditure, including that of the Chinese expedition, and hereafter the House would have to vote additional sums for the China war. It was most important that the right hon. Gentleman should, if possible, give a reply to his question, What is the amount and description of force that has proceeded, or is about to proceed, from India to China; specifying, if possible, the Regiments of which the European portion of the force is composed; and what number of British Troops (including the depôts) he is prepared to pay for out of the Revenue of India during the next financial year?

CHINA—LORD ELGIN AND SIR MICHAEL SEYMOUR.—PERSONAL EXPLANATION.

Sir MICHAEL SEYMOUR said, that before the Question was answered, he would request the indulgence of the House on a matter personal to himself, not only affecting his character and honour as a naval officer, but also as a Member of the House. He should merely have to make a reference to a paragraph that appeared in the public journals of Thursday. The statement to which he referred had been made by a noble and distinguished Earl in the most public and distinct manner, and he should, with the permission of the House, read the paragraph in which that statement was contained, with the view of making a few explanatory observations with respect to it. The noble Lord to whom he alluded said:—

> "But I must solemnly say that when Admiral Seymour made to me the communication I have referred to, I stated to the gallant Admiral that it was absolutely necessary, not only for my own vindication, but also in order that Her Majesty's Government might be in possession of the facts of the case, that I should report in the fullest manner to the Government the extent to which, in my opinion, our prospects in the north were compromised by the failure on his part to furnish me with the armament on which I had relied. I added that if he had any counter statement to make, if he thought anything in my conduct, either in the wa

of omission or commission, was the cause of his failure, I begged of him to make a corresponding report to the Admiralty, in order that the whole case might be before Her Majesty's Government."

Now, having read that paragraph, he desired to impress on the House the fact that it was inaccurate in its purport, and he made that statement on his honour as an officer in Her Majesty's service, and as a Member of the House of Commons. Wishing to use no harsher term than he had employed—no communication such as the paragraph described, or anything approaching to such a communication, had ever been made to him. Had such a communication been made to him it would have been his duty to request the noble Earl to make it in an official form, and thus to give him the power of making an official representation to the Board of Admiralty.

QUEEN'S OFFICERS AND THE COMPANY'S OFFICERS.—QUESTION.

MR. CONINGHAM said, he would beg to ask the Secretary of State for India a question with reference to a distinction which appears to exist between Officers in the Queen's and those in the Company's service. The hon. Gentleman said he was induced to put the Question, in consequence of an Officer in the Company's service being indebted to a considerable amount to one of his constituents. He wished to know whether it was one of the peculiar privileges of the Company's service not to pay their just debts. In a similar case, in which an Officer of the Queen's service was concerned, he (Mr. Coningham) had applied to the Horse Guards, and after a correspondence he obtained payment of the debt to another of his constituents. He was sorry to say that the Secretary for India did not seem willing to follow the example set to him at the Horse Guards, and did not seem inclined to interfere for the purpose of compelling payment of a just claim.

SIR CHARLES WOOD: In answer to the Question which has been put to me by my right hon. Friend the Member for Huntingdon (General Peel) I have to state that one company of Engineers as well as the 3rd Buffs and the 67th Regiment of Foot, have already been despatched from India to China. Two squadrons of the Dragoon Guards, three batteries of Artillery (horsed) and one without horses, together with the 31st, 44th, and 99th Regiments of Infantry, have in addition been ordered to proceed to that country. That, I believe is the full amount of the European force which is reported as being under orders to proceed to China. Instructions had, however, been sent out to the Governor-General of India to send out two more regiments, as it was understood that the regiments which had been already ordered mustered little more than 800 strong. I have, since the issue of those instructions, ascertained that the regiments which are going to China have been filled up to their full complement of 1,000; and whether under these circumstances the two additional regiments which have been ordered will be despatched, I do not exactly know. But, be that as it may, five regiments of infantry, amounting to about 5,500 men, are under orders for China. I am asked which are the regiments which will go to China; if the two additional regiments go to China, I have been informed at the Horse Guards, that the authorities there have received intimation that the 3rd battalion of the 60th from Madras, and the 1st of the 13th from Calcutta, are about to proceed to China; but there is, I am bound to admit, some discrepancy between that statement and the account which I have received, which is to the effect that the 66th from Madras, and the 56th from Bombay, are the regiments which are to follow those to which I have already alluded. There are, besides, three regiments of Native troops to be sent out, to replace those already in China—that is a mere relief. The Native troops, which are to constitute a portion of the expeditionary force, will consist of five regiments of Irregular Native Infantry, to the amount of 4,000 men; one regiment of cavalry, to the amount of 400 men; and two companies of Madras Sappers numbering 200; in all 4,600. With respect to the number of troops which we are prepared to pay out of the Indian revenue, I can only say that this is a question which it is out of my power to answer, inasmuch as it is one which must be determined by a consideration of the number which it may be found necessary to maintain in that country. As to the force which is to be sent to China, I can only add, that it may be increased beyond the amount already ordered. A further number of regiments are to be kept in reserve in case of any demand from China. [General PEEL: How many regiments are ordered home from India?] One Dragoon regiment has sailed from India, but no other has been ordered home from hence, nor can I say what number of men the Government of India may be able to spare. It must be borne in mind that 11,000 or 12,000 of the local Euroropean force have taken their discharge, and I cannot exactly inform my right hon. and gallant Friend what amount of Queen's troops may be deemed necessary to provide for the security of our Indian Empire. With regard to the amount of the Indian depôts in this country, I may observe that there are in those depôts 17,500 men, whose maintenance is charged upon the revenues of India. In answer to the Question put by my hon. Friend, the Member for Brighton (Mr. Coningham), I may state that I wrote to the Horse Guards to ascertain what is their mode of action in such cases as my hon. Friend alluded to. I find the rule is this:—Where a demand is made on an officer's pay, it is forwarded ta the officer; but the Department do not think themselves bound to enforce payment. If any transaction is alleged which is discreditable or dishonourable to the officer, it became a totally different matter. Then they did interfere. This also is the course we pursue with respect to officers in the Indian army. As at present advised, I am not prepared to extend our action. We cannot put ourselves in the position of a court of law, and enforce demands made on officers' pay. If there be no imputation on the conduct of an officer, we do not think it desirable to interfere.

THE REVOLTED PROVINCES OF THE POPE—QUESTION.

MR. M'EVOY, in rising to put the Question of which he had given notice, in relation to the revolted Provinces of the Pope, said he believed the independency of the States of the Sovereign Pontiff was admitted by every statesman in Europe to be a matter of the very highest importance. As an Irish Representative of a Roman Catholic constituency, he felt he should not be doing his duty if he failed to call attention to the proceedings of the noble Lord the Secretary for Foreign Affairs in relation to this subject, and to give him as early an opportunity as possible of giving the necessary explanations. There had been great agitation during the last six months in Ireland upon this question. Meetings had been held in every part of the country, and the Parliamentary Representatives who were present were

all urged to insist that the Government should in no way interfere with the patrimony of the Holy Father. That this was no exaggeration would appear from a Resolution passed at a meeting attended by sixteen Members of Parliament, very many of whom were regular supporters of the noble Lord's Government. The Resolution was to this effect:—

> "That any Government which should attempt to interfere with or countenance any attack on the temporal sovereignty of the Holy Father is unworthy of the confidence of the Irish people and the support of their Representatives."

He had endeavoured in every way he could to ascertain the real policy of Her Majesty's Government upon this subject. In this country he found that their friends and supporters were inclined to give them credit for having a cordial feeling with the revolutionary party in Italy, and for exerting themselves in their favour; on the other hand, he found that many of their Irish supporters held quite the opposite language, and denied that the Government had in any way interfered in this matter. He thought it was important to know how the Government really felt in regard to it. The noble Premier, on the vote of want of confidence in the late Government, used these words, "It is, therefore, as much on their foreign as on their domestic policy that I say the Government does not deserve the confidence of the House." What did he say immediately afterwards, when that vote had placed him in the position he now occupied? The noble Lord said, "Our foreign policy, strictly following that of our predecessors, has been a policy of strict neutrality." When the noble Lord was in office in 1857 he charged the present Foreign Secretary, the present Chancellor of the Exchequer, and the head of the Board of Trade with being parties to a corrupt treaty for turning him out of office. On that occasion the noble Lord the Foreign Secretary stated that the charge was both false and calumnious. He should like now to know whether Lord Derby, considering the admission of the present Prime Minister that the policy of the late Government was that of strict neutrality, could not charge the noble Lord with having given utterance previously to a statement which was both false and calumnious. But had the present Government followed in the track carved out for them of strict neutrality? No one who knew anything of the antecedents of the noble Lord could credit the probability of his not intermeddling in every conceivable way in Italy. In proof of the noble Lord's interference he would read an extract from a despatch addressed by the noble Lord to Mr. Fane, Secretary of our Legation in Austria, respecting the Treaty of Villafranca. It is dated the 24th :—

> "The other great leading difficulty of the Italian question is the condition of the Roman States. For ten years Austrian troops have occupied Bologna. They have presided over criminal justice; they have ordered and executed capital punishments. But they have neither subdued nor conciliated the people. The moment the Austrian barracks were evacuated the Papal authority was overthrown. In fact, the civil abuses of the Papal Government, joined with the military rule of Austria, the mixture of effete despotism with the discipline of a court-martial, had made, together, an intolerable state of things."

He should like to know whether the noble Lord at the head of the Government could call that maintaining a strict neutrality. He might give many instances in which the noble Secretary had been interfering, meddling, and fraternizing with the revolutionary party in Italy, but he would confine himself to the proposition he made a few days ago. It had been entirely declined by Austria, stating that it was not at all necessary for the noble Lord to interfere, the Austrian Government knowing perfectly well how to defend their own territories. The noble Lord's third proposition was not very flattering to the French Government, for it was at variance with the treaty which that Government had made with Austria. As to the fourth and most important proposition—namely, for a direct interference in the affairs of Italy, if the noble Lord succeeded in inducing Her Majesty's Government to carry it out, those hon. Members who were pledged to resist any interference with the integrity of the Papal States would be bound in consistency to give the Government every opposition in their power. He would conclude by asking the Secretary of State for Foreign Affairs whether Her Majesty's Government has proposed to the French Government that, in the event of the revolted provinces of the Pope declaring their wish to be annexed to Sardinia (in accordance with the plan suggested by Her Majesty's Government), the two Governments in concert should bind themselves to offer no objection to the entrance of Sardinian Troops into those provinces, by which the Holy Father might be despoiled of those portions of his dominions?

CHINA.—LORD ELGIN AND SIR MICHAEL SEYMOUR.—OBSERVATIONS.

MR. CUMMING BRUCE said, that the statement made by the hon. and gallant Admiral (Sir M. Seymour) in an earlier part of that evening, reflecting most injuriously on the character and veracity of a noble Lord with whom he was nearly connected, would, he trusted, be a sufficient excuse for his now intruding—which he did with much reluctance—on the attention of the House. He should have immediately followed the gallant Admiral if he had not thought that some of the noble Lord's colleagues would have felt it expedient to offer some explanation upon his statement. He regretted as much as any man that this personal question should have been raised in either House of Parliament. In justification, however, of his noble Friend, he must say that this bringing of the matter under the notice of Parliament did not originate with him. Certain remarks which fell in particular from the late First Lord of the Admiralty (Sir John Pakington) seemed to his noble Friend to cast the imputation upon him of having made to the authorities whom he served in England charges which were not justifiable and which could not be supported by facts against the hon. and gallant Admiral. His noble Friend, therefore, thought it necessary to make a statement "in another place;" and towards the close of that statement he said it had been represented that in his despatches he had conveyed the impression that the gallant Admiral had not given him, as Plenipotentiary in China, all the support he required, or that the gallant Admiral's own communications to him had led him to expect. His noble Friend further said that it had been alleged that he ought to have communicated the despatches which contained those charges to the hon. and gallant Admiral; and he met that allegation by observing that it had never been his practice to do anything of that kind—that he regarded his despatches as confidential communications addressed to the Department which he served; and that it remained with the Secretary of State alone to break their secrecy or make them public. At the same time his noble Friend declared on his honour as a Peer, and avowed his readiness to make the same asseveration on his oath before a court of justice, that he had not only fully stated to the gallant Admiral the substance of the complaints he had sent home to the Secretary of State, but had also told him that if he (the gallant Admiral) had any complaint to make of his proceedings towards him, or any communication to make upon his despatches as Plenipotentiary, he hoped the gallant Admiral would forward to the Board of Admiralty and the Government any statement or any explanation he might think fit to make. The gallant Admiral had risen in the House that night, and declared that the statement made "in another place" by his noble Friend was inaccurate. This purely personal question, therefore, now seemed to have become one between the veracity of our late Plenipotentiary in China and the memory—certainly not the veracity—of the gallant Admiral, who might have forgotten these verbal communications. Every one at all acquainted with the career of his noble Friend for the seventeen or eighteen years during which he had been in the public service, and who knew the zeal and ability with which he had uniformly served his Sovereign and his country, whether in Jamaica, in Canada, or in the far East, must feel convinced that he was utterly incapable of making any statement—not in his place in Parliament or confirmed by his oath, but any statement of any sort or kind and under any circumstances—that was in the slightest degree inconsistent with the strictest truth. The personal question now raised did not in any way involve the real matter at issue, as far as the public interests were concerned—namely, whether the gallant Admiral did give the support that he had promised or might have given to the noble Lord, or whether he had been hindered by circumstances from doing so. That question must be decided when all the papers that had been moved for were before the House. Deploring as he did the bandying about of charges by Members in one House and Members in the other, in his opinion Parliament could not constitute itself a tribunal capable of determining the question which the hon. and gallant Admiral had raised. Either the House or the Government should issue a Commission empowered to take evidence on oath, and inquire into the whole matter as it now stood. He had every reason for believing that his noble Friend would have no difficulty in establishing, by corroborative testimony, every word that he had used, either in his despatches or in his speech "in another place." But nothing could be more detrimental to the public service or more disadvantageous to the character of statesmen than the exchange of contradictions and recriminations between Members in one House of Parliament and Members in the other. His noble Friend had, however, offered no contradiction of anything that had been said by the gallant Admiral. The papers were not yet presented which would enable him to do that; but he had stated what he conceived to be facts; and he trusted the House would give him credit for being utterly incapable, on any private ground, of doing the slightest injury to the gallant Admiral, or of making any statement, however minute, that was not consistent with the truth.

SIR JOHN PAKINGTON: As my hon. Friend behind me has referred to me, perhaps I may be allowed to express what I believe will meet with the general concurrence of the House—a very strong wish that at present, at least, this matter may go no further. A noble Lord, for whom personally we all feel great respect—a man of great distinction and great ability—has made a statement on his honour as a Peer. On that the gallant Admiral has risen in this House to-night and made a directly counter-statement on his honour as an officer. I do not believe there is a Gentleman in this Assembly who will for a moment doubt any statement so made by the noble Earl, or any statement so made by the gallant Admiral. I think the only conclusion at which we can arrive is, that there has been a most unfortunate, but I doubt not, unavoidable, misunderstanding between them. As far as the public question is concerned, the papers have been moved for, and they will very shortly inform us of the merits of that question one way or the other. As far as I am personally concerned in this matter, I am well content to leave it to those papers to show the part the late Government took in relation to it, and the reasons on which the late Board of Admiralty acted. I do not deny that it was a subject of regret to the late Board of Admiralty—and here I think I am right in the fact I now advert to—that lying side by side in the Gulf of Pecheli, as I believe the gallant Admiral and the noble Earl did, the noble Earl should have sent home a despatch seriously criminating the gallant Admiral, not, indeed, without showing him that despatch, but without telling him what were its contents, and what was the nature of his charges; so that it was only through the circuitous mode of receiving a despatch from the Admiralty calling on him for an explanation that the hon. and gallant Admiral was informed of the nature of the charges. It is a subject of regret that the misunderstanding should have occurred; but the noble Earl has declared, and I willingly accept his statement, that he acted from what he believed to be a sense of public duty. Under these circumstances I do hope that this painful question—which I believe can only have arisen from misapprehension between the parties—may, at least for the present, not be allowed to proceed further. When the despatches are on the table, the House will be able to judge of the merits of the question.

THE REFORM BILL.—QUESTION.

MR. STEUART said, he would beg to inquire, Whether it is the intention of the noble Lord the Secretary of State for Foreign Affairs to bring in the Reform Bill on Thursday next?

LORD JOHN RUSSELL: I do not think the statement of the right hon. Gentleman, the late First Lord of the Admiralty, can be very satisfactory to Lord Elgin. There are two questions involved, into one of which I shall not enter — namely, whether Lord Elgin had or had not reasons for making complaints that the gallant Admiral had delayed bringing up the naval force to his assistance. That question was considered and decided by the late Board of Admiralty, according to their views, and if any hon. Member wishes to know more about it he can do so by moving for the papers. The other question is the personal question, which I understand in a somewhat different manner than the right hon. Gentleman. The complaint arose out of a statement in a published work; and I must observe that these difficulties are not unlikely to arise when a person employed in the public service and in the confidence of those performing public duties shortly afterwards publishes an account of differences that may have existed between the officers with whom he was serving. But that work having appeared, I think it was quite natural that the gallant Admiral should make the statement he had made. On the other hand, it was quite impossible, I think, for Lord Elgin not to take notice of the rumours that were spreading as to his conduct, and he states that the impression on his mind is full and clear, that at the time he wrote the despatches to the Foreign Office, he stated to the gallant Admiral what was the nature of the complaints that he had to make, and that although he did not actually show the despatches to the gallant Admiral, he conveyed to him the substance of them. The noble Earl having made that statement upon his honour as a Peer, I cannot doubt for a moment that such is the impression on his mind. The gallant Admiral, on the other hand, says that the statement is incorrect — in other words, that the impression on his mind is, that Lord Elgin made no such communication to him. I have a high respect for the gallant Admiral, and do not doubt that that is his impression. The only conclusion we can arrive at is, that these transactions having occurred in a distant part of the globe nearly a year and a half ago, the impression upon the minds of those concerned in them differ materially; but I do not think that that difference affects the honour either of the noble Earl or of the gallant Admiral. I have perfect confidence in the noble Earl. I have lately recommended to Her Majesty that Lord Elgin should be employed in a position of the greatest confidence, in which much must depend upon his discretion and judgment. After what has passed I should not do my duty, being at this time a colleague of the noble Earl, and at the head of the Foreign Department of this country, and the noble Earl having served the Crown in various capacities with great benefit to the public service, in Jamaica and Canada, as well as in China, if I did not declare that I believe the noble Earl is perfectly worthy of the confidence of Her Majesty, and that he is an honourable and faithful public servant. In reply to the question of the hon. Member for Meath (Mr. MacEvoy), I do not think it necessary to enter now into a discussion of the subject to which he has referred, nor to defer the resumption of the adjourned debate upon the Budget by a conversation upon the affairs of Italy. I stated upon a former occasion what were the facts, and I will repeat them. Many questions relating to the affairs of Italy having been left unsettled, we were invited by Austria and France to join a Congress. The meeting of that Congress being indefinitely adjourned we made certain propositions to the Government of France upon this subject. The proposition as regards Sardinia, was to place a restriction upon the King of Sardinia as to the employment of his forces. We had no right whatever to prevent him from making whatever use he pleased of his forces, but we asked him voluntarily to submit to a restriction, and we purposed that, after a time and in certain contingencies, the restrictions should cease. We did not refer particularly to the territories of the Pope or of the Grand Duke of Tuscany, but our proposition was a general proposition for the re-establishment of peace in Italy. The hon. Member may make what reflections he pleases, but it would certainly be satisfactory to me if I could contribute to the settlement of the affairs of Italy by promoting the peace and welfare of that country.

THE COMMERCIAL TREATY WITH FRANCE.—QUESTION.

Sir HENRY WILLOUGHBY said, he wished to aak the First Lord of the Treasury, what course will be followed to obtain the assent of Parliament to certain Articles of the Commercial Treaty with France; whether by Resolutions and Address to the Crown by the House of Commons, to be communicated in a Conference to the Lords, as appears by the Journals of the House of Commons, on February 23rd, in 1787, or by what other mode of proceeding. In two Articles of the Treaty it was provided that it should not be considered as binding until the assent of Parliament had been obtained. It was remarkable that in all the debates that had taken place the precedent of 1787 had never been correctly stated. In that year the treaty was laid on the table of the House on January 26th; it was considered in Committee of the whole House on the 15th of February, and on the following day twenty-one Resolutions were reported. These were made the foundation of an Address, which was carried after long debate and a division. A Conference with the Lords was obtained, and on the 8th of March a joint Address to the Crown was agreed to. He wished to know whether the Government intended to follow the precedent of 1787, or, if not, in what way they proposed to obtain the sanction of Parliament to the Treaty?

Mr. AYRTON said, he wished to appeal to Mr. Speaker on a point of order relevant to the subject which the hon. Baronet had brought under their notice. There seemed to be some misunderstanding in the minds of hon. Members, and of the public, as to the course of proceeding in this House. There were many hon. Members who, approving very much the spirit in which the Treaty with France was negotiated, disapproved certain parts of the Treaty, and desired to submit particular questions for decision which affected the interests of their constituents. The hon. Member for Sunderland (Mr. Lindsay) put a Notice on the paper of a Motion relative to the shipping interest; but it was not clear how that Motion could be discussed. The right hon. Gentleman the Member for Coventry (Mr. Ellice) had given notice of another Motion—"That it is inexpedient to reduce the duty on silk manufactures without making provision for the simultaneous admission of silks and ribands into France upon equal terms." He was under the impression that no such question as that could be raised in Committee, and, under that impression, he felt it his duty to vote against the Government on Monday night. But it now seemed that exactly what he thought could not be done could be done. The right hon. Member had consulted a Gentleman of high authority on the forms of the House, and had been informed that his Motion was consistent with its rules of procedure. He remembered having consulted one of their most eminent and distinguished authorities in points of order, the late Mr. FitzRoy, whose loss they must all deplore, and his reply was that it was essential that in Committee the debate should be strictly confined to the subject-matter of the Committee, and that every Resolution should be strictly within the limits of reference. In this state of uncertainty he was anxious to submit to the Speaker whether in Committee on the Customs Acts it was competent for an hon. Member to submit such a Resolution as that of the right hon. Member for Coventry.

Mr. SPEAKER: I reminded the House the other evening that the Chairman of the Committees of Ways and Means is the judge of questions of order which may arise in Committee. I cannot say that a reference to myself of this kind is strictly in order. I could hardly, perhaps, with propriety answer the question unless it was the wish of the House that I should do so, and then only in general terms. A Committee can only deal with the matter that is specially referred to it. In a Committee of Customs' Duties any Resolution moved must refer to Customs' duties. If there were any treaty existing which related to such matters, it would, in my opinion, be competent to a Member to argue upon the subject of that treaty. But it would not be competent to the Committee to report to the House upon any provisions relating to the treaty, unless that treaty had been referred to the Committee. Consequently, it would not be competent for any Member to move a Resolution which could not with propriety be reported to the House. The Treaty may be discussed, but a Resolution on the subject would be out of place.

SIR FITZROY KELLY said, that in the debate which took place a few evenings since some difference of opinion was expressed as to the extent to which legislative sanction was necessary to the validity of the Treaty with France; but there was no difference of opinion, and he imagined there could be no difference of opinion, as to the indispensable necessity of some Act or Acts of Parliament to give effect to it. They all knew that a Vote taken in Committee on the Customs was immediately operative; all persons engaged in commercial transactions acting on it just as if it had been sanctioned by all the branches of the Legislature. But a treaty with a foreign Power could not be legally sanctioned by a simple Vote in Committee of Customs. The House would probably be called on next Monday to agree to a proposition of the Chancellor of the Exchequer to reduce the duties on foreign wine to (say) 3*s.* a gallon. As soon as that Resolution should be carried the effect out of doors would be that the dealers would proceed as if the Resolution had already become law—as if the Vote had been an Act of Parliament. But this Vote would go farther; because it was announced that it was not to be merely a reduction of the duty for 1860-61, but that it was to be followed by an Act of Parliament, reducing the duties for ten years to come. But then the House knew well that, although an Act of Parliament might be passed to that effect in the present Session, it might be repealed, or varied, or altered by an Act of Parliament in another. But if the House agreed to a Resolution to reduce the duties with a view to the Treaty, and passed an Act to give effect to the reduction for ten years, the faith of Parliament would be pledged that the Act should not be altered during that period. He wished to avoid the danger of practically determining the question of the Treaty with France by a Resolution in Committee, especially as the Treaty would tie their hands for so long a period as ten years. He, therefore, wished to know what course the Government intended to take with regard to the Resolutions they would propose.

VISCOUNT PALMERSTON: The course which the Government propose to follow is that which I had the honour to explain upon a former occasion—namely, it is our intention to propose, in Committee on the Customs Acts, Resolutions bearing upon all the Articles of the Treaty which relate to changes in the Customs' laws; and as soon as the House shall have disposed of the Resolutions which, by referring to the Customs laws, have a direct bearing upon some of the engagements of the Treaty, it is our intention, without going further into the financial arrangements proposed, to submit to the consideration of the House an Address to the Crown, approving the Treaty in the aggregate. That will be communicated to the House of Lords, for the purpose of obtaining a joint Address from both Houses of the Legislature to the Crown on the subject of the Treaty.

INTENDED PRIZE FIGHT.

QUESTION.

MR. HADFIELD said, he rose to call attention to the Petition of the Inhabitants of Sudbrook Park, Petersham, and Ham, complaining of a meditated breach of the peace in England by a pugilistic contest between a British subject and an American citizen for the so-called Championship of England, and the consequences likely to arise therefrom; and to inquire of the Secretary of State for the Home Department whether his attention has been called to the notices of the contemplated proceedings in the public Newspapers, and whether he intends to take measures to put down the intended disturbance of the public peace. He felt confident that the Government would do all that was possible to prevent further proceedings in relation to the disgraceful contest which he saw by the newspapers had been arranged to take place between a British and an American subject. The petitioners deprecated the very vicious consequences that would arise from such an exhibition. It appeared that both the time and place of the contest were tolerably well known, and the petitioners, therefore, looked to the House of Commons to take proper measures for the purpose of preventing an exhibition so contrary to the moral and religious sense of the community at large. While the wreck of the *Birkenhead* and the defence of Lucknow were remembered, it needed no such brutal exhibitions to prove either the courage or the powers of endurance of our fellow-subjects. He, therefore, wished to know whether the public might rely upon the Home Secretary doing his best to prevent an exhibition so brutal and so demoralizing to the rising generation as this contest between the so-called Champion of England and the "Benicia Boy."

MARRIAGE WITH THE BROTHER OF A DECEASED HUSBAND.—QUESTION.

MR. COLLINS desired to draw the attention of the Home Secretary to a marriage which had recently taken place at the registrar's office, Shrewsbury, between a woman and the brother of her deceased husband. He was not going to waste the time of the House by reviving the controversy with respect to marriages with a deceased wife's sister, although he quite agreed with the noble Lord the Member for the City of London that if the one marriage were allowed, so ought the other. But the circumstances of the case to which he would refer were peculiar. It appeared that the man and the woman were both living at Bishop's Castle, about twenty miles from Shrewsbury; that they went before the clergyman of the parish, expressing a desire to be married, and were by him told that both by the law of God and the law of man such marriages were forbidden. They then went before the registrar of the district; but he declared the law of the land was against marriage with the brother of a deceased husband. Well, not put out by this discourtesy on the part of the clergyman and the registrar, and reckoning, perhaps, that if the marriage took place, one day or other some Member of Parliament would bring in a Bill to legalize it, one of the parties, the man, went to Shrewsbury, where he had never lived an hour nor spent a single night, and gave in his name and that of the person he intended to marry at the registrar's office, stating that there was no bar on the ground of consanguinity or affinity to their marriage, and likewise that they had resided so many days at Shrewsbury, and they were then married. Now, he believed the clergy were bound to ascertain whether the parties desirous of contracting marriage before them did or did not reside in the parish; but the registrar was not bound to make such inquiry.

What he, therefore, wished to know was, whether the attention of the Home Secretary has been called to the marriage of James Bailes and Anne Bailes, which took place on the 17th of December last, and if he is prepared to institute a prosecution for perjury against the parties under the second section of the 19 & 20 *Vict.*, *c.* 119; and, likewise, whether he intends to take any steps whereby clandestine marriages before the registrar may be more effectually checked.

SIR GEORGE LEWIS: The arguments of those hon. Gentlemen who complain of the miscellaneous character of the debate which takes place on Friday evenings on the Motion for adjournment, might derive some confirmation from what has taken place this evening, when a discussion, commencing on the conduct of Lord Elgin and Sir Michael Seymour in the East, goes on next to the mode of proceeding with regard to the French Treaty, next to the earnest and pathetic appeal of my hon. Friend with respect to an approaching pugilistic encounter, and winds up with a question, preceded by a rather diffuse narrative, from the hon. Member for Knaresborough with respect to the fraudulent marriage of a woman with the brother of her deceased husband. I have only to state shortly, in reference to the question of my hon. Friend the Member for Sheffield, that my attention was called some time ago to the proposed pugilistic encounter for the honours of the championship. The letter was referred to Sir Richard Mayne, who no doubt will take care to obtain information on the subject, and I daresay he will be able to prevent the occurrence of this encounter within the limits of the metropolitan police. Beyond that assurance, I am afraid I cannot venture to give any positive promise to my hon. Friend, because, as I am informed, no day or place has been fixed for this feat of arms; and, under those circumstances, the parties will probably take measures to defeat the vigilance of the police, and thus place it out of their power to prevent a sudden incursion into the country. With regard to the second Question—that of the hon. Member for Knaresborough—I can only say that application was made to me on the subject some time ago; I was asked to institute a prosecution for perjury; but, on a review of all the circumstances of the case, I came to the conclusion that there was nothing to justify my taking it out of the hands of the proper local authorities.

TREATY WITH FRANCE.—COALS.

QUESTION.

MR. HORSMAN: I have a Question to put to the noble Lord at the head of the Government, with respect to the Treaty of Commerce with France. [Sir GEORGE GREY: He has already spoken.] Well, then, I will give notice of my Question, in order that the noble Lord may be able to answer it on Monday. It is this—We have seen it stated in some of the sources of information, which, though not authoritative, usually supply pretty authentic information, that Her Majesty's Ministers have been in communication with the French Government with respect to a modification of the 11th Article of the Treaty—namely, that relating to coal. I myself brought that article under the notice of the House, and it is my intention to move an Amendment on the Motion for an Address—of course, not an Amendment for the purpose of setting aside the Treaty—but an Amendment praying Her Majesty to request the consent of the Emperor of the French to the omission of the 11th Article of the Treaty. But it would be satisfactory to know whether there is any truth in the report that Her Majesty's Ministers have been in communication with the French Government for the object so stated. I shall therefore put a question to the noble Lord on Monday.

House at rising to adjourn till *Monday* next.

REVENUE AND EXPENDITURE.—RESOLUTION.

THE COMMERCIAL TREATY WITH FRANCE.—THE BUDGET.

ADJOURNED DEBATE.—THIRD NIGHT.

Order read for resuming Adjourned Debate on Question [21st February],—

> "That this House, recognizing the necessity of providing for the increased expenditure of the coming financial year, is of opinion that it is not expedient to add to the existing deficiency by diminishing the ordinary revenue, and is not prepared to disappoint the just expectations of the Country by re-imposing the Income-tax at an unnecessarily high rate."

Question again proposed.

Debate *resumed.*

MR. NEWDEGATE said, that he had not moved the adjournment on the previous evening for the sake of merely making a speech, but in order to draw attention to a matter which was well worthy of consideration—namely, to the fact that the Treaty did not coincide with the instructions given by the noble Lord the Secretary for Foreign Affairs to Lord Cowley and Mr. Cobden. The noble Lord had thus written:—

> "Taking these as the respective points of departure on the two sides, Her Majesty's Government are prepared to admit, as appears also to be the opinion of the French Government, that the proper basis for the operation will be, on the side of France, a general transition, so far as British commodities are concerned, from prohibition or high duty to duties at a moderate rate; and, on the side of England, the total abolition of Customs' duties on French productions where fiscal considetions will permit it, and reduction to the lowest practicable point, together with the entire abandonment of any protective impost on behalf of a British and against a French commodity, where fiscal considerations will not allow total abolition."

On turning to the Treaty, and reading over the articles to which the contracting parties respectively bound themselves, he found that on the part of France the contract related only to articles imported from—only to the produce of—this country; but on the part of England it was proposed that Her Majesty and the Houses of Parliament should, under the obligation of a contract made with France only, admit the produce of all countries, of whatever origin those goods might be, free of duty, into the United Kingdom. Article 1, which expressed the obligation of France, stated thus—

> "His Majesty the Emperor of the French engages that on the following articles of British production and manufacture imported from the United Kingdom into France, the duties shall in no case exceed thirty per cent *ad valorem*, the two additional decimes included."

Then follows a list of commodities under forty-three heads, and a general provision to enable the French Government to add to the amount of the French Customs' duties an amount equal to the Inland or Excise taxation charged upon like articles of French production. Article 5 expressed the obligation contracted by Her Majesty with the Emperor of the French, and runs thus—

> "Article 5. Her Britannic Majesty engages to recommend to Parliament to enable her to abolish the duties of importation on the following articles."

Then follows a list under forty-two headings, including in the last item all articles charged with a duty of ten per cent, but not enumerated in the tariff, and a general provision against the introduction of articles duty free, into the composition of which articles chargeable with Customs' or Excise duties largely enter. Well may the hon. Member for Birmingham endeavour to excuse such provisions as these—which are the handiwork of his friend Mr. Cobden—on the plea of haste. Let the House consider the position in which these articles place this country with respect to other countries besides France. The hon. Member for Portsmouth, in his admirable speech the previous evening, had well observed,

> "In the first place, if such great blessings were to be derived from a commercial treaty with France, he felt inclined to ask, 'Why don't you enter into commercial treaties with other countries?' If they were to make friends with France at the expense of a million of their revenue—for it came to that—why couldn't they spend a small sum in making other friends on the Continent, where they had not too many? Let the Government, then, take a lesson from their own book, and apply their principles of friendship to the negotiation of commercial treaties with other States besides France."

This was a Treaty between the Governments of England and of France, but in what position would it place this country with all the rest of the world? The Emperor of France was treated in it as the representative of all mankind. He would have the opportunity of going to the Rhenish provinces, the Zollverein, to Switzerland, to Savoy, and to Spain, and saying, "Do not trouble yourselves to enter into commercial treaties with England. I have managed England. I have obtained conditions in this Treaty under which you will all be able to bring your produce into her ports on better terms even than my immediate subjects, for it will not be necessary for you to render yourselves liable to the engagements which I have contracted, not to charge above 30 per cent." This country, he maintained, ought not to be placed in such a false position, in such a humiliating relation as respects the Emperor of the French. This was a strong illustration of the imprudent spirit and of the haste with which the Treaty had been negotiated, that Her Majesty was placed at a grievous disadvantage as regarded other Powers. In this respect, moreover, as he had shown, the instrument was directly at variance with the directions given by the Secretary for Foreign Affairs. The safety of this country consisted in its prestige, and some measures ought to be taken for removing the anomalies which this document introduced regarding the interests of England. The hon. Member for Birmingham had undertaken to lecture him (Mr. Newdegate), speaking in the unwonted guise of a Protectionist, in which he said, and truly, that he lost his usual fluency. In the course of a lengthened dissertation he had told the House that France had engaged to concede five times as much as we were doing. It was perfectly true that France was making a great and a wise reduction of duties, and was wisely abandoning prohibition in many cases. She was acting on the principle of the late Sir Robert Peel in reducing Customs' charges, and in removing import duties from raw materials for her manufactures and articles of primary necessity. France was creating, not abandoning revenue; we, on the contrary, were abandoning revenue, abolishing the means by which we had maintained the establishments of the country, and increasing our deficiency—and for what purpose? To admit to this country no articles of prime necessity—not raw materials for manufactures, not articles on which the cost of collection was too great to make it worth while to maintain the impost—but duties on articles of luxury—which were to be relinquished with scarcely a pretence of an equivalent in return. If they glanced at the catalogue of the articles on which the duty was to be remitted by England under Article 5, they would find that the production or manufacture of them gave employment to 800,000 of the people of this country. And of those no less than 450,000 were women. It was indeed a woman's question. It did seem to him a bigoted and insane adherence to a system thus to diminish the means of employing so many women, when they knew the difficulty of obtaining employment for the females of this country. This blind adherence to a system that would have such results reminded him of the words—

"Man to man so oft unjust,
Is always so to woman."

They might not protect the labour of men, but by the laws of nature they were bound to protect the women of the land. He must say it did appear to him that a jealous, a bigoted, an insane hatred of protection—knowing as they did that the difficulty in obtaining employment for the females of this country which was leading them to a sacrifice of revenue rather than give protection to the labour of women. He could not conceal his opinion on this subject. The hon. Member for Birmingham had addressed him as a Protectionist. His

(Mr Newdegate's) opinions were modified, but he did not differ with the great body of mankind. Look round the world—in their own colonies, with their progressive legislation—and then say whether the rigid adherence to this system of free imports—for they had degraded their political economy from being a science to a mere system—was not contrary to the common sense of mankind throughout the world? When they propose to carry out that system against the labour of the women of this country, it did grate upon his feelings—and he appealed to the Gentlemen of that House, and especially to the Secretary at War—for no man had done more to promote female employment—he appealed to them upon this subject as gentlemen and as men. He had said that his opinions were modified. He approved of Customs' duties as a means of revenue, and he never would condemn Customs' duties because they might, as a means of revenue, happen to encourage the industry of the country. He attributed an object as yet overlooked to Mr. Cobden's negotiation. They were about to have a Reform Bill. It was his (Mr. Newdegate's) conviction that the Reform Bill would include in the representation of that House a more popular element, and that a House of Commons thus constituted would not be actuated by the stern adherence to this system of free imports under which that House was at present acting. He was convinced that Mr. Cobden and the Member for Birmingham anticipated this, and were determined by this contract with France to chain down a future Parliament to their system. This was not now a party question; if he were asked to vote for a corn law, or to propose a corn law, his answer would be "never." Never, until, and may God forbid that this should ever happen! the people had felt the misery of a dependence upon foreigners for food. And why would he never until then sanction a corn law? Because he had seen the use that had been made of it to destroy the institutions of the country. And that brought him to the question of the duties they were about to retain. What were they? Duties on articles of almost prime necessity to the people. Heavy duty on coffee; upon tea a duty of 100 per cent; a heavy duty on sugar, and a heavy excise on malt. He would ask the Chancellor of the Exchequer whether in the speech of the hon. Member for Birmingham he did not see a foreshadowing of an agitation for breaking down these duties upon food? The hon. Member for Birmingham was always explicit. He told them plainly what his intentions were. He objected to the expense of our defensive armaments, and therefore he contemplated a deficiency, not of ten millions nor of twelve. His object was to abolish customs and excise. The hon. Member had elsewhere proposed a scheme of his own, and that included the abolition of the duty on coffee, sugar and tea. Of what use was it for the Secretary for Ireland to quote Adam Smith. Why, Adam Smith recommended that we should maintain the navigation laws. Where were they? A difficulty was felt now about manning the navy. Many were not quite clear that we had done wisely in repealing the navigation laws. Adam Smith was of opinion that it was a foolish act. But what was the use of quoting science to a man who dealt in exciting public agitation—who spoke in that House with some moderation and respect, but out of it spared no language to condemn its Members? Who called them a collection of tax-eaters, and said that the Members of that House lived upon the sweat and toil of the people whom they oppressed. And yet that very man was he who was all the while proclaiming the triumph of free trade, and saying, "look at your prosperity." Really to hear these men speak of the success of their system, one would think that it was they and their system which made the sun to shine upon the just and upon the unjust, and sent the dew by which the earth brought forth her increase. Had not other countries prospered under commercial systems very different from this? Was not America successful, and did not her commerce extend? Look at France; the commercial relations of the two countries were all in favour of France, as shown by their own accounts, and by the report of the French Minister to the Emperor. See how the matter stood. The value of the imports of the five years ending with 1858 from France were £55,218,000, and the exports to France £26,700,000; so that, of course, the commercial relations between the two countries were not satisfactory to hon. Gentlemen on the Government side of the House. And why so? Why, because France was drawing our bullion. That was the case of Gentlemen opposite. If they attributed all prosperity to free trade, how could they account for the prosperity of France? Why, France ought to be crippled, according to such teachers, by her commercial system; but she is not. He was free to admit that the French system was in some respects objectionable, and that it was unwise to maintain prhibitions and to tax the raw materials of manufacture. But, spite of that, the revenue of France was elastic, and Gentlemen opposite complained that there must be some change, because France was robbing us of our gold. Take the case of the United States. The hon. Member for Birmingham had pointed to the increase in the trade of the United States. That according to the hon. Member could be accounted for by her protective system of imports. Would the hon. Member have the kindness to consider the element of Californian gold in connection with the trade of America? It was to that powerful element that the prosperity of our trade with America was mainly attributable, and yet that element had been overlooked in this discussion, save by the hon. Member for Leeds. He only had had the honesty to advert to that great circumstance. The Chancellor of the Exchequer, gifted as he was with an eloquence that enabled him to cast a nebulous and prismatic halo around the worst parts of his case, had made historic references to prove what he called the success of free trade, and he began with 1842. Why he (Mr. Newdegate) had had the pleasure of supporting Sir Robert Peel in all his measures up to 1846, and he asked the Chancellor of the Exchequer to remember the effect that was produced on the revenue between 1842 and 1846. Why, at the end of 1844, Sir Robert Peel, instead of a deficit, found himself in possession of a surplus of more than three millions. No parallel elasticity of revenue since that period could be quoted. No period of greater commercial prosperity could be quoted than from 1842 to 1846, and yet England was not then under the system of free imports. The Chancellor of the Exchequer had not referred to that fact at all. Look at the difference between that period and that which extended from 1850 to 1853. In 1850 the country felt the first pinch of free trade under a restricted currency. In 1848 the discovery of gold in California was made, and in 1851 began the working of gold in Australia. In 1853 the product of gold from California amounted to £10,703,000, while the product from Australia had grown up to £9,990,000 in the year, and from that period regularly from year to year there had been added £20,000,000 to the circulation of the world, and half of that amount had come from a colony of England—had come to this country in relief of the pressure from a contracted currency. The year 1853 was marked by something more substantial than the fact that the right hon. Member spoke for five hours in making his financial statement. He remembered conversations he had with the late Sir Robert Peel on this subject and that subsequently he put a question to him—the first he had ever put in that House—in 1844, that statesman fully admitted the importance of this element. Was it, then, worthy of the Chancellor of the Exchequer, who called himself a pupil of the late Sir Robert Peel, but was enforcing a policy totally different from that of his master, to omit all notice of that subject, and to attribute all the material progress of this country solely to the system of free trade? The hon. Member for Birmingham spoke of himself, and Mr. Cobden, and the Emperor of the French in the sense *nos et rex noster*. He said, of the Treaty "this is my accomplishment." He warned the Government not to depart from his system, or they should be swept from the Government benches. The hon. Member did not stop there; he had publicly proposed entirely to overturn the system of indirect taxation, and place the finances of the country directly upon property. The hon. Gentleman was going to re-establish the feudal system against the proprietors of real property, but without its privileges. He proposed a sort of pole-tax, which it would be impossible to enforce, and property tax. Was that a system that House was likely to sanction? Was that likely to commend itself to the deliberate wisdom of Parliament? Was it likely to commend itself to the holders of property throughout the country? The hon. Member for Birmingham's scheme was before the country, and he (Mr. Newdegate) fully believed, that the result of the hon. Member's system would be to impose taxation upon real property and the Funds up to about one-quarter of their value. Experience of the income tax warned them how easily personal property and property invested in trade evaded such an impost. Was the hon. Member's project that which the House was about to sanction; was it prudent of them to accept the position of either being compelled to restrict their defensive establishments, or to accept as the alternative the ultimate imposition of a confiscatory tax of 20 per cent on property? Was it wise in them to sanction this Treaty, so hastily concluded that it failed to place the two contracting Powers on an equal footing before the world? He should have great pleasure in voting for this Motion of the hon. Member for Essex, and he thanked him for having afforded him the opportunity of warning the House that they were launched upon a course the probable results of which were such as all must deprecate, for in adopting that system they were fearfully crippling their sinews of war, undermining the means of their defences, and doing much to imperil the national greatness and safety of the country.

MR. BRIGHT said, he wished to say a word in explanation of a point which the hon. Gentleman had referred to with regard to himself. He understood the hon. Gentleman to say that he (Mr. Bright) wished to place so much of taxation as he had described on what he called real property; that was, generally speaking, the land and buildings of the country. That never was his intention. He never made any such proposition; he never proposed any taxation of that description that he did not propose to lay on all other property, whether in connection with land or trade.

MR. NEWDEGATE said, he would not willingly misrepresent the hon. Gentleman, but he had judged from the hon. Member's own statement of his own scheme and from his own figures.

MR. BERNAL OSBORNE: The hon. Gentleman the Member for North Warwickshire (Mr. Newdegate) has solemnly assured the House that he has modified his opinions, but I am sure, after the speech which we have just heard, hon. Members will have some difficulty in discovering, if they do not absolutely fail to perceive in what that modification consists. I, at all events, can call to mind the fact that the self-same objections have been urged to-night against the Budget of the Chancellor of the Exchequer by the hon. Gentleman which he advanced against free trade in 1847. The hon. Gentleman even then came forward with the cry of "Protection to English women." He then warned the House of what they were about to do, and said, in the same solemn tones, "Remember the women of England." [MR. NEWDEGATE: Hear!] The hon. Gentleman has not forgotten the women of England; he has not modified his opinions with regard to the women of England. He also spoke of the import of gold in this country from California. But, Sir, whatever the opinions of the hon. Gentleman may be, we have no right to be surprised at them; he has always been consistent, true, and outspoken; and, although I differ from him, I have always honoured his consistent, straightforward, and highminded vindication of his own opinions. But I think we are called upon to express some surprise when we hear the sentiments which proceed from those right hon. Gentlemen who have been, not converts, but the first apostles of the free-trade policy. I must say I was surprised and disappointed indeed at the speech of the right hon. Member for Portsmouth. It appeared to me that he certainly has, to use the hon. Gentleman's expression, somewhat modified his opinions. What was his criticism upon this Commercial Treaty? I must say, with regard to this Commercial Treaty, that the more it is criticized the less objection can be made by Free-traders to any of its principles. I can understand an hon. Member when he says he considers the old system of making commercial treaties is obsolete: those treaties are in their nature restrictive; but are there any restrictions in this Treaty? Though this Treaty be made nominally with France, is not the country left at liberty to deal on the same terms with every other country? There are no restrictions whatever in the Treaty, though to hear some hon. Gentlemen speak of it one would suppose all our silks were to come from Lyons and all our wines from Burgundy or Bordeaux. The whole world is open to us. Sir, we sometimes find that a right hon. Gentleman who has formerly filled the office of Chancellor of the Exchequer is led to speak of the Budgets of others in an invidious spirit, and the right hon. Gentleman the Member for Portsmouth (Sir F. Baring) said, at any rate, whatever the merits of the Treaty, he found that France had the best of the bargain. I deny that there is any bargaining in this case at all. If Mr. Cobden were open to the charge of making any bargaining in this Treaty, I should say it ought to be condemned on every account. We make no bargain with France. But are hon. Gentlemen so fanatical in their adherence to free trade that they will refuse to assist France to take off prohibitory duties from a pedantic affectation of love for the doctrines of free trade? Now, what says Adam Smith, who was sneered at by the hon. Gentleman—[Mr. NEWDEGATE: No, no!]—well, patronized by the hon. Gentleman; what does Adam Smith say of commercial treaties, and especially commercial treaties with France? I am sorry not to see the right hon. Member for Portsmouth in his place. When he talked of a best bargaining system of free trade he must have had a most imperfect understanding of the doctrines of free trade. What says Adam Smith?—

> "The disinclination of foreign Governments to enter into commercial treaties on a footing of reciprocity has been urged as a reason why we should not admit their commodities into our markets. It is true that the French Government have by an unwise regulation prohibited the introduction of English cottons and hardware into France, thus forcing their own subjects to purchase inferior articles at a higher price. This is a line of conduct that ought to be carefully avoided, not followed. Because the French Government makes her subjects pay an artificially-enhanced price for cottons and hardware, there is no reason why the English Government should injure its subjects by making them pay an enhanced price for their wines, brandies, and silks. To act thus is not to retaliate on the French, but ourselves. It is erecting the blind and brutal impulses of revenge into maxims of State policy."

So much for the best bargain system. I maintain that this Commercial Treaty has been made in conformity with the doctrines of free trade, and that no bargaining has taken place on this question at all. I am very thankful that the prohibitory system in France has been one step removed, and we may hope to see it ultimately altogether removed by the exertions Mr. Cobden has made in this matter. I am very sorry to hear the hon. Member for North Warwickshire, of all people in the world, endeavouring the other night to get up an anti-Gallican feeling on this subject, by talking of this Treaty as a submission to France. The right hon. Gentleman the Member for Stroud (Mr. Horsman) has talked somewhat in the same strain. That right hon. Gentleman has come out this Session as a Whig of the year 1787, and talks of our submission to France. Why, Sir, turning to the old debates of that year, I find that a Whig, very much of the same kidney, if I may use that expression, as the right hon. Gentleman the Member for Stroud, made almost the same speech. I refer to the suspected author of *Junius*, Sir Philip Francis,—a remarkably good-natured man: he prophesied that nothing but evil would result if Mr. Pitt carried his treaty—that it was a badge of submission to France; and he declared emphatically that if it were adopted "the English people would be civilized out of their virtues and polished out of their character." Instead of provoking an anti-Gallican spirit, I would say that this Treaty is twice blessed; it blesses him who gives and him who takes; and I feel satisfied if its provisions are carried out, the good understanding that will spring up between the people of this country and the people of France, will eventually enable you to cut down the monstrous expenditure, especially in our army and navy, which I do not think a great credit to the House or the country. I think the answer to all this rhodomontade of submission to France was well and forcibly put by the hon. Member for Birmingham (Mr. Bright), when he spoke of the effects of our commerce with America. What did he tell you were the returns for the export to America of our home products? Not less than £22,000,000. If that be so with the Atlantic rolling between the two countries, what may we not expect of our trade with our next-door neighbour, our natural ally, nearer to us than Ireland, with, I may say, but a herring pond between us? Instead of £5,000,000, as at present, there is no reason why our trade with France should not produce as much as our trade with America. Mr. Pitt and Adam Smith were both of that opinion. And yet Her Majesty's Government have been blamed for endeavouring to remove the existing anomaly. Exception has been taken to the 11th Article of the Treaty, relating to the export of coal, and all the dowager sympathies of the country have been evoked by the fear that the supply of coal may only last 300 years. I will not go into that question. I think the right hon. Gentleman the Member for Stroud (Mr. Horsman) is geologically wrong; he was thinking of Newcastle coal alone, and lost sight of that in South Wales. There seems to be a monomania on this subject: the late Mr. Warburton, who was a Member of this House, was so strongly impressed with the opinion that our fields of coal would only last a certain time, that he denied himself the comfort of a fire. I hope the right hon. Gentleman will not adopt such extreme views. It has been said that the French Government wish to lay up enormous stores of steam coal for their fleet. Is the House aware that it would be almost impossible to lay up stores of steam coal in any very great quantity? There would be not only much waste, but the danger of spontaneous combustion would be very great. Is not this, after all, a mere bugbear? Any one who reads the letter of M. Chevalier must be perfectly satisfied of this. Without this Treaty, the Emperor of the French could buy as much coal as he wished. But does the right hon. Gentleman want to have a prohibitory duty put upon all coal? I do not say whether an export duty would in the abstract be a good or a bad thing. That is a question more for Committee than for a debate on the broad features of the Budget. But what would be the effect of striking this Article out of the Treaty? The case is most ably put by a coalowner, who says,—"By keeping up high discriminating duties against English coal the Emperor of the French might force the rate of production in the Belgian and Prussian coal-mines—many of them worked with English capital,—and this in the event of war would make him quite independent of England. But this Treaty will place not only the French Navy, but the steam mercantile marine of France in such a position of dependence on England, that in the case of an interruption of supply, they would experience great embarrassment and distress, as collieries cannot possibly be opened in less than from three to five years. Is not that a sufficient answer to all objections? In 1860 coal is about to play the same part as corn did in the free-trade struggle of 1846. We were told that the time would come when we must be dependent on foreigners for our food. Nobody in the country believes that now. As little, by and by, will any considerable portion of the community believe that this argument about coal is more than a complete bugbear, conjured up to defeat this Budget. I was surprised to hear what fell from the right hon. Member for Portsmouth (Sir F. Baring) last night as to the wine duties. The right hon. Gentleman scoffed altogether at the idea of reducing those duties, and said, "Look at your petitions; nobody cares about wine—all the petitions presented are against anybody being allowed to sell wine." He ought to have recollected that this is a licensed victualler's cry, and that when you interfere with a large interest like theirs, of course they do not want wine or any other beverage. They wish to stick to their own "black strap" and adulterated beer. The right hon. Gentleman also said the reduction of the wine duties had never led to any sensible increase in the revenue; and he particularly instanced Lord Althorp's reduction in 1831. How far is he borne out by the facts? I took the opportunity to look for them this morning. I find that in 1831 Lord Althorp lowered the duty on French wine from 7*s.* 3*d.* to 5*s.* 6*d.* a gallon; and mind, he asked for no concessions from France; he sinned against the best bargain system of the right hon. Gentleman. What, however, was the result of the change? The revenue from wine in 1831, before the duties were reduced, was £77,184. In a cycle of ten years, under the operation of the new scale, the revenue rose to £110,054. That was their amount in 1842. Here, then, is proof positive that a remission of the wine duties imparts elasticity to your revenue. But I maintain that these duties—to use the words of the present Chancellor of the Exchequer—are the scandal of our tariff. They keep our products out of nine tenths of the markets of Europe. They ought to be reduced to the lowest possible amount not only on financial but on sanitary and moral considerations. Hon. Gentlemen opposite say wine is a luxury which may be dispensed with. Why is it a luxury? Because you have made it so by your excessive taxation. The duty on the low class of wines that the poor man would drink is 250 per cent. It is only 25 per cent on the higher class of wines. Yet, when yot have yourselves made it impossible for the man to get this beverage, you turn round and say it is a luxury. How well your argument is answered by the Report of Lord Chelsea! And I must say that Report does the noble Lord great honour, and fully justifies the late Chancellor of the Exchequer in sending him to the position which he did; for I think the Report of Lord Chelsea proves that he is a man equal to any situation. [An hon. MEMBER: Your friends removed him.] I think Lord Chelsea was very ill-treated, and if a Motion had been brought forward in his favour I would have supported it. That noble Lord's elaborate Report shows that it is not so many ages ago that wheaten bread was a luxury; that down to the 17th century meat was a luxury. It also instances tea and sugar, and gives most convincing proof that it is only your enormous duties that have made wine, which is in reality a necessary, a luxury in this country. The hon. mover of the Amendment, in his able speech, said, "Oh, these light wines will never suit the English palate!" and after declaring that they would rather be a curse than a boon, he added that our brewers need be under no apprehension that their articles would be supplanted by them Now, the House may not be aware that in the year 1689 so great was the taste for French wines in this country that an Act of Parliament was passed for prohibiting all commercial intercourse with France for three years. In that Act it is declared that the demand for French wines had become so great that it injured our public revenue. Of course, if you lay on duties to that extent you may entirely change the taste of the people. A curious article in *McCulloch's Dictionary* clearly shows the effect of the Methuen Treaty in 1703 in driving trade into new channels and wholly altering the taste of the country. If you reduce the duties, as is now proposed, you will have an enormous commerce in French wines. Nobody who reads the Report of the Committee who inquired in 1852 into the operation of the import duties can rise from its perusal without feeling satisfied of the incalculable benefit to be derived from the reduction of the wine duties. One very celebrated witness gave valuable evidence as to its effect in increasing our shipping trade. Mr. Cyrus Redding says:—

> "The present duties on wine are not to be judged solely by their extravagant amount; they lock up and keep idle a large amount of capital and labour which would benefit the public and the revenue if they were in full activity. If the consumption of wines were increased to 30,000,000 gallons, as there is every reason to believe it would be, there would be required no less than 600 vessels of 250 tons each to bring the wine home, instead of 120. These ships must take out freights, so that the advantage to the shipping interests would be considerable."

We are now all deploring the prevalence of an excessive love of spirits and strong drinks. Here is the evidence of one of the largest licensed victuallers in London, Mr. Baker:—

> "He sells (he says) over the counter in glasses a pipe and a half of port per week, and finds there is a growing taste for wine, which would increase if the duties were lowered."

His customers, he said, were among the artizan class. I have also in my hand the evidence of two other licensed victuallers, Mr. Pod and Mr. Short, whose customers belong to the same class.

> "Mr. Pod draws 160 pipes a year; of this he sells two pipes and a-half per week in draught—port, sherry, and bucellas from butt, champagne and claret from bottle. He charges 4*d*. per glass port, 7*d*. champagne, 6*d*. claret; the duty too high on French wines; if the duty were lower the people would prefer them to port. Artisans of all sorts take their glass of wine; Irish labourers frequently carry home a bottle of port to their families."

This witness says the taste for port is increasing, but by your excessive duties you encourage adulteration. It is calculated, I believe, that not less a sum than £400,000 a year is lost to your revenue by this adulteration. And what does the House think is the composition of the port wine that these Irish labourers take home to their families? Here is the testimony given by Mr. Bastick before a Committee of this House as to the effect of your high duties in poisoning the people. Let me read a curious recipe, quoted by Mr. Bastick, for making port wine:—

> "Take cider, forty-five gallons; brandy, six; port, eight; ripe sloes, two; stew the latter in two gallons of water, press off the liquor. If colour be not strong enough, add tincture of red sanders. When bottled, put in each bottle a teaspoonful of catechu—it will produce a fine crusty appearance. Soak ends of the corks in a strong decoction of Brazil wood with alum, which will give it a fine appearance of age."

That is the mixture called "publican's port," which the Irish labourer takes home in a bottle, and nobody but an Irish labourer, I should think, could manage to swallow such a vile decoction. I believe you are poisoning the people by your high rates of duty. Then, again, something may be said about the use of wine among the sick poor, and that is an important consideration. Evidence upon that point was taken before the Wine Committee, and a surgeon who was examined was asked—

> "What would be the effect of a reduction of the wine duties? I have no doubt that if wine was cheaper I should prescribe it more frequently than I do, in lieu of porter and spirits, as its healing effects are more marked among poor patients than among the rich."

We have plenty of medical evidence upon this point to show the benefit which would arise if the wine duties were reduced to an extent that could bring wine within the reach of the sick poor. I have gone rather fully into this point, because I feel strongly upon it. Instead of being an immaterial point, as the right hon. Gentleman the Member for Portsmouth would have us believe, this proposed reduction of duties is a most beneficent plan, and will tend to improve the tastes and morals of the poor. I was astonished to hear the speech of the hon. Member for King's County (Mr. Hennessy), who said he would take an Irish view of the Budget, and a singularly Irish view, indeed, he did take. He said it was the worst Budget for Ireland that he had ever known. I do not understand that, because it seems to me that what is commercially good for England must be commercially good for Ireland. The hon. Member adduced two instances of injury to his countrymen—the alliterative articles of butter and boot fronts. I do not apprehend that the Irish farmers, with their skill in the production of butter, are afraid of the competition of the French farmer. But did the hon. Gentleman forget that Ireland was a great wool-producing country, and that it would be a great advantage to the Irish wool-grower to have the French market thrown open to him? There is also the lucrative frieze manufacture, which is now reviving. Do not talk to me about butter and boot fronts. I do not say that this is a singularly good Budget for Ireland, but I do believe it will promote the comforts of the lower classes in Ireland more than some Gentlemen expect. The next point is the paper duty, but I shall not go much into that. I think the right hon. Member for Bucks (Mr. Disraeli) has made a mistake in opposing this Budget in the first instance. I think he should have accepted the principle, and have opposed the details in Committee. I have no doubt that I could have gone with him in opposing many of those details. I am not prepared to say that taking off the paper duty at this time is exactly prudent. I know my hon. Friend below me (Mr. Bright) thinks otherwise; but I doubt whether this be the right time for removing that tax. However, I like the Budget well enough to swallow the remission of the paper duty. Now, as to the income tax, I am like many other Gentlemen, who like the Budget but do not like to pay for it. I think it was a little unfair in the right hon. Baronet the Member for Portsmouth to twit the Chancellor of the Exchequer for what he said in 1853. In that year the Chancellor of the Exchequer made no promise; he only declared his anticipations. Even if he had made any promise, surely the right hon. Member for Portsmouth, having filled the office himself, is too wise to believe the promise of a Chancellor of the Exchequer in relation to future taxes. Did the right hon. Gentleman himself never make a promise which was not kept? The hon. Member for Buckingham (Mr. Hubbard) has told the House that we are to pay 2*d.* in the pound to enable Mr. Cobden to give his Imperial pupil a lesson in free trade. That is cleverly put, but it is not the fact. We are to pay an extra 2*d.* in the pound, because since 1858 you have added £8,000,000 to your expenditure for the army and navy. It is not the sacrifice of £650,000 of Customs' and Excise duties that makes a double income tax necessary, it is your expenditure for your army and navy. And I do not agree with the hon. Member for Birmingham that that expenditure is needless and blameable. You have been reorganizing your army and your navy. The country cannot stand still while great improvements in military science are in progress everywhere else. Even the hon. Member for Birmingham himself would not wish us to be without Armstrong guns, or that we should keep to the old paddle steamers when that method of propulsion had been superseded by the screw. It was necessary to reorganize our army and our navy which causes the enormous expenditure; but I do not look forward to paying thirty millions for that purpose every year. I believe that when we have placed the army and navy upon a proper footing, we shall be able to cut down, not the rank and file, but the expenditure, and I feel sure that if you carry out the principles of this Commercial Treaty, the intercourse between the two countries will be such as to render it unnecessary to maintain such large forces. I consider we are paying upon a capital policy of assurance by accepting this Treaty. It is like gilding refined gold to say anything upon the speech of the Chancellor of the Exchequer; but there is one thing which I regret, and that is, that the right hon. Gentleman postponed to another year all consideration of the incidence of the income tax. I am of opinion that if the income tax is to last for ever, it is a perfectly just tax, because in time all interests adjust themselves to it; but if it is to be shifted from time to time, high one year and low the next, then I say this income tax inflicts great injury and injustice. I do wish the Chancellor of the Exchequer could have settled the question now. He has only the Reform Bill and the Budget on his hands, and the consideration of this subject would have been a trifle to him. But I warn him that it will not do to go on postponing this question from year to year. Tenpence in the pound is a very large sum to pay. The Budget is an excellent one, and, I think, worth the money; but still 10*d*. is a large sum. We ought to know whether the income tax is to be a permanent source of revenue; we must not be always playing fast and loose, putting on the tax for two years, then for three, and then postponing all consideration of its inequalities. I like the Budget well enough to take it as it is. Some hon. Gentlemen opposite do not like the Budget, because they say it is a Manchester Budget. It is 73 years ago since Mr. Pitt's Budget was objected to because it was a French Budget. I certainly was astonished to hear the great Conservative party making such an objection. If there be anything which the Conservative party ought to have inherited it is free-trade principles from Mr. Pitt. Hon. Gentlemen on this side were not always Free-traders, and even in my time there was not one Member now upon that (the Ministerial bench) who was a Free-trader. I am surprised that the great Conservative party are not delighted to seize the great inheritance of Mr. Pitt. I cannot understand how they allowed that inheritance to be taken from them by the Manchester school; and when they oppose it because it is a Manchester Budget, I support it for that very reason, because it is derived from the greatest man in finance the world ever saw—Mr. Pitt. Therefore I call upon all real Conservatives to go with the Government into Committee, and to give their most ardent support to the principles of the Budget.

Mr. T. BARING: For myself I have been too long engaged in trade not to know that trade needs interchange, that interchange produces reciprocity, and that free trade is never adopted without interchange and reciprocity. We have yet to get free trade. The hon. Gentleman (Mr. B. Osborne) says this is no bargain; but if this is not a bargain I should like to hear his definition of a bargain. To my mind a bargain is a contract which imposes conditions on both parties: and I believe the Treaty does that. I am not now considering whether the Treaty is a good one, but I think it is evident that it is a bargain; and, moreover, if it were not a bargain, why did the Government have recourse to a treaty? I do not disapprove reciprocity or commercial treaties.

I am anxious to obtain free intercourse between countries. It is better if those countries will give free intercourse spontaneously; but if it is not to be obtained in that shape, I have no objection to obtain it by a treaty; but a treaty well timed, well conducted, and carefully digested; and to which the full sanction of both parties is obtained. I was one of those who felt the greatest pleasure on hearing that a Commercial Treaty with France had been concluded. I hoped, in common with all, that such a measure would remove the asperity between the two nations, which unfortunately has been growing up for many months. I trusted it would tranquillize the restlessness of France, and appease the suspicions on the side of England. I looked at it with great hopes that it would have that effect; but to have that effect it must be, to use the eloquent expression of the Chancellor of the Exchequer, a treaty between two nations, not between two Governments; a treaty which inspires both nations with the feeling that it affords fair and mutual advantages, and is likewise one which, when freely discussed, can be altered without giving umbrage, or creating bad feelings. If it were otherwise, and we were to be precluded from canvassing its merits, or making any alterations, Her Majesty's Government ought never to have entered into the negotiation. I therefore heard with some alarm the statement of the hon. Member for Birmingham, that if the Treaty should be altered or refused, it would create an estrangement with France. I trust that in this House, at least, we are still to be allowed to have liberty of discussion. But the feeling of alarm has not been a little strengthened by the publication, in the English newspapers, of a letter from M. Chevalier, who must know that there is the same jealousy of foreign interference in England as in France, and therefore, I presume, will regret that his letter should have been published by injudicious friends. In this letter M. Chevalier proceeds to show that coal is not wanted at all in France; and all I shall say about coal is, that if it is not wanted in France, why was a clause in relation to coal introduced? And if it is wanted in France, why did not our Government ask for a clause preventing a prohibitive duty being placed by the French Government on the exportation of wheat, as is always done whenever there is a prospect of wheat being needed in England and in

France? But then M. Chevalier goes on to say:—

> "Thus the pretext invented by the English Protectionists is absurd; it is directly contradicted by the facts; they are, in reality, pursuing but one end—that of sowing distrust and irritation between two great nations. This course of the Tories is, in fact, provoking, on the part of England, an unfriendly act towards us. The rejection of the Article of the Treaty would be an unfriendly act, and it would be taken for such in France. The cry would be raised of 'Perfidious Albion!' Our great manufacturers would exclaim that they have been duped about the reduction in the export duties on English coal. The moral and political effect expected from the Treaty—the drawing closer together of two great nations, would not be attained. And this would be the case, even were the Article to be struck out from the Treaty, with the consent of the French Government."

I regret that those sentiments should have been expressed. To my mind, it shows, unfortunately, an attempt to prevent free discussion. I need not remind the House that when, two years ago, interference on the part of France with our laws was suspected, the Chancellor of the Exchequer, in eloquent terms, which conduced very much to the result of that debate, claimed the right to discuss English laws upon English grounds, and upon English considerations; and, surely, he would be the first to say he claimed the right to discuss Commercial Treaties upon English grounds, upon English considerations, and for English interests. We are bound, then, to consider what are the advantages of the Treaty to England. If it tends to bind stronger the ties of amity between this country and France, there is nothing I would more willingly support. If, in the first place, the French nation coincide, and, in the next place, the English nation are fairly treated by Her Majesty's Government, it deserves support. But I say that, to make a good treaty, the negotiations ought to be well-timed—that the two contracting parties ought to be able to carry the results into immediate effect. We are called upon, however, immediately to make changes. We find that the other party postpone changes for twelve or eighteen months. I submit, then, whether it would not have been better to wait until the negotiations in that respect could have been carried on upon perfectly fair terms. Again, I do not think that the correspondence is fully satisfactory, or that it shows completely that the interests of this country have been well guarded. We find no correspondence, no written line of instructions given to the negotiators until the 17th of January, and on the 23rd, six days afterwards, the Treaty is concluded. I must say that I should have supposed, in a treaty of commerce which regarded the interests of this great country, that the Board of Trade would be consulted; yet there are no documents to show that the opinion of the Board of Trade was asked, and the want of that consultation is rather obvious in the result of this Treaty. We find no provision that silks which pay a low duty of 15 per cent shall not be increased to 30 per cent, and we find likewise no notice of the question which excites great interest, the differential duties on shipping. I am told that it is a satisfactory answer that this is a treaty of peace and amity, and not of navigation. Why it is not a treaty of navigation? The Foreign Office could not ignore the question entirely, and the President of the Board of Trade must have been fully aware of the grievance of which the shipowners of this country complain. I cannot but think it ought to have been mentioned, if only in a whisper, if only as a suggestion which the negotiators might withdraw if necessary. But we do not know that it was ever put forward. The House will acquit me of any feelings save those of the greatest respect for Mr. Cobden, and admiration for his talents and consistency. I have admired his career, though politically opposed to him. But unless there is an identity of principles between the Government and their negotiator, and an impossibility of any difference of opinion between them, the negotiator ought to be bound by positive instructions. I ask the House to remember what is the principle of Mr. Cobden with regard to free trade with other countries. It is this—that it is to the advantage of England to abolish all indirect taxation. I do not know when it was that the noble Lord the Foreign Secretary said Mr. Cobden called upon him about this Treaty, but I remember that on the 1st of December there was a meeting of the Financial Reform Association at Liverpool, where the hon. Member for Birmingham proposed a budget of his own, to which Mr. Cobden was invited, but did not come. In the letter which he wrote on that occasion he uses these words:—

> "There never was a moment when I felt greater interest than at present in the realization of your society's programme for the substitution of direct for indirect taxation."

Did the noble Lord feel the same desire when he asked Mr. Cobden to undertake the duty of negotiating this Treaty, or did the Government at large feel that desire to substitute direct for indirect taxation? If they did, they ought to tell us so now in bringing in this Budget, which, I fear, will make us drift more and more towards direct taxation; if they did not, they ought to have told Mr. Cobden so. Do I blame Mr. Cobden? Not in the least. He was perfectly justified in carrying out his principles. His opinion is that the sooner he got rid of all indirect taxes the sooner should he achieve the salvation of his country, by bringing it to a system of direct taxation. But we have a right to know whether that is the opinion of the noble Lord and right hon. Gentleman opposite. Looking, then, at the mode in which it has been negotiated, this Treaty appears to me neither likely to insure feelings of amity between the two countries, nor was its negotiation well timed, nor is it drawn up in anything but a loose and careless manner. I am not going to follow the hon. Gentleman (Mr. B. Osborne) into a discussion of the benefits which are likely to be derived from the introduction of French wines. My own belief is that the result will be a much larger introduction of cheap Spanish and Portuguese wines; but still no one can tell the result of the Treaty until it has been tried. We are now in the clouds as to the future effect of it—engaged in a speculative debate on a speculative Budget; but if I might be allowed to hazard a prediction it would be this—when it is apparent that a new market has been opened for English goods we shall see, as we always do see when a new door is opened, that the exports will be greatly increased; the markets will be glutted, Englishmen will lose much, as they can lose much when they are seeking to establish a new trade; and the French manufacturers will be disgusted. We shall then return to what I will call the normal condition of a limited trade with France, for I do not believe, with the hon. Member for Birmingham, that the French nation have the same habits of expenditure as the Americans and our Colonists. They are a frugal people for the most part, living much on what they find around them—not spending their money in trade, like the Americans and our Colonists. Their wants are easily satisfied and readily supplied from their own neighbourhood. We shall have great exports at first, and a song of triumph at the results of the Treaty; but we must look what it settles down to. I should be quite willing and anxious to reduce these duties if I saw we could do it without danger. If we had wished to do a gracious thing, and if we had had the means, we might have said, "We do not want to negotiate a treaty with France; we will reduce the duties on her products, because we have the means, through a surplus in our Exchequer, to do it." But one of my reasons for thinking this an ill-timed negotiation is that we have not a surplus, and, even if we had, there would probably have been other claims for a reduction more urgent still. I looked through the budget of the hon. Member for Birmingham, and I certainly found in it a great many things taken off, all belonging to what he calls, in his usual forcible style, "the crushing system of taxation, which is all for the rich, and all against the poor"—"all on the comforts and necessaries of the poor." "Give me," he said, "but 8*s*. in the £100 on property, and I will take off all your taxes." But he said not a word about wine; and yet he is quite enchanted with this Budget, which gives nothing that he promised! It does not even take off the war duties on tea and sugar; it does not diminish any of the taxes on the comforts and necessaries of the poor man, who, the hon. Gentleman says, "with the sweat of his brow labours for the support of a pampered aristocracy." The hon. Gentleman may go down now to his friends and say, "I have not done what I said I would, but I have done a good deal that I did not say. 'Tis true tea and sugar are still taxed, but then you may drown all your cares in copious draughts of cheaper claret; and, if that is not enough, you may dress your wives and children in cheap French silks, and, more than all, there is not a labourer who may not guide the plough and till the soil in cheap foreign gloves." It reminds one of the old story of the monarch who, in answer to the complaint that his people were starving, said, "Why don't they eat piecrust then?" The Chancellor of the Exchequer indulged the other night in a gentle sneer at the friends of the poor. Well, that is a respected and a respectable title, and shared, I trust, alike by all parties. But the friends of the poor will suffer much in public estimation if they are led away by the exaggerated expectations held out by the hon. Member for Birmingham with respect to the results which are to flow from this Treaty of Commerce. I was certainly surprised the other night to hear the hon. Gentleman say that this Treaty realized his warmest hopes, and that it was now the object of his warmest attachment. A treaty with a 30 per cent protective duty the object of his warmest attachment! A few years ago he would have cried out, "30 per cent! why, it is prohibition." But this is only a fresh proof of the natural and amiable partiality of a parent for his own offspring, however deformed it may be. If he will look at some of the clauses of the Treaty he will see that there are reserved articles on which the duty is far higher. For example, one reserved article is railroad iron, and on that the duty is 50 per cent. These reserved articles, with the differential duties on shipping, and the wise policy of the Emperor of the French in admitting raw materials duty free, are the chief reasons why I think we are likely to have but a limited trade with France. I, for one, should have been in favour of reducing our duties on wine, if I had felt that we could do it with safety to our finances, and had had no more urgent claims upon us for relief. But the Chancellor of the Exchequer tells us that this is an epoch so marked in our financial history that the Government think it the duty of Parliament to take a step in advance in the career of commercial freedom, and he proposes to take the £2,000,000 terminable annuities for this purpose. But my answer to him is, that instead of being in position to "utilize" that amount, according to the suggestion of the right hon. Gentleman the Secretary for Ireland (Mr. Cardwell), that money has been spent in anticipation, in obedience to the will of the people. You cannot have your money and spend it too, and that is spent long ago. If I were in expectation of having a large fortune left me in some future year, and on the strength of it were to promise relief to a certain number, and when the time came I found that I had been obliged to spend it, should I be justified in saying, "I promised you relief, but I have not got the money; so I will take it from your neighbours?" Yet that is just what the Chancellor of the Exchequer does, except that in this case the neighbours from whom he takes it—the people who pay the income tax—are just the persons to whom he promised relief. To those to whom he promised he gives nothing; and all he gives is to those to whom he made no promise. I am not inclined to reproach the Chancellor of the Exchequer with his failure to carry out the expectations he announced in 1853. But then, if the Chancellor of the Exchequer abandons the idea of doing what he has promised for the payers of income tax, ought he at the same time to state that he has money which he will devote to the relief of others, and speculate with; because, after all, it is a mere speculation whether an increase of revenue will be gained by a remission of taxation. There are one or two points on which, as I entertain opinions that I know to be unpopular, I feel it right to say a word. The first of these is as to the idea that you can dispense with indirect taxation. My belief is, though you may apply a moderate income tax towards your exigencies, that if you depend entirely on that tax you subject yourselves, you subject the Government, the credit, and the establishments of the country, to the change of disposition which may occur at any moment of national suffering or irritation. In my humble opinion, the wise course would have been to keep up a certain amount of direct, coupled with a fair proportion of indirect taxation. I believe that you will lose very much by bringing the indirect taxes to bear upon so few commodities; they will act in this way much more as direct than as indirect taxes—they will weigh on the necessaries and the comforts of life, while you have taken off the duties on a number of articles which did not create distress, did not press on any industry or any class of the community, but were removed merely because they produced such a trifling amount to the revenue. Why, every little they gave was so much gained, and it appears that what we have abandoned in this way amounts to millions. I do not say that we should have retained them all, but many of the smaller items which have been relinquished might have been advantageously applied to other and more important articles; and you have, to a great extent, sacrificed the stability of your Custom-house system. Such a measure as the present can be justified only by one of three reasons—that it will benefit the consumer, that it will facilitate trade, or that it will reduce the cost of collection. I believe it will be found that by many of these articles the consumer will not have benefited to any appreciable extent. Whatever may take place next year, there has been as yet no great reduction in the cost of collecting the revenue; and I am persuaded that as far as trade is concerned, the benefits accorded by the removal of the duties on these smaller articles will be more than purchased by the vexation attendant on the system of penny charges which the right hon. Gentleman proposes to introduce. I agree with the hon. Gentleman the Member for Leeds (Mr. Baines), and I even go further than he does, in thinking that the benefits which this country has enjoyed of late years have arisen from a variety of causes, and are not solely attributable to commercial reforms. Though it is a disputed question, I believe that the discovery and arrival of gold have stimulated production and increased consumption in great commercial countries like England and the United States. I think that emigration and other influences have tended to raise the wages of labourers, and I consider that a great invention which certainly does not owe its success to legislative enactment—I mean the railway system of the country—has tended as much as commercial reforms or any other cause to the increase of your internal and external prosperity, and has especially benefited your labourers, by allowing them to seek employment with increased facility, by cheapening every article of consumption, and bringing within the reach of persons comforts and almost necessaries which before were unknown to them. I have seen a calculation which showed that by the introduction of railways the transport of heavy goods for 100 miles has been reduced in cost to less than one-fourth of the former amount, and that the time occupied is as 12 hours to 100. I quite admit that any extension of foreign trade must benefit this country; but it is an error to say we owe that benefit entirely to commercial freedom. It is to improvements such as I have pointed out that our prosperity is mainly due. You are wrong likewise in supposing that this constant reduction of duties will always replenish the Exchequer. You cannot have the virgin soil for ever; you must come on poor ground at last; and it is possible that your present changes may not turn out as well as the right hon. Gentleman expects. The right hon. Gentleman justifies them not only on the ground of cheapness for the poor man and the consumer, but because they will afford employment on more advantageous terms to the labourer. Does the right hon. Gentleman mean to say that there is not a positive injury to the employment of labour in a high income tax? Will he deny that it reduces the means of many a family—that it prevents a man from clothing or feeding his family as well as he otherwise might, and that it lessens his ability to do justice to them in the vital matter of education? Does he not believe that a tenpenny or shilling income tax will in many a house be the cause of absolute and necessary reduction? And does he not believe that such reductions tell, and cannot fail to do so, on the employment and on the comforts of the working classes? If he does, all the authorities are against him. Lord Brougham, at the time when Sir Robert Peel was proposing this tax, said, in the House of Lords, in March, 1842:—

> "A very great delusion prevailed in the country —at least, among that large class the labouring population—as to the operation of the income tax on them. It was a common thing for them and for those who instructed them, and who should know better, to say that the income tax could in no way affect them. There was no greater delusion than this. It required but little argument to show that the labourer was affected by the diminution of the fund out of which he was paid. When capital accumulated, the fund was increased out of which labour was paid; when it became diminished, the fund to pay the labourer decreased in the same proportion." [3 *Hansard,* lxi., 730.]

The noble Lord went on to show that the income tax affected every class, and that annuitants had their means crippled by it, and were in their turn unable to give a similar amount of employment. You cannot tax the rich man without its reaching the poor, and I believe it is a doubtful question whether you are benefiting the labourer by these reductions, if, as a consequence, you must saddle the country with a tenpenny income tax. But more than this, the income tax is a dangerous weapon to rely on; it has been repudiated by every one as an unjust tax, and instances are not wanting where it has been questioned and rejected. I need only refer you to what happened in Lord Liverpool's time, when a strong Administration was, with one common accord, in a moment of irritation displaced, and the tax was swept completely from the register of taxation. It may be safe now, but if you keep on the tax permanently, it may not be always tolerated, and it will be continually subject to the attacks of "ignorant impatience." My fear is, that at some future period you will find, not merely an ignorant impatience, but an impatient irritation, in the country which will force you either to remove your taxes or to reduce both the national income and expenditure below a rate which—whatever the hon. Member for Birmingham may think—may not be always safe, or else to tamper with the public credit, which, perhaps, would be a course fraught with still more fatal consequences. I contend that you place a most dangerous engine in the hands of a Ministry if you give them the power of taking off all duties, and of making up the deficiency by an increased income tax. I grant to the hon. Member for Birmingham that this is a popular Budget. When you take off taxes such as those now proposed for removal people know they cannot be reimposed, and the measure is popular. When you put on a penny income tax as a substitute for the duties thus relinquished, that also is a popular measure, because people know it is a tax which can be taken off, as, indeed, it was suggested that perhaps it would be. But the effect of such a proceeding is to create a tendency to agitation, and to put machinery in motion for compelling the Government to take off the tax; and that is just the prospect we have before us now. It is the danger of such an impost that it is apt to involve the necessity of pandering to popular demands, which may grow more and more extravagant as they are conceded. Then, I think that the fulfilment of the French Treaty even in its integrity did not necessitate the infliction of this pressure on the country. There is no reason at this juncture for the abolition of the paper duty. You were not called on to do so. The Resolution passed by this House declared that it ought not to be a permanent tax, but no pledge was given that it should be taken off at any particular time. There was no necessity for this supplementary tariff regulation, involving the loss of hundreds of thousands of pounds. All that was wanted was to keep the taxation on the same footing as before. I am not going to make a Budget, but I will offer a few remarks. I find that last year, with the tea and sugar duties at a war rate, and an income tax of 9*d.* in the pound, you had a revenue of £70,578,000. Your expenditure this year is £70,100,000. Therefore, with the same revenue as last year, you would have a surplus of £500,000, which, with £1,400,000 from the hop and malt credits, would enable you to carry out the Treaty with France, and, if necessary, to pay off the million of Exchequer bonds, besides leaving a surplus. Or it would have enabled you, if you chose—although I should have objected to such a course—to reduce the income tax to 8*d.* leaving the Exchequer bonds as they are. My idea, I must confess, is that we ought to pay off our debts as soon as we can, and especially before we reduce taxation. I believe the scheme of taxation for this year to be a very objectionable and dangerous one—improvident for the present, unsafe for the future. I think it unsafe even for a time of peace;—what would it be in a time of war? What resource will you have then? Will you double or treble your income tax? Will you put it at 20*d.* or 3*s.* or 4*s.*? You must do so because you have not only had recourse to high rates in time of peace to effect changes which were required, but persisted in those high rates after the changes were accomplished. The hon. Member for Birmingham reminded the Conservatives that they gave their votes for Sir Robert Peel's 7*d.* duty; but it is clearly a very different thing to support the right hon. Gentleman opposite (Mr. Gladstone) in a 10*d.* duty. The call is not so urgent, the advantages are neither so obvious nor so important. You are now asked to perpetuate the income tax at a very high rate, and to adopt measures which will render it necessary for the future that that high rate should be continued. The Motion of the hon. Member for Essex has been charged with being a party movement—a mere attempt to turn out one Ministry in order to put in another. I hold that the great question whether we are to have resort merely to direct taxation as a means of revenue ought not to be degraded into a mere party contest. I do not regard the present debate as such; nor shall I look upon the division as any evidence of party spirit. For my own part I can honestly say I should have the greatest repugnance to join in a vote which should have the effect of displacing the Government. The noble Lord the Member for London once said with great truth, that the country could not bear a revolution once a year. I will add that we cannot bear a change of Ministry every year; and, in voting for the Motion, I shall do so not from any party motive against the Ministry. I intend, however, to vote against the Budget as it stands. The hon. Member for Liskeard (Mr. B. Osborne) says, "Why do you vote against it now?—let us go into Committee, and then I may support you." But then the hon. Member adds that he is prepared to swallow the paper duties, and all the remissions in the Budget. I feel that those who, like myself, think that the result, if not the motive, of this Budget is gradually to lead the way to a substitution of direct for indirect taxation, must protest against that policy. I shall, therefore record my vote for the Resolution, simply to mark my sense of the danger which exists in relying upon the system which has now been adopted of abandoning revenue when there is a deficiency in the Exchequer, and trusting to direct taxation to replenish the treasury.

MR. MILNER GIBSON: Sir, I heard with much regret an hon. Gentleman of such high authority in the commercial world as the hon. Member for Huntingdon entirely condemn the policy of the Budget, and invite the House to set aside the financial proposals of the Government. I recollect, however that the hon. Gentleman has been the uniform, persevering, and consistent opponent of all the commercial reforms that have taken place, and I should have preferred it myself, if he had taken his old ground for opposing the Budget, rather than he should have made it manifest that an insuperable objection to a penny more in the income tax induces him to invite the House to reject the whole scheme of the Government. The hon. Gentleman does not propose to get rid of the income tax altogether; and to revert to the figure of the hon. Member for Stamford (Sir S. Northcote), I must say we should purchase a reduction of a penny in the income-tax at a very dear rate if we paid for it by the sacrifice of the French Treaty and all the commercial remissions proposed by Her Majesty's Government. And I regret, also, to find the hon. Member for Essex is supported by the leader of the Opposition. I was in hopes that the Motion of the hon. Gentleman was placed on the paper in order to enable a certain section of the Conservative party to put on record their hostility to free-trade principles. The leader of the Opposition has stated that free-trade principles are good principles. Now I believe it can be shown that a vote in favour of this Resolution will be understood as announcing a belief that free-trade principles are bad principles. There are, however, some Conservatives, among whom I may instance the hon. Member for Norfolk (Mr. Bentinck), who on this point are directly in opposition to their leader the right hon. Member for Bucks. I know that the hon. Member for Norfolk will say openly that free trade is a bad principle, and he is right in voting for the Amendment of the hon. Member for Essex. But I own I cannot understand those who admit free-trade principles to be good, yet take a step which at the present time is calculated to prevent those principles from being further carried out. We are invited to take a very strong course. We are invited to refuse to the Crown the means of carrying into effect the Treaty that has been concluded with France. Undoubtedly the House approaches the consideration of the question free and unfettered. We are at liberty to take that course if, from our sense of what is due to the public interest we feel it is advisable; but before this House deliberately refuses to give the legislative powers necessary to enable the Crown to carry the Treaty into effect it ought to be satisfied there is good and sufficient ground for taking so strong a course. What is the history of commercial treaties with France? I do not speak now of Mr. Pitt's Treaty of 1786; but is this present Treaty the first that has been attempted in modern times; have there not been repeated attempts, within a recent period, by Administrations of both parties, to conclude commercial treaties with France? In the years 1838, 1839, and 1840, a joint Commission of Representatives of England and France was engaged in drawing up a project for a commercial convention very similar in its principles to the Treaty lately concluded. But though the Commissioners had agreed on the project, yet from various causes the convention fell through. Soon after, another attempt was made to arrange a commercial treaty with France, I think by the Administration of Sir Robert Peel. I recollect distinctly that when Sir Robert Peel introduced his reform of the tariff in 1842 he said that one reason why he reserved the question of the wine duties was, because he hoped to be able to effect a commercial treaty with France. And I find it stated in the evidence given before a Committee of this House in 1853, on the local and differential Dues on Shipping, by the Registrar of the Board of Trade, that—

> "Under the Derby Administration in 1852 it was proposed again to attempt to obtain a commercial treaty with France. I think what then took place had more especial reference to a commercial treaty as distinguished from the navigation question. The proposal was for a commercial treaty, but France insisted on combining it with a navigation treaty."

Thus the Government of the Earl of Derby was engaged in 1852 in negotiating a commercial treaty with France, leaving the differential dues on shipping untouched —a treaty very much resembling that now concluded. Again the Earl of Malmesbury occupied himself very earnestly in endeavouring to obtain an increased export of coal to France Repeated complaints had been made by the coalowners that they were injured by the difficulties they experienced in getting an extension of the coal trade with France. The Earl of Malmesbury, very properly I think, did all he could to induce the French Government to remit the duty for the purpose of increasing the import of coal into France. The French Government asked what we would do in return; it asked if we would reduce the duty on French brandy. The Earl of Malmesbury replied he had no objection, but thought it would be too limited an operation. He would not agree to a limited commercial treaty that would only obtain a reduction of the duty on coal on the one side and that on French brandy on the other; but he was prepared to enter into a commercial treaty with a view to the revision of Customs' duties on both sides. How extraordinary, then, are the objections of the followers of the Earl of Derby and of the Earl of Malmesbury to a commercial treaty founded on the same principles. When the most enlightened statesmen, both Conservative and Liberal, have been trying for years to bring about what they all believed to be a most desirable result, something that would increase our commercial intercourse with France, are we, when such a treaty has been ratified, and the object is within our reach, to refuse the Crown those legislative powers required to enable the Crown to carry the Treaty into effect? That is the position in which we are placed. The hon. Member for Essex (Mr. Du Cane) fairly says he objects to the Treaty because he is a Protectionist; he objects to the remission of duties by this country; therefore he very consistently opposes the Treaty; but I cannot understand how the hon. Gentlemen I see opposite, who have adopted, and I believe sincerely adopted, the principles of free trade, can be acting on this occasion with the hon. Member for Essex. Before I go further I will allude to one or two representations that have been made, and that are rather calculated to mislead. The hon. Baronet the Member for Stamford (Sir S. Northcote) made a statement which, if it were accurate, would be a very serious objection to the Treaty—namely, that we have by the Treaty bound ourselves to France to establish a protective duty in favour of French and against Spanish and Portuguese wines. The hon. Baronet said we had, in fact, "reversed the Methuen Treaty." I think he has fallen into an error herein. He imagines, because he sees a certain scale of duties depending upon the amount of proof spirit in these different kinds of wine, that we are bound by treaty to these particular amounts, and bound to give this supposed protection to French against Spanish and Portuguese wines. The effect of the Treaty will be nothing of the kind. The hon. Baronet will find that by the 6th Article all that Her Majesty engages herself to recommend her Parliament to do is to impose a duty upon wine containing a certain proportion of proof spirit not exceeding 1*s.* per gallon, and on wine containing 36 degrees of spirit a duty not exceeding 1*s.*, 6*d.* per gallon. The duties specified are the *maximum.* If Parliament should please it may reduce these duties to as low an amount as it shall think fit. It may abolish them altogether, and Her Majesty is not bound by this Treaty to establish a differential duty in favour of the wines of France against those of Spain and Portugal. The arrangement is, in fact, merely made for your own domestic convenience. France would, no doubt, be glad to hear that the duty on wine was to be abolished altogether, and that French wine was to enter upon an equality in this respect with that of other countries. I therefore think that the hon. Baronet has fallen into an error when he says we have reversed the Methuen Treaty, and by treaty have given a protection to France against Spain and Portugal. The hon. Member who just sat down does not object to a commercial treaty with France, but he says he would rather not have entered upon one unless we had also concluded a commercial treaty with Spain and other countries. That reminds me of an old doctrine of the Protectionists of former days. They used to say you ought not to reduce duties upon the produce of another country until you got a reciprocity treaty with it, and obtain an equivalent reduction of duties on English productions in the other country. Now it is said it was better not to make a commercial treaty with one country until you could make them with all. We say, on the other hand, that this Commercial Treaty with France is to be taken on its own merits. We believe it will be attended by great and important political and commercial advantages to this country. Glad should I be to conclude a similar commercial treaty with any other country, but I will not be deterred from making such a treaty with France because I may not be able to conclude one with Spain, Portugal, and other countries. The hon. Baronet the Member for Portsmouth also stated that, with regard to the reduction of duties, the right articles had not been selected. He says that instead of selecting spirits and wine we should have taken tea and sugar, because experience has proved that by reducing those duties you may hope, by increased consumption, to recover your revenue. The hon. Baronet contends that you cannot hope for such a result in reducing the duties on spirits and wine. But is that so? When Sir Robert Peel reduced the duty on French brandy from 22*s.* to 15*s.*, what was the consequence? Why there was an immediate increase of consumption of sixty per cent, and in the three following years the revenue completely recovered itself. The reason why the experiments of reducing the duty on wine have not been successful is, that you have not gone low enough—because you have never reduced it to that point when the reduction has been sufficient to introduce it into a new field of consumption. It has never gone beyond the wealthy classes, who were as ready to give one sum as another. But you will now find consumers of wine among those classes of the people who have not hitherto drunk wine. The hon. Member for North Essex as a Protectionist thought that beer, as a national beverage, ought to be protected as against wine. But when the plan of the Government is adopted, as I believe it will be, I say that beer will continue to have a very sufficient protection against wine. A gentleman of my acquaintance had a small transaction in the purchase of wine a little while ago. He bought a kind of wine which, it is said, will be brought to this country, will supersede the national beverage, and injure the British farmer. He bought a cask of wine in France containing forty gallons for sixty-four francs. The present duty on that wine is £11 11*s.*, so that upon 53*s.* worth of wine he had to pay a duty of £11 11*s.* Under the new scheme if the duty of 1*s.* per gallon were in operation, the forty gallons, worth 53*s.*, would pay a duty of £2. Now, how much would he have to pay in malt-tax upon 53*s.* worth of beer? Why, the duty would not be more than 13*s.* I have calculated it exactly; so that 53*s.* worth of wine will pay a duty of £2, and 53*s.* worth of beer will only pay a duty of 13*s.* It is not so much even as that, but I wish to be on the safe side. The national beverage of the people is therefore amply protected. There is one point upon which I shall be glad to say a word or two, because very considerable misapprehension exists as to the 3rd Article of the French Treaty relative to the differential duties on French shipping. It is supposed by many that this Article has given some sanction or some fresh vitality to a system of restriction in France that is very injurious to British shipping. Now the 3rd Article merely relates to the two preceding Articles. It says:—

> "It is understood that the rates of duty mentioned in the preceding Articles are independent of the differential duties in favour of French shipping, with which they shall not interfere."

That means that these differential duties are not to be interfered with by the effect of the two preceding Articles, and the whole has merely relation to the trade that may grow up between England and France from the effect of these mutual reductions of duty. The 3rd Article only has reference to the direct trade between England and France. Now, there are no differential duties upon English shipping engaged in the trade between England and France. English ships that go to France from England, carrying British produce and manufactures, stand on precisely the same footing as French ships. But if a Dutch or American ship should go from England to France, the Dutch or American ship, carrying British produce and manufactures, would be subject to differential duties to which French and British ships are not liable. Hon. Members opposite ought to like these differential duties, for they are really a protection to British and French shipping in the trade between the two countries. I confess I do not like them, and I wish they were abolished. But the effect of this abolition, in regard to the direct trade of the two countries, would be that when British manufactures are sent to France they could be sent in Dutch and American ships and by the ships of all nations. I approve of such a principle, but I cannot understand the anxiety of hon. Gentlemen opposite for the removal of these differential duties so far as the trade of this country is concerned, for this Article has the effect of securing to British and French ships the carrying trade that arises under this Treaty between France and England. The two contracting parties do not wish that any misunderstanding should arise, and some question might have arisen but for this Article in case of American and Dutch ships carrying British produce to France. The Governments of France and England thought fit, as they did not intend to interfere with the existing navigation laws between the two countries, to insert this Article to prevent future misunderstanding. They have left the navigation laws open to be dealt with by future arrangement, and I hope the day will come when we shall see a liberal Navigation Treaty as well as a liberal Commercial Treaty. The hon. Member for Liverpool (Mr. Horsfall) is mistaken in supposing that the differential duties I have alluded to have a reference to anything but what I have stated. He will be gratified to hear, from an announcement in the *Moniteur*, that the differential duties paid by a British ship going from America to Havre with a cargo of cotton, though not abolished, are likely to be reduced. The announcement in the *Moniteur* forms no party of the Treaty, but, as I read it, the duty will in future be as follows:—Cotton imported from America to France in English ships will pay five francs per 100 kilogrammes, or about $\frac{1}{4}d.$ per pound —the present differential duty on British ships going from America to France being $1\frac{1}{2}d.$ per pound in excess of what is paid by American or French ships; so that the differential duty paid by English shipping as against American shipping will be reduced from $1\frac{1}{2}d.$ to $\frac{1}{4}d.$ I state this to show the hon. Member for Liverpool that the 3rd Article has no bearing whatever on the question of differential duties.

MR. HORSFALL: I gave no opinion as to the 3rd Article, I only said there existed considerable difference of opinion as to the interpretation of it.

MR. MILNER GIBSON: Well, at any rate, I believe the view I have expressed is the right one, that nothing in the Article can be construed to mean that the present differential duties affecting the indirect trade with France will be maintained. I must now make an appeal to those hon. Gentlemen who are connected with the agricultural interest. This Budget has been called a commercial Budget, a concession made to a section of the Liberal party, and in which the interests of those connected with land has been overlooked. On the contrary, I believe it to be an agricultural Budget. I know what the British farmers have often felt in reference to free trade. They have felt and said that if the other classes go to foreign countries for their food, the agricultural class should be allowed to buy their manufactures and the articles which they consume in the cheapest market also. It is, they say, a demand based upon obvious justice that if the British farmer is exposed to competition in the articles of corn and flour, he should be permitted also to go to the foreign market for the goods he consumes, and at any rate that he should not have the price of those articles raised upon him by the operation of protective duties. Now, I find that the British farmer has a very strong case in favour of this French Treaty. According to the returns of the imports of wheat into this country, it appears that in 1859 the value imported amounted to £8,713,532, and that 28 per cent of that, or £2,420,224, came from France. Of wheat flour imported the value was £2,392,295, of which 82 per cent, or £1,944,247 came from France; making a total of wheat and flour imported from France in 1859 of £4,374,471. Now, the British farmer may say with justice that if people are permitted to go to France for wheat and flour they should be permitted to go to France for their silk manufactures and their brandy; and I believe that if you were to call a meeting of the agricultural population in any county in England, and put the question to them, you would find them voting unanimously that, as we have got free trade in corn, we ought logically to carry out the principle and give free trade in everything else. I believe this argument to be a sound one; and that the agricultural classes will derive no inconsiderable advantage from this Treaty. There are a variety of articles which they are in the habit of consuming which they will now be able to import at a lower rate. There is a party in the county of Essex, which the hon. Mover of the Amendment represents, who are very much against this Treaty; but their opposition is based on a very small ground. There is a good deal of this sort of opposition, and I am sorry to find that the right hon. Baronet, the late First Lord of the Admiralty, because he dislikes a little portion of the scheme connected with hops, has condemned the whole of it. [Sir J. Pakington: I dislike it all.] You dislike it all. Well, there is a small party who are much offended with the plan in Essex. I have been in correspondence with them, and I find their objection is to the permission to import carraway and coriander seeds. Specially alive to their own interests they would throw out the French Treaty and the reform of the tariff because carraway and coriander seeds, which are produced in Essex, are to be admitted. They attach more importance to that than to anything else, and therefore, on account of it, they disapprove the whole financial scheme of the Chancellor of the Exchequer. There is a great deal of this in the country. The whole scheme is condemned because objections are entertained to a portion of it. I have no doubt, though I do not know the fact, that the hon. Member for Essex (Mr. Du Cane) has been urged by the producers of carraway and coriander seeds to use his utmost energy to destroy the Budget. Now, in what are the agricultural interests more concerned than in the diminution of the poor-rates? It has often been said that Imperial taxation ought not to be taken as the measure of the real burdens which the possessors of real property bear, and I admit that people often overlook the fact that lands and houses are heavily taxed to pay the local rates and support the destitute poor. I believe nothing will more effectually lessen the poor-rates than an increase of the field of employment for the poorer classes; and what has been the effect in this respect of our commercial policy since 1842? I believe that had the poor-rates gone on increasing in proportion to your population from 1842 till the present moment they would have been upwards of £1,000,000 greater than they are now; so that, though you may object to the direct taxation of the income tax, you have saved a large amount of direct taxation by the diminution of the poor-rate, which has been the consequence of your commercial changes, and which will be the consequence of the scheme propounded by the Government. Take the case of the wine duties. Is there anything likely to give greater employment for labour, as the mere consequence of extended consumption, than the reduction of these duties? There was a witness before the Wine Duty Committee who gave this evidence:—

> "There is no article of commerce the increase of which would give so much employment to labour as the increased importation of wine. In the first place, it is a very bulky article, and, being brought in casks, would require a great number of ships to bring it to this country. When here it requires a great deal of labour to land it, to store it up on the quays for the purpose of gauging, to convey it afterwards to the cellars of the wine merchants, the fining and bottling it afterwards in those cellars, and when bottled the conveyance to the houses of the respective consumers. It would lead to a very large increase in the importation of corkwood, which would employ many ships; an immense increase in the manufacture and consumption of bottles, causing a most beneficial effect on the demand for labour."

This is all true, and though it may appear trivial, I contend it is of the utmost importance to the agricultural interest. I live in a parish in which the resident population has not increased for a great number of years, notwithstanding, of course, that it ought to have done so from natural causes; and this circumstance I attribute to the fact that the inhabitants of the parish have found occupation elsewhere, for, otherwise, we should have an excess of labour in the particular locality to which I refer, and, no doubt, that excess of labour would have resulted in an increased poor-rate and increased destitution. I maintain, therefore, that no class in this country is so directly interested in everything that may lead to the extension of the field of employment as are the owners of land and houses, and I fairly believe the best policy which they can pursue is to encourage every measure of commercial freedom—every measure which tends to unloose the springs of industry, even though they should be actuated by no higher motive than their own pecuniary advantage. I shall now proceed to advert to the question of the income tax against which there is so strong a feeling. Hon. Members opposite define it as a war tax, and say it is a tax of which they wish in time of peace to get rid. But why, let me ask, is it called a war tax? Because it is a charge which is imposed on the country when a large expenditure for military and naval purposes is required. Well, you have at the present moment such an expenditure to meet, and it must be perfectly clear to you that it is not an actual state of war, but the necessity to keep up large warlike establishments that justifies the definition of the tax which you employ. When you are voting £30,000,000 for naval and military purposes, it is quite obvious that your policy involves the payment of a high rate of income tax. An income tax at the rate of 10*d.* in the pound is not, then, I maintain, at all out of proportion to your necessities for warlike expenditure at the present moment, especially when you consider that the total expenditure for which we have to make provision amounts to about £70,000,000. Hon. Gentlemen opposite, however, say that 10*d.* is too much. They are of opinion that the just proportion which the tax ought to bear to our requirements is the rate of 9*d.* in the pound. I hope you have too much confidence in the good sense of the people of England to suppose that they would advocate that reckless onslaught which the hon. Member for Stamford (Sir S. Northcote) seemed to think would some day be made on the establishments of the country merely because the income tax is rather too high. I do not believe in this doctrine of reckless onslaught myself. I have a firm confidence in the good sense of the great body of the people, and I am persuaded that they always bear what they think necessary to support the establishments of the country. The hon. Member, however, pointed out to us how we might do with a 7*d.* income tax; but upon looking at his figures, it appears to me that he is a great deal too sanguine in that respect. Be that, however, as it may, I, for one, would not accept his 7*d.* income tax at the cost of rejecting the Treaty with France. The income tax, you admit, is a tax connected with warlike expenditure. Well, the estimated expenditure for your army, navy, and ordnance—excluding the packet service—for the year 1860-61 is £29,200,000, and I find that an income tax at the rate of 10*d.* in the pound amounts but to 36 per cent on that expenditure, which was the exact percentage on expenditure for army, navy, and ordnance at which it stood when the tax was first imposed by Sir R. Peel in 1843. Yet, notwithstanding this fact, the great Conservative party, which is so anxious to support a war establishment, and to place on an efficient footing the defences of the country, object to the rate at which the tax is now proposed to be levied. But the hon. Member for Huntingdon (Mr. T. Baring) goes further, and draws a frightful picture of the consequences which must ensue if this dangerous Budget be adopted. He says we are going to get rid of all indirect taxation, and that our object is to pay all the expenditure of the country by means of the income tax. He drew, in fact, so gloomy a picture of the effects of our policy, and raised up such frightful spectres, that some hon. Members stood quite aghast. He, moreover, addressed himself to a speech which was said to have been delivered at Liverpool, and argued with great effect against the scheme which was there proposed, when, in my opinion, his time would have been much better employed in pointing out the badness of the particular propositions which the Chancellor of the Exchequer has submitted to our consideration. But in what, let me ask, consists the disproportion between the proposed amount of the income tax and that of the indirect taxation of the country? Including under the head of direct taxation the succession duty and the income tax, and everything that can be designated as a direct tax, I find that for the year 1860-61, out of every £100, £78 will be paid by means of indirect, and £22 only by means of direct taxation. Now what, let me ask, is alarming in that proportion? What is there in it to frighten the most ardent admirer of indirect taxation? I am, of course, prepared to admit that of late years the proportion of direct to indirect taxation has been on the increase; but I am also aware that great benefit has been the result of the change of policy so far as it has proceeded. There is, however, now before the House no question of converting all your direct into indirect taxation. The plain and definite proposition which we make to you is that you should provide for the expenditure of the coming year in the mode suggested by Her Majesty's Government, and also that you should assent to the Commercial Treaty with France. I should regard it as a most unfortunate circumstance if the House were to reject that Treaty, and to put its veto upon the remission of duties which we ask you to make, because you happened to think that the income tax was fixed at a rate a little too high. I do trust that hon. Members will bear in mind that we have under our consideration, not the mere question of adding an additional penny to a particular impost, but a question of the adoption of a broad and enlightened policy. It has been frequently argued in this House that in providing for the expenditure of the year no considerations are to actuate a Government but the simple one, of merely getting a particular amount of money? But I hold that there is something more than this to be considered—there is the broader question of a fiscal policy, which, with a country like England, and taking into account the growing population, the Chancellor is bound to have in view, he must consider what is the least injurious mode of raising the money which the maintenance of the establishments of the country may require. I shall not say more than a word or two with respect to the remission of the paper duty, because hon. Members already know the opinions which I entertain on the subject. You may give your assent to the Resolution of the hon. Member for Essex, which says that you ought not to diminish the ordinary sources of revenue, and yet support this particular remission, inasmuch as the House of Commons has solemnly declared it to be its opinion that the paper duty ought no longer to be regarded as a permanent source of your ordinary revenue. Hon. Members might talk of that Resolution as something shadowy and indefinite, but if they meant nothing when they voted for it I meant something when I drew it, and feel assured the great body of hon. Members will never assent to the doctrine that such a Resolution ought to be treated as so much waste paper, and never be acted upon by the Executive. And had this opportunity for acting upon it been passed over, the right hon. Gentleman the Member for Bucks, who formerly voted with me for the repeal of the tax, might have fairly complained that the Government had neglected to proceed upon that which this House had declared to be its deliberate opinion. I thank the House for having listened to me with so much patience under circumstances that perhaps made my utterance somewhat unintelligible. I have endeavoured to explain the views I entertain; occupying the position I do, and feeling the deep respect and gratitude I owe to Mr. Cobden for his successful exertions in the cause of commercial freedom between this country and France, I felt I was bound to state my opinions on this subject, and I again thank the House for the indulgence they have extended to me.

Mr. WALPOLE: Sir, I assure the House that I will not trespass long on their attention, but the magnitude, variety, and importance of the subjects brought before us, unless, as I think it may be, the question could be now reduced to a narrow issue, might and would justify more lengthened observations than I shall address to the House this evening. At the same time, my right hon. Friend the Chancellor of the Exchequer will pardon me for saying that, in my opinion, he has placed us in a position of considerable embarrassment by bringing before us at one time, and in one debate, on a financial statement, so many questions that it is hardly possible to arrive at a distinct and definite issue upon any one of them; and I think it would be much preferable to follow the old and salutary custom of confining the financial statement to the year for which it is intended, without mixing up with it other questions of high State policy, rather than that which my right hon. Friend has followed, and which it seems, unless it is checked, we shall be likely to pursue in future. The Chancellor of the Exchequer will now see that he has, in fact, broken through this old custom twice — once in 1853, and again in 1860. In 1853 he brought upon us, partly at least, the emergency in which we are now placed, because in 1853, instead of simply meeting the obligations which he had to provide for in the year, he based his arrangements on future hopes and on expectations which no human foresight could fully anticipate and which no human wisdom could adequately provide for. In 1860 a similar course has been pursued by my right hon. Friend, because he has mixed up a question of great State policy —namely, a treaty with France—with the financial statement of the year, instead of taking these two questions at distinct times, by distinct Motions, and on distinct principles. Well, now, I think my hon. Friend the Member for Essex deserves the thanks of the House for bringing this matter to a definite issue, and moreover to one issue only, as I think I can show. That does not appear to be the opinion of many gentlemen who have spoken in this debate. The hon. Member for Birmingham (Mr. Bright) says this Motion means increased expenditure. If he had looked at the Motion more attentively, he might have seen that there is no more of increased expenditure in the proposition of the hon. Member for Essex than in the mind of the hon. Member for Birmingham himself. The proposition of the hon. Member for Essex simply recognizes the increased expenditure, the high expenditure of the present year, and the hon. Member for Birmingham, with all his desire to reduce that high expenditure, has not ventured to say you can reduce it below the point which the Government have fixed. My right hon. Friend the Secretary for Ireland treats this Motion as if it were one for what he calls a stationary policy in finance. But it does not mean a stationary policy in finance, except in this point of view—that when you have a great deficit before you it is better to remain stationary and where you are than to sink down an inclined plane into a greater deficit hereafter. My hon. Friend the Member for Liverpool (Mr. Horsfall) said that if this Motion were simply confined to the re-imposition of the income tax at the high rate at which it is proposed, he would have voted for it, but he takes exception to the Motion upon the ground that it is intended to defeat the Budget. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] My right hon. Friend cheers that, recognizing thereby the statement I have made as a correct description of what my hon. Friend the Member for Liverpool intended. Then let me at once repeat to my right hon. Friend what I said the very day after I heard, in common with all the House, that splendid speech of his. I was asked the question, "What do you think of the Chancellor of the Exchequer's financial statement?" My answer was that its main provisions I believed to be right, but in point of time exception may be taken to it, and also to the mode in which the thing is to be done. I have listened to this debate from the beginning to the end, and the impression on my mind is just what it then was—namely, that I believe the main provisions of the Budget are right, and I should be sorry to see them defeated. But I do say that exception may be taken, both as to the time and, in some respects, as to the mode in which the provisions of it are intended to be carried out. The right hon. the President of the Board of Trade treats the Motion as being mainly an attack on the French Treaty. Well, then, again I must make a confession, contrary, I fear, to the opinion of many of those who now sit about me—that if I thought this Motion would defeat the French Treaty, I would not vote for it. Then it may be asked, why are you going to support this Motion? Now, I ask you to follow me for a few moments, and, if you will only treat me as candidly as I am treating you, I will venture to say that you cannot, either on sound reason or in point of principle, resist this Motion, at least in your hearts, whatever you may do by your votes. What does the Motion pledge you to? It recognizes, as do the hon. Member for Birmingham and, indeed, every other Gentleman who has spoken, that the expenditure of the year must unfortunately be taken at the enormous figure of £70,000,000; but it goes on to ask whether, with a deficiency staring you in the face, you are to increase that deficiency by trenching on the ordinary revenue of the country, particularly at a time when that process will lead to this result, that you must reimpose an income tax, in the very year you intended to take it off, at a higher rate than it was ever imposed during a time of peace. I take this Motion, according to the words in which it is proposed, to be this—Will you diminish the ordinary revenue with this deficit before you? What is the ordinary revenue you are about to diminish? Part of it comes from a remission of Customs' duties in pursuance of the Treaty, part from remission of Customs' duties independent of the Treaty, and part of it comes from the remission of the Excise on paper. These are the three sources of ordinary revenue which the arrangements proposed by the Chancellor of the Exchequer would trench upon. Now, with regard to the first of these, I am free to admit that, in point of fact, the duties which you are about to remit in pursuance or in consequence of this Treaty must be remitted, if you are to adopt the Treaty; and I, for one, am in favour of its adoption. With regard to the £1,100,000 you propose to remit on this account, I do not think after all that has happened, that you can deal with it in the way this Motion would imply—namely, by retaining it so as to prevent the imposition of the income tax at its proposed high rate. If the Treaty is to be maintained, that revenue must go, and therefore perhaps I may be allowed in a very few words to state my reasons for giving it my support. Possibly in point of time exception might be taken to it, because, in point of fact, the more deliberate negotiation of parts of that Treaty might probably have led to better provisions in some of its Articles; and I also believe that it would have done no harm to the Government or to the country if, upon deliberation, you could have made the Treaty more concurrent as regards time, and more reciprocal as regards its operation, so that the remission of duties on the part of England might be made more to tally with the remission of duties on the part of France. But the main reason why I am in favour of the Treaty is this—I cannot understand the jealous policy of two great kingdoms like France and England keeping themselves, as it were, at arms' length, when they can interchange their products with each other, one of them having a great superiority in soil and climate, the other having what I believe to be an equally great superiority in some of its natural productions, in its mechanical skill, in its immense capital, and its manufacturing energy. Believing that, I cannot conceive how any jealousy on the part of England should induce statesmen on either side of the House to refrain from lending a helping hand to break down those barriers which subsist between the two countries. Nay, more; when you are acting on the principle of commercial freedom, I cannot conceive anything more unwise than that you should not endeavour to obtain as much as you can from others, merely because you cannot acquire exactly as much as you wish to have. But as I am now on that part of the subject, perhaps the Government will permit me to say that the two Articles —3 and 11—which have been so much objected to, are not Articles which I can approve of, and they will, in my opinion, require reconsideration. And why? Because, in one word, it is most impolitic to tie up the Crown, acting under the responsible advice of the Government, from exercising a most important power which Parliament has intrusted to it. Parliament has intrusted to the Crown the power of prohibiting the export of coal when it may come under the category of munitions of war, and it has also reserved the power to the Crown of imposing restrictions upon other countries when those countries do not reciprocate with you in the freedom of navigation which you grant to them. If you give up that power —if you give up the means of inducing other countries to enter into a free navigation with yourselves, the observations which the noble Lord the Member for London (Lord John Russell) made the other night, convinced me at once how dangerous it would be to adopt such a course. I remember when the navigation laws were discussed, I said we were acting on a principle the reverse of that on which we ought to act—that, instead of repealing our navigation laws, without reciprocity on the part of others, we ought to have repealed them when that reciprocity was offered to us. The noble Lord the other night said, in reply to a Question—

> "The hon. Gentleman would recollect the professions of the American Minister in 1849, when we proposed to repeal the navigation laws. Mr. Bancroft, who was then the American Minister in this country, stated to Mr. Labouchere, the President of the Board of Trade, 'If you are liberal, we shall be liberal; if you give much, we shall give much; if you give all, we shall give all.' It was only just to say that the American Government did give equivalent advantages on passing the Navigation Act; but, although in 1854 we threw open the coasting trade, what had been done by them in that respect was still very unsatisfactory."

Now this convinces me that the power of imposing restrictions on others when they will not give up their restrictions upon us, is not a power which we ought to abandon. So much for the first source of ordinary revenue you propose to relinquish. I admit that you cannot make use of that for the purpose of preventing the high rate of the income tax, because I think you must remit those duties if you do not intend to abandon the Treaty. I come now to the second source of revenue which you are about to diminish. What is that? It is about £1,000,000 of Customs' duties. The House was not so full as it is now when my hon. Friend the Member for Huntingdon (Mr. T. Baring) addressed it. With his observations on that part of the subject I entirely concurred. When I think of the little obstruction offered to trade by the restriction of these duties, when I think of the great loss which has resulted to the revenue, not from the reduction but from the abolition of Customs' dues, I must hold that when you have a deficiency, however advantageous free trade may be, one of the last things you ought to do is to aggravate that deficiency by giving up duties which do not materially obstruct trade, which do not obstruct it nearly so much as the equivalent taxation you are going to impose, as was so well exposed the other night by my hon. Friend, the Member for Buckingham (Mr. Hubbard). If I am right in this, I at once get rid of the extra 1*d.* on the income tax. Retain these Customs' duties for a short time longer, and that 1*d.* of the income tax may at once be get rid of. But now I come to that which I conceive to be an unanswerable part of the subject. Upon what principle can you relinquish £1,000,000 of paper duty, when you know that the effect of that remission is the imposition of an extra 1*d.* in the pound of the property and income tax? My right hon. Friend, the Chancellor of the Exchequer, really made me smile when he came to that part of his speech in which he recommended the remission of the Excise duty on paper. My right hon. Friend, forgetting all that he told us in 1853, said, "We have £2,000,000 of long annuities falling in. We have made use of £1,000,000 of those annuities to effect a great Commercial Treaty with France, and the Government consider that they have now another £1,000,000 which they may apply for the benefit of trade and industry." Why that was a portion of the fund on which my right hon. Friend relied for getting rid of the income tax. Then what are the reasons why you now give up for one purpose that which you had intended to appropriate to a totally different purpose, contrary to the expectations of the country, and greatly to the aggravations of the burdens of the people? My right hon. Friend gave four reasons for the remission of the paper duty, and to them I beg the attention of the House. He alluded first to a pledge, embodied in a Resolution of this House, that the paper duty was not to be a permanent source of revenue; secondly, to the obstructions it placed in the way of skill and enterprise; thirdly, to the untenable character of the tax; and, lastly, to its greater pressure on the poor, as compared with the rich, especially in the matter of cheap literature. I will venture to say that every one of those reasons, urged as arguments against the continuance of the excise on paper, may be urged with tenfold force against the continuance of any unnecessary part of the enormous burden which the income tax imposes. As to the pledge, it is said by the President of the Board of Trade, that my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), supported the Resolution in which it was embodied. But what was the nature of that pledge? Why, it was general; whereas the pledge given with reference to the income tax was not general, but specific; and the specific pledge was that, at a given time, if you had the means by which you could reduce that tax, or get rid of it, you would then avail yourselves of those means. But that is not all. The pledge with reference to the excise on paper, was contained in a Resolution of this House only. The pledge with regard to the income tax was embodied in an Act of Parliament; and in proposing that Act my right hon. Friend said he put this mark upon the tax that it was a temporary tax, namely, that it should cease at a stated period. The House of Commons, the House of Lords, and the Queen, by the Royal Assent, were equally pledged, therefore, to get rid of the tax; for it was stated in the Act of Parliament that it should continue until 1860, and no longer. But this is not all; the pledge with respect to the excise upon paper, was a pledge accompanied by no other obligation of any sort or kind; but the pledge, with respect to the reduction or remission of the income tax, was accompanied by the imposition of other taxes, which would not have been imposed except on the condition that the income tax should come off. I say then, after such a pledge, you are not for a single moment justified in laying on a penny more of income tax than you need impose in 1860, or in any subsequent year, if you do that merely to get rid of a part of the ordinary revenue. So much for the pledge; and now for the obstructions which the collection of the revenue is said to place in the way of the trade in paper. My hon. Friend the Member for Leeds (Mr. Baines) has spoken of the obstructions which the paper duty, like any other excise, presented to the exercise of skill and industry. I hold in my hand extracts from two Reports from the Commissioners of Inland Revenue, which are worthy the attention of the House. Do they say that any obstruction to trade is now referable to the collection of the paper duty? Quite the reverse. They say:—

> "So far, indeed, have our regulations been modified to meet the wishes of the papermakers, that we are able to state that the duty is now charged and collected without any appreciable restriction on their trade, and that their complaints, at one time frequent, have entirely ceased."

Mr. Phillips, of the Laboratory Department, confirms this in stronger language.

> "It may be observed that the regulations under which the Excise duty is charged upon paper, do not offer the slightest impediment to the manufacturer in the introduction of new materials, or in the alteration or improvement of his processes, as paper, unlike all other exciseable articles, is perfectly free from fiscal interference during its manufacture, and it is only when the article is finished and ready for the market, that an account is taken of it, and the duty charged."

The Commissioners say, in another Report:—

> "If the objections so constantly urged against the paper duty were such as we are accustomed to hear most insisted on in the case of Excise duties generally—namely, their restrictive and oppressive incidence on the manufacturer—the advocates for the abolition of the tax would find it difficult to make out their case. There is scarcely any duty in the collection of which our interference is so little felt, and in which we are

so continually adapting our regulations to the wants and wishes of the trade."

Has the House read the remarkable report of the Commissioners of Inland Revenue with reference to the income tax? Are they aware of what these Commissioners said of the tax as recently as the year 1858? I own I was more startled by it than by anything that has lately come before my eyes. The passage to which I more particularly allude, is to the effect, that "it would be almost impossible to give any person, unacquainted with the practical working of the income tax, a notion of the labour it entails on this office, of the great variety and complexity of the questions daily brought before us, or of the powerful appeals which are made to our compassion or forbearance."

"To those who are aware of the numerous and troublesome inquiries necessary in the case of each application for exemption or repayment, the fact that upwards of 250,000 such claims are annually disposed of, will convey some impression of the difficulties that have to be encountered."

Talk of oppressive taxation, talk of interfering with skill, enterprise, and the hard industry of the people! I declare to you that I never read anything so alarming as that paragraph, if we are indeed to continue an impost attended with such a fearful concomitant. But is this all? I am sorry the hon. Member for Birmingham is not in his place. Where is the pressure greatest? It is not upon the rich. If any one will look at the returns he will find specified the number of persons in different classes who contribute to the income tax. Take Schedule D, and then see how you are interfering with trade. In Schedule D, according to the last return, there were 258,000 persons who contributed to this tax. How many of these persons, think you, are assessed under £300 a year? More than 200,000 out of the whole 258,000! These are the persons on whom this tax is weighing so heavily. It is not your landed proprietor—it is not your rich manufacturer—it is not your opulent and powerful merchant. No; it is your hard-worn tradesman, the poorer shopkeeper, the struggling clerk. And yet you tell me that, as compared with the paper duty, this is a tax which ought to be retained! [*Cheers, followed by some laughter on the Ministerial side.*] I hope hon. Gentlemen opposite who are smiling at the cheer which has accompanied that statement will allow that it is one deserving their attention. I am dealing with the question fairly. I have taken every objection that the Chancellor of the Exchequer has urged so powerfully in respect to the paper duty, and I am contrasting those objections, and showing that there is a weight of disadvantage operating quite as strongly against the income tax as can be found against the paper duty. Remember, that is the argument. What was the third point on which the right hon. Gentleman relied? He said, the paper duty is daily becoming more untenable. What is the criterion of the untenableness of a tax? That it is falling off. [The CHANCELLOR of the EXCHEQUER dissented.] My right hon. Friend shakes his head; but, if that is not the only test, it is surely one test. I will make another comparison, which I think will startle you quite as much as the statement I have already adduced. Since the year 1842 the quantity of paper manufactured, notwithstanding the duty upon it, has increased from 96,000,000 lbs. to 187,000,000 lbs. in the year 1858; and within the same period the duty has increased from £634,000 to £1,281,000. This shows how the manufacture of paper has flourished in spite of every hindrance. Now for your income tax. I hold in my hand the Returns of the income tax from the year 1843 to 1853. I take those years for my comparison because the tax then remained at 7*d.* in the pound continuously, and we have not the same facilities for comparison afterwards. Was there an equal increase of revenue from the income tax? There ought to have been, if the prosperity of the country was as great as you say it was, and as I believe it to have been. The whole amount of the income tax levied in 1843 was £5,336,000. In 1853 it was £5,598,000; so that ten years of prosperity only produced you between £200,000 and £300,000 increase in this impost. My right hon. Friend paraded the figures before us to show the immense amount of income tax derived under Schedules A and D. Now, it is true that the gross amount of the incomes assessed under Schedule D was in England in the year 1857, £69,110,922, and in 1858 the amount rose to £73,106,000. But in those years incomes between £100 and £150 a year were brought under charge. The gross amount of the incomes assessed between £100 and £150 in 1857 was £11,880,000, and in 1858 £12,843,000. If, therefore, you deduct the £11,880,000 assessed on the lower class of incomes under Schedule D in

1857, you will find the total amount of income subjected to charge under that schedule was about £57,230,000. But the income charged under Schedule D in 1843 was £63,000,000, showing that there was less income under charge in 1857 as compared with 1843. In 1858, again, the incomes charged under Schedule D amounted only to £33,106,832, as against £63,000,000 in 1843. But you must deduct from this sum the incomes charged upon £100 and £152 a year, *i.e.* £12,843,000. Thus, while your exports have increased threefold and your manufactures have been prospering, your incomes assessed under Schedule D, being incomes derived from trades and professions, were less in 1857 and 1858 than in 1843. Do I say that you have not had, in reality, any increase in those incomes? Far from it. I only give these statistics to show the enormous frauds that are being practised on the revenue; and, that being so, I say it well becomes the Chancellor of the Exchequer to see whether a tax leading to such results had not much better be taken off. But then my right hon. Friend refers to the inequality and the pressure of the paper duty, as between the rich and poor. I think I have shown you by the enormous number of claims for exemption under the income tax, that there are ten—aye, twenty times more inequality in the pressure of that tax. These are reasons which strongly induce me to vote for the Motion of the hon. Member (Mr. Du Cane). If, however, I wanted another reason, it would be that urged by my hon. Friend the Member for Stamford (Sir Stafford Northcote), in a speech which proves that he is likely to aid us with his financial ability and knowledge as much, perhaps, as any man in this House. He showed you that, while you are taking off the paper duty and at the same time raising the income tax, you will in another year, having forfeited that ordinary revenue, be in a deficiency at least as great, if not greater, than now. My right hon. Friend is only postponing, he is not satisfying his obligations. But I ask the House whether it is wise to postpone your obligations for another twelve months, and to throw either upon yourselves or your successors the difficulty of determining that which ought to be determined now—namely, whether any and how much of the income and property tax shall continue as a permanent part of your fiscal system? I for one am opposed to this. If you want to deal with the deficiency which yawns before you, you can only do so by reducing expenditure, by loans, or by a reimposition of the income tax at a still higher rate. A reduction of expenditure it would be difficult to accomplish, though I think much may be done in that direction, not that I wish our armaments to be made inefficient, but because I believe you do not get money's worth for money spent. You cannot have recourse to loans. That is only the improvident scheme which a gambler would have recourse to; it is discounting the future at a price which, in the end, will only increase your embarrassments. Then, if a loan is not to be thought of, and if any considerable reduction of expenditure is impracticable, Parliament will next year see the same question before it awaiting discussion and unsettled. You will have the hon. Member (Mr. Bright) coming down to the House, and saying you ought to increase rather than diminish direct taxation, at the same time altering the mode in which it is levied. You will have, too, the Chancellor of the Exchequer telling you that this is a powerful weapon, which you must keep ready for great emergencies, but that the mode of levying it ought not to be altered; and you will find the utter impossibility of settling that question a bit more effectually than now. These, Sir, are the reasons which induce me to vote for the Resolution. I will only add another word, though I hardly need do so after the speech of the hon. Baronet (Sir F. Baring). He told you, and truly, that a question of imports and exports was not a party question. I can assure the Government that they are entirely mistaken if they suppose that the vote I am going to give is meant to disturb or to displace them in their seat. No, Sir, I think the circumstances of the time are far too important, far too grave, to justify endeavours, year after year, made with a view of disturbing the Administration. If in their conduct the Government are moderate, as I trust they will be; if they consider reasonable objections which are urged against parts of their measure without any intention of breaking that measure down; if they will meet the objections of those who criticise fairly without condemning unjustly; if they will not stop their ears when Motions are made from this side of the House, their financial arrangements will then be in a much better position, and will be much more favourably viewed. Sir, I am convinced that party feeling has nothing whatever to do with this question, at least in the minds of the great bulk of those around me. I believe that almost all those Gentlemen would say, "We are living in times when the hands of the Executive require to be strengthened rather than weakened." In voting for this Motion, therefore, I do so simply for the reason I have stated, and not in the slightest degree with a party object; for I am thoroughly convinced that, for the national good, any Administration, so long as it does not provoke hostility, ought to be freely and frankly supported in carrying on the affairs of this great country in a manner conducive to its interests and to its honour.

THE CHANCELLOR OF THE EXCHEQUER: Sir, having listened with attention, like the rest of the House, to the speech of my right hon. Friend, I am free to confess that I find it perfectly easy to understand his premisses apart from his conclusion, not less easy to understand his conclusion—that is, the vote he means to give—apart from his premisses. But what the process is by which my right hon. Friend has combined such premisses with such a conclusion, I must say would have been received by me as a riddle more hopeless than that of the Sphinx, if it had been proposed to me before the debate to-night. The premisses of my right hon. Friend are these. He is favourable to the main features of the Budget. He is, in substance, favourable to the Treaty with France, and wishes to see it well carried through. He is favourable to the Government—a most insignificant consideration in comparison with that I named before, but still a statement which, coming from him, I and every man receive with the most implicit credit. He is favourable to the maintenance of the Government; and, being favourable to the Treaty, to the main features of the financial scheme and to the Government, he is about to vote for the Motion of the hon. Gentleman (Mr. Du Cane). That is a process which may be perfectly intelligible to some hon. Gentlemen opposite. But the right hon. Gentleman (Mr. Disraeli) will, I take it, have a share in this debate; he, I have no doubt, means to support the Motion; yet I will venture to lay what are termed very long odds that he does not found his support of the Motion upon the propositions of my right hon. Friend, but upon propositions which are in direct contradiction to them. I will not attempt to follow my right hon. Friend through the details of his speech. He says that we are subject—and I admit the charge—to great difficulty, in consequence of the number of questions we have to discuss. The best way of coping with that difficulty, I think, is to separate them one from the other, and discuss them in their order; and, as we shall have separate and distinct opportunities of examining the Treaty with France, of discussing the paper duty, and of considering the income tax, I cannot enter into the smallest detail on any one of those three questions. I am obliged to say one word, however, on what has fallen from my right hon. Friend with regard to the relation of the paper duties and the income tax. He positively in one part of his speech used language which would lead us to understand that the alternative before the Government when they came to their conclusions was, whether they should retain the paper duty and dispense with the income tax. ["No, no."] I beg pardon. I distinctly assert, in opposition to the hon. Gentleman who says "No"—and, at any rate, I may be allowed to state my recollection—that in one part of his speech my right hon. Friend seemed to imply that the alternative with us was, whether we should keep the paper duties and get rid of the income tax, or whether we should keep the income tax and part with the paper duties. My right hon. Friend was very eloquent upon the difficulties which attend the collection of the paper duty, and made light of those difficulties. On another occasion I will endeavour to show what those difficulties are, that my right hon. Friend has not at all taken them into his view, and that the Report of the Board of Inland Revenue quoted by him, which refers to a prior date, and does not express the present state of the question or the present views of the Board, is perfectly compatible with the proposition that those difficulties are of the most serious kind. But my right hon. Friend with equal eloquence and effect sets forth also the great difficulties which attend the levying of the income tax; but when we see before us this conclusion, that the difficulties of the paper duties are great, and that the difficulties of the income tax are great, I say that it is wiser, if we can, to get rid of one of the two as we propose, than to keep both as my right hon. Friend proposes. It is, then, no question between the paper duty and the income tax that we shall have to discuss. It is at the outside only a question between the paper duty and one-tenth portion of the income tax. But I pass on from that subject, because I think we have an issue before us in a far broader form, and I shall endeavour to come as soon as I can to that issue. I will not, therefore, follow the right hon. and learned Gentleman who spoke on a former night (Mr. Whiteside) into the discussion on the alcoholic test on wines, or the hon. Member for Buckingham (Mr. Hubbard) into the question of contract notes and dock warrants. The contract note stamp is 1*d.*, and that moves his indignation, because it is so small, and he says, "Will you obstruct trade by this paltry tax?" But the dock warrant is 3*d.*, and that moves his indignation because it is so great, and he says, "Will you overwhelm trade by this great duty?" The hon. Member has the direst views for the future in consequence of these painful measures, but we shall have ample opportunities of discussing them also. When, however, I see men of the ability, position, and character of my hon. Friend (Mr. Hubbard) and of my hon. Friend the Member for Huntingdon (Mr. T. Baring) in a state of feverish apprehension and foretelling the direst results from the measures proposed, I naturally seek for consolation under circumstances so discouraging, and if I find that those hon. Gentlemen viewed on former occasions with the same and even more painful anxiety public measures which afterwards were adopted, approved, and vindicated to the satisfaction of the whole country, then I confess that I live in hopes that that which has happened before may happen again, and that, their gloomy views of the future turning out incorrect, I may count on their admitting hereafter, and at no distant period, the merits of the measures they now denounce. The hon. Member for Buckingham (Mr. Hubbard) has certainly not had the same opportunities as the hon. Member for Huntingdon (Mr. T. Baring) has had, but on great occasions we have found the hon. Member for Huntingdon among the most resolute and distinguished opponents of those great measures which have fundamentally reformed your commercial system. Nevertheless, while I listened to the vaticinations of the hon. Member for Buckingham (Mr. Hubbard) my memory ran back to the time where I heard him—not in this House, for we then had not the pleasure of enjoying his company here—uttering the same dismal prophecies on an occasion when it was proposed to do justice to British trade as compared with foreign trade by imposing a stamp on foreign bills of exchange. Upon that occasion the hon. Gentleman was a distinguished member of a deputation from the port of London, and he assured me that if we ventured to impose a stamp duty on foreign bills we should drive the trade from the market of London, and London would no longer be the centre of money operations. That gave me uncomfortable sensations at the time, I must confess; but we persevered with the plan, the House adopted it, the stamp was imposed, it has contributed for six years to the revenue of the country, and London is still the centre of the money operations of the world. But I have now done, as I promised, with questions of this kind, which, however important, will be more conveniently discussed on another opportunity, and I come to the general issue before us. On Monday night I heard the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) explain to the House the dignified course which his party had adopted. The right hon. Gentleman said—and I, for one, and I believe the generality of the House, went along with him in what he said—"We have scorned to raise a partial issue; we have rejected the hands that might be held out to us from this and that alarmed and timorous interest; we have rested our cause on the broad ground of general merits, and on that ground alone we seek to take issue." Upon that declaration of the right hon. Member for Buckinghamshire, I bethought me of the language of Burke, who lamented that the age of chivalry had gone; and for a moment—aye, for a whole evening—I was in hopes that the age of chivalry had come back again; for I heard it declared that it was intolerable to meet a great measure of this kind—a national and international measure—by petty and paltry combinations of A and B and C, who object to this and to that, and by putting together their separate units endeavour to obtain a mass of force sufficient to overturn the whole scheme. Those were the sentiments expressed on Monday night; but it is a bad world we live in, and if any man suffers himself to be deluded for a moment with the notion that high ideals govern the conduct of persons and parties, there is a great chance that in a very short time he will be painfully undeceived. For my part, I was undeceived when I opened the newspapers next morning, for I found there that a right hon. Gentleman had committed himself in the manner I am now going to describe. That right hon. Gentleman attended a meeting of an alarmed and timorous interest, which, fearful of the withdrawal of the protection they enjoyed, might be acted upon, it was hoped, to oppose a great national measure on account of their own narrow interests. There is one valuable principle of free trade which appears to be well understood by the hon. Gentlemen opposite, and that is the division of labour. While the right hon. Member for Buckinghamshire was announcing in sounding periods the high ground on which he took his stand, another right hon. Gentleman was holding different language in a different place—I mean the right hon. Baronet the Member for Droitwich (Sir J. Pakington). The right hon. Baronet attended a meeting of a set of gentlemen who are well known, almost every man of them, to every successive Chancellor of the Exchequer—namely, those who are called the growers of hops. The county to which the right hon. Baronet is an ornament is not a great hop-growing county; it produces $1\frac{1}{2}$ per cent of the total consumption, and consequently—I believe I am correct in the statement—until the eventful week in which we now are the right hon. Baronet had never thought it worth his while to attend a meeting of hop-growers. But on this particular occasion, when the financial scheme and a chance of intercepting the Treaty with France were in question, my right hon. Friend the Member for Droitwich, his bowels with mercy and sympathy moved towards the hop-growers, appeared for the first time at a meeting among the champions of that suffering interest. And what was the advice given by my right hon. Friend within twenty-four hours of the time when the right hon. Member for Buckinghamshire had—if I may thus express myself—so surreptitiously excited our admiration and almost enthusiasm by the enunciation of lofty principles. I have made inquiry about the accuracy of the report, and therefore I have less hesitation in quoting a few words from it. My right hon. Friend spoke among hop-growers, and said that he was not connected with a great hop-growing county. I suppose his audience knew that as well as he; but he went on to observe that his county had a good deal of land planted with hops, and he thought it right to attend the meeting. My right hon. Friend then entered on hops, but very slightly, and did not show that acquaintance with the manipulation of details which no one knew better how to employ when a master of details; but it was a resistless impulse which brought him among those unfortunate people in order to point out the way of salvation to them, and he said, "I would suggest as a matter of business"—the House will see that, unlike the right hon. Member for Buckinghamshire, who spoke in a tone of high feeling and romance, the right hon. Baronet, observing the division of labour agreed on, applied himself rigidly and without any chivalrous feeling to the part allotted to him. He said, "I would suggest, as a matter of business, that instead of their going to the Chancellor of the Exchequer they should instruct their Members to go at once to the House of Commons, and say, 'This Budget does not suit us, and we will oppose it." As for the Budget itself, the right hon. Baronet said he looked on it as "a rash, meddlesome, and unsatisfactory scheme." That is all very well. Regarding the Budget in that light, it is doubtless the right hon. Baronet's duty to oppose it, but he never thought it at all necessary to understand whether the hop-growers he was addressing partook of his opinion. He did not go to them and ask, "Do you think the Budget bad?" but he said "Your particular interests are attacked, and therefore turn against the whole Budget." The right hon. Gentleman went on:—

> "And if all the interests injuriously affected by it could combine together, giving up their immediate views with regard to their own individual interests, the result would very soon be to get rid of it altogether. He therefore counselled them to unite with other interests and bring such a pressure to bear upon Parliament as would put an end to the Budget at a blow."

That is the disappointment which I for one have undergone in comparing a declaration in full of the highest mediæval spirit made by the right hon. Member for Buckinghamshire with the more practical proceedings of the right hon. Member for Droitwich as a matter of business. But, however that may be, and whatever may be the proceedings that may be taken by those who sit on the same bench with the right hon. Baronet at the meeting of hop-growers or others, whether reported or not reported, having availed myself of the little light that was thrown on them through the medium of the daily journals, let me now endeavour to deal with the Motion as it stands on our books, and apart altogether from the question of what interests can be got to support it. But this I am bound to say, after the challenge given by the right hon. Gentleman—the invitation given by him to those parties—that I am deeply convinced that all such invitations in a country like England will miserably fail. Those who think that this Budget does them injustice will use their best exertions to defend themselves upon their own ground and with their own legitimate weapons, but they will not, from fear of losing their own legal privilege, be deluded and seduced into an error so grave as that of absorbing the greatest national interests in thoir own individual and particular convenience as a class, and they will give, I am convinced, an impartial judgment upon the main issue which is brought before them. The right hon. and learned Gentleman (Mr. Whiteside), who spoke last night, described the Budget, and referred to the descriptions that had been given of it. He said my right hon. Friend the Member for Coventry (Mr. Ellice) had characterized it as an ambitious Budget. I know the position of my right hon. Friend, and I cannot in the slightest degree quarrel with him for the use of that epithet, but I am sure he will admit to me that if it shall be found that the people of England receive these financial plans with approval it is not because they are fond of ambitious Budgets, but because they wish for measures which they think will contribute to the extension of trade and the prosperity of the nation. Some one else went far beyond my right hon. Friend, and said it was an audacious Budget. The right hon. and learned Gentleman himself would not go as far as that, but said it was a bold experiment upon the country. I am desirous that the House should come to a clear and conclusive view of the question who it is that is treading the safe paths of experience, and who it is that is chargeable to-night with objections and propositions that are ambitious, that are audacious, or that are bold experiments upon the country. My hon. Friend the Member for Birmingham (Mr. Bright) gave a different description of the financial scheme. He gave a description which was not the most complimentary to the author of an ambitious Budget. He said, looking at it from a directly opposite point of view, "the Chancellor of the Exchequer can lay no claim to the merit of originality, he is simply walking in the footsteps of those who have gone before him, and because those footsteps have led us to safety in other times therefore he walks in them now." I affirm that that is the true description of the Budget. It does not lay claim to the merit of originality—if originality be a merit—but, at any rate, such have been the providence and sagacity of those who have gone before us that there is no need of originality. They have laid down the pattern of wise and prudent conduct in respect of public finance, and all we have to do is to follow in the course they have indicated. I must be permitted to say that I really pass by the proposition of the right hon. Gentleman who last addressed us, who conceives that this Motion, which was born at the meeting of a great party, and has been adopted in consequence of the determination of a distinguished nobleman to come forth from almost monastic seclusion to which he had retired, in order to rescue his country from danger—I cannot conceive that such a Motion is to be regarded in such a light. [*Cries of* "Who!"] I mean the Earl of Derby. I speak from what I have seen reported, distinctly and without contradiction, as having been the language of the noble Earl. That noble Earl said that he had determined not to become a candidate for the resumption of his office as Prime Minister, after having twice held and lost it in a manner not satisfactory to himself, unless under circumstances of some rash and dangerous scheme vitally assailing the best interests of the country. Under these circumstances he would come forth from his retirement and again be at the command of his Sovereign. ["No, no!"] I apprehend I am right in supposing that Lord Derby is at the command of his Sovereign. I do not wish to detain the House by a verbal contest, but I imagine the right hon. Gentleman who last spoke treated this as a Motion which did not disturb the Treaty, and was not intended, if carried, to disturb the Government. As to disturbing the Treaty, it is well known the Treaty parts with £1,200,000 of the ordinary revenue of the year, and the Motion declares that it is not expedient to add to the existing deficiency by diminishing the ordinary revenue, and that I understand to be a plain and flat contradiction of our scheme. In the same manner I am right in supposing there is no hon. Gentleman who sits opposite, or at least upon the bench immediately before me, who does not frankly regard this Motion as one which, if carried, would render it impossible for any Government to continue to hold office. I have no doubt my right hon. Friend who spoke last is the only hon. Member here who holds that peculiar form of opinion he has expressed. ["No, no!"] Let us, then, understand what the Motion is. Is it aimed at the Treaty with France or is it not? Is it possible to hold that a Motion which denounces any addition to an existing deficiency by parting with revenue can be thought compatible with a Treaty which does add to the deficiency by parting with considerable revenue? It is a Motion aimed in terms—and I interpret its spirit solely from its terms—it is aimed in its terms and spirit at the life and substance of the Treaty. But more than that, I will endeavour to point out why I also say the Motion repudiates and condemns in the mass the commercial legislation of the last eighteen years. ["No!"] Hon. Gentlemen say "no." Permit me respectfully to suggest that I am to be followed in the debate by their leader, and he will have an opportunity of conveying the "No" to which they wish to give utterance in a manner quite as effective for their purpose, and much more agreeable to the House generally. The doctrine laid down is that it is not expedient to add to existing deficiencies by diminishing the ordinary revenue. That is the doctrine laid down in the Motion, and that doctrine, I say, is fatal to every great and beneficial change that has been made in this country in connection with the revenue for the last eighteen years. ["No, no!"] I understand hon. Gentlemen to dissent. Let us go to the proof. I will endeavour to prove that in a short and simple manner, and, without referring to all operations during a number of years, will refer only to three great crises. Putting aside the greatest of those events—the corn law and the navigation laws, which had no perceptible connnection with finance—I will refer to those great occasions when we dealt largely with the finances of the country in the sense of propositions of commercial reform—1842, 1845, and 1853. I was glad to hear, when, the hon. Member for Birmingham (Mr. Bright) last night said we were treading in the footsteps of Sir Robert Peel, that some hon. Members opposite cried "No." It showed that we have arrived at last at a time when it is admitted that those principles and that policy constitute not the mere decoration of a name or of a party, but a great national inheritance for which contending parties may honourably strive. That is a great mark of progress, when we recollect what has taken place within the memory of us all, when we remember that the changes of 1842 and those which followed led the right hon. Gentleman the Member for Bucks to denounce a Conservative Government as an "organized hypocrisy." Take that as a starting point, and then realize the fact that the two sides of the House are now contesting who shall be the exponents, who shall be the champions, of those principles. It is a proof of the great progress that has been made, and the only question remaining now is which of the two sides of this House is endeavouring to continue that progress, and which to resist it. I will refer to each of those three years—1842, 1845, and 1853—in order to show that in every substantial and important financial change you will find the principles to be precisely the same as those upon which the present Government has founded the scheme which is now before the House and the country. I shall place them in the sharpest contrast with the Motion which you are invited to adopt tonight, which my right hon. Friend who spoke last is about to support by his vote, and which declares that it is "not expedient to add to the existing deficiency, by diminishing the ordinary revenue." In 1842 there was, as there is now, an existing deficiency. It amounted to £2,570,000. Sir Robert Peel added to that existing deficiency by diminishing the ordinary revenue. He took from the ordinary revenue, by the remissions he made, a sum of £1,210,000. He thereby swelled the deficiency to £3,780,000, and he then laid on new taxes, of which the income tax was nine-tenths, to the amount of £4,380,000; thus obtaining a surplus of £600,000. I think that is rather like the operation which you are now asked to sanction. In 1845 there was one point of difference, and you will yourselves judge whether it is vital, or whether, as I think, it is comparatively unimportant, if it does not make out a stronger case. In that year Sir Robert Peel did not add to an existing deficiency, but he created a deficiency, by converting a surplus into a deficit. He had, in 1845, a surplus of £1,420,000. He converted it into a deficit by large remissions, which involved a loss to the revenue of more than £3,502,000. In that way he created a deficiency of £2,082,000. By renewing the income tax, he obtained Ways and Means to the extent of £2,600,000, and so secured a surplus of £518,000. I think that, again, was rather like the operation of 1842. In 1853, when substantially, though in less arduous circumstances, most of us who are here present heard all these dismal prophecies, there was again an existing deficiency of £1,968,000. We again added to the existing deficiency, by diminishing the ordinary sources of revenue to the extent of £1,656,000. In that way we increased the deficiency to no less a sum than £3,624,000. We supplied that deficiency by new charges, that were estimated to yield—but, in point of fact, they yielded more—£4,090,000., and so obtained a surplus within a few thousands, the same as that which is now proposed—a surplus of £466,000. In each and all of these cases you pursued precisely for every substantial and practical purpose the same course. You either found or you created a deficiency; you aggravated when you did not create it; you had it to deal with in each case; you dealt with it after diminishing the ordinary revenue, by the imposition of new taxes; and that is the essence and foundation of the scheme now before you, as compared and contrasted with those rival schemes, of which some faint glimmerings have been obtained from one or two of the less cautious of the speeches which have been delivered in the course of the present debate. I may observe that 1853 was so far distinguished from the other cases, that in that year not only did we add to an existing deficiency, and impose new taxes, but the House of Commons, by so strong and so prevalent a feeling, both in the House and in the country, that no one ventured to raise a general issue, effected the operation by means of some indirect taxes laid upon spirits, but mainly by direct taxation, and in no inconsiderable degree by an extension of the income tax itself. I contend, therefore, that by demonstration, and not merely by loose assertion, it is clear beyond all doubt or argument, and in the rigid logic of figures themselves, that the plan we are now proposing, not as we describe it, but as described in a hostile Motion, corresponds in every point with the measures of 1842, 1845, and 1853. If that be so, the issue is a very short and simple one, because the question is, will the House stand by those measures,—will it endeavour to develope by further application the principles upon which they were founded, or will it, on the contrary, at this time of day, declare that it sees cause to renounce those doctrines, and to adopt, instead of them, the opposite principle, that it is "not expedient to add to the existing deficiency, by diminishing the ordinary revenue?" So far I have quoted the words of the Motion, but I will add on my own account "for the purpose of making those investments on the part of the public, which a long, a sure, and now an unquestioned experience has proved to be almost beyond all other investments fruitful, wholesome, and reproductive." It may be said that there is one important point of difference between the circumstances of the present year, and those of the years to which I have referred, and that is that the deficiency with which we have to deal, is much larger than it was upon any of those occasions. That is perfectly true; but, on the other hand, let the House reflect whether there are not special circumstances of the most cogent character which almost compel Parliament, by the force of equity and justice, to recognize the claims of trade, of industry, and of the population at large to remissions of taxation. I shall mention two. One of them is the falling in of £2,000,000, and more of annuities, with respect to which I think it will be admitted that some question at least arises whether they are merely to be added to the means of meeting an enormous and constantly growing expenditure, or whether they mark an epoch at which we ought to endeavour to apply afresh the principles which we applied with such good effect before. The other relates to the extraordinary resources which we shall derive during the present year from what may be called casual receipts, that cannot recur. Take the single case of the sums we are going to obtain from the malt and hop credits. I have no difficulty in justifying the application of those sums under the circumstances to the services of the year, partly because they may in some sense be set against the really extraordinary expenditure to which we are liable on account of the military expedition to China, but mainly because we intend to make a reproductive use of the money. And though we begin by remitting taxes we are going to create funds, which as time goes on, will from year to year be constantly adding to your resources. Just look how the case stands. We are going to apply from extraordinary sources to the services of the year a sum of £1,400,000. That is only £700,000 less than the whole amount we are to lose by remissions of taxation; in other words, £700,000 is the whole extent for the services of the present year to which the ordinary revenue is really to be a loser on account of the remissions we are making, and that £700,000 represents three-fourths of a penny, or the difference between 9*d.* and 10*d.* in the income tax. But I must object altogether to the assumptions of these who exclaim against the reduction of indirect taxes as an irretrievable loss to the revenue. The receipts from indirect taxes constantly increase, and they increase the faster, and mainly, because we reduce. The receipts from indirect taxes will be larger in the present year, apart from the operation of the Treaty with France, than they have been, I believe, in any past year within our recollection,—certainly in any year since the imposition of the income tax. The difference is enormous between the amount at which they stood when the income tax was first imposed and the amount to which they have been raised by judicious remissions. But it does not follow that because we propose an operation of this kind in the present year it is therefore to be repeated every year. You commenced these reforms practically in 1842. You went on in 1842, in 1845, in 1846, which was, perhaps, the greatest year of the whole. In 1849 you repealed the navigation laws. In 1850 and 1851 you returned to the repeal of taxation, chiefly indirect. In 1853 you made another large remission of taxation. Between 1842 and 1853 there were not less than seven or eight years in which you made these operations; and what has happened since? For seven years, owing to the circumstances, we will suppose, of the time, the application of the principle has been intermitted altogether; and then comes a year when you have an extraordinary relief from the public debt, and when you are going to apply extraordinary means to the services of the year. With an interval of seven years since you have done anything for the further application of your principle, is it strange that you should be asked to recur to a beneficial practice? You may tell me that this is a year of great expenditure, and that therefore it is an unfit year; but do you who say that promise me that there will be great relief from that expenditure next year? If it were in a year of great expenditure, with the prospect of immediate relief, I grant you it might be better to undergo the inconvenience and forego the benefit, and wait for a year or a couple of years before proposing what we propose to do now. But what is the spirit shown on the other side, not by all hon. Gentlemen opposite, but by the Mover of this Motion, whom I take as an excellent specimen of the distinguished class to which he belongs? What is the spirit which he shows, and what is the spirit of the Motion with regard to expenditure? Does this Motion condemn our great expenditure? Does this recognize it, as I believe it is generally recognized on this side of the House—as far as it is approved—as a necessity, but a painful necessity, to which we submit because we think high interests require it, but from which we are desirous to escape—from which we hope to escape, and from which we are determined to keep in our own hands the means of escaping? That is the spirit in which the expenditure is supported on this side of the House; but is that the spirit of the hon. Mover? On the contrary, he pours contempt on times of economy—he fears we shall get back to those times to which he applies the miserable epithet of "cheeseparing" —he seems to give countenance to the discrediting assertion that the Ministers and the Parliament of England have given way to this cheeseparing economy. Why, who have been the Ministers during whose time economy has been most in vogue? I do not speak of those who live and sit on this bench. I speak only of the dead. The Duke of Wellington—than whose Administration none did more, according to its time and circumstances, for economy —Lord Grey, Lord Melbourne, Sir Robert Peel. Those are the men under whom, by whose countenance, and by whose labour rules of thrift were applied to the expenditure of the State; and those are the men upon whom the Mover of this Motion, partly by its terms, and partly by the language by which he expounds them, thinks fit to throw a slur as cheeseparing economists. Sir, I have admitted that it is impossible to expect a rapid return for this benefit; that we have entered—though I trust the Estimates for the present year are exceptional—on a high level of expenditure. But, being on that high level of expenditure, and having heavy burdens to bear, can we not strengthen ourselves for the task by means which in former years were found so efficacious, and again apply the principles which were applied in 1842, in 1845, and in 1853? Sir, there is another view of this case, to which no allusion has been made by hon. Gentlemen who have spoken on the other side of the House, but which I must confess impresses itself very forcibly upon my mind, and it is this:—I heard with pain the speech of my right hon. Friend the Member for Portsmouth (Sir F. Baring) which gave the weight of his authority, not so far, as I could understand, in support of the Motion, but, at any rate, in disapproval of the financial proposals of the Government. My right hon. Friend referred, and my hon. Friend the Member for Stamford (Sir Stafford Northcote) referred, to a political reason for the recommendation of schemes different from those of the Government. My hon. Friend the Member for Stamford gave us a glimpse of finance to which he would gladly have been a party, and he said that, instead of an income tax of 10*d.* in the pound, we ought to have an income tax of 7*d.* in the pound. My first objection to that agreeable suggestion is, that he proposed entirely to abolish the very small and modest surplus which I asked the House to provide, and that entire abolition of surplus is not, as I understand, a condition or characteristic of safe or prudent finance. My hon. Friend proposed to restore to the revenue what we take away. He proposed to take away 3-10ths of the income tax, or about £3,550,000, and the difference between those sums swallowed up the modest surplus which I have asked. That is my first objection to the suggestion of my hon. Friend. "Aye, but," says my hon. Friend, "you have always an increase from indirect taxes." Yes, Sir, but it happens that we have reckoned that increase already; we have taken it at as high an amount as the opinion of the official persons who are entitled to the greatest consideration warrants us in taking it, and I need not tell my hon. Friend we cannot eat the cake and have it too—we cannot reckon a sum twice on the same side of the account. But then my hon. Friend said he would provide a surplus by new taxes. By what new taxes? By taxes on the trade and industry of the country. Depend upon it if ever you adopt a stationary finance — stationary in fact, but retrogressive in spirit—you will not simply stand still; you will lose those continual supplies welling forth year by year from the fountains which prudent legislation has opened, and you will be obliged to make provision by new taxes, to which my hon. Friend so very mildly glanced. My hon. Friend said, and my right hon. Friend also (Sir F. Baring) also said, we do not make proper provision for 1861. Supposing hon. Gentlemen opposite had attained a Spartan heroism, and were as rigid financiers as they are Puritanical Free-traders when it suits them, and they had said, "It is intolerable that this £1,400,000 should be applied to the purposes you propose; take £1,000,000 of it and apply it to the payment of Exchequer bonds;" I am not sure that they would have made a good party Motion or that they would have had the hop-growers to assist them; but they would have acted on those high principles of finance which I must say have for many years been the peculiar characteristic of the party which they claim to represent. But it is not so. They ask you to give the utmost possible relief to the class which chiefly returns Members to Parliament,—nothing to any other class,—and to apply the malt and hop credits, not with a view to reproduction, but as an expedient to meet expenditure in a dead season, in accordance with a policy which provides from hand to mouth, looks not to the future, and contains within it no germ of vigour or possible improvement. My hon. Friend said, "Take care what you are doing," and he was echoed by my right hon. Friend. What are we doing? We leave to the Parliament of 1861 to make provision for 1861, as we are making provisions for 1860; and the reason of that proceeding is not concealed. It is a very plain reason,—that we do not recognize the expenditure now going on as fixed and immutable. We wish it to be watched by the people of England, to be controlled by Parliament, and therefore it is well that the Government should be dependent on Parliament for a portion of the revenue, instead of its being absolutely fixed in all its parts, in order that Parliament shall have control over the taxes. Here I think I am entitled to make a strong appeal to my right hon. Friend. He did not speak of great expenditure as desirable, or to be looked on with indifference. He, I thought, from the tone of his speech, looked with anxiety, which in my idea every prudent statesman must feel, to see the expenditure increased. I have no article of faith more cardinal than that large expenditure is not only an evil in itself, but constitutes a social and political danger to the country. But my right hon. Friend said, "You will never get down the expenditure until you refuse some of the taxes," and yet he objects to us when the course which we take is to leave in the Parliament of next year the power of employing that lever, if it thinks fit, for the purpose of acting on the expenditure of the country. I must say we are acting on the principle of my right hon. Friend, and I shall be very sorry if we have not his aid to give it effect. But here he and my hon. Friend came in and intimated that there is a peculiar danger in leaving to the Parliament of next year to make provisions for the exigencies of next year, because it is likely to be a Reformed Parliament; and so, because it is likely to be a Reformed Parliament, you are to tie up its hands, as a man who holds an estate in fee simple, and has got a disreputable son, entails and hampers it in every way he can, for fear his son will abuse his power. That is the spirit in which we are to act towards the Reformed Parliament. We are to go and say to an additional portion of the people, "We hold you worthy to be associated with your fellow-citizens in the great and noble office of choosing your representatives in Parliament, but when those representatives come and take their seats in the old British House of Commons they shall find the House denuded, as far as we can effect it, of some of its powers. They shall find that we have done for them something we thought dangerous to allow them to do for themselves." If there is to be a reform of Parliament—if masses of our fellow-countrymen now excluded, be they great or small, are to be admitted to the franchise—let those who are returned to the new House, when they assemble, be heirs to every power, to every privilege, and to all the liberty of the old; and do not let us presume to lay the foundations of jealousy—perhaps of disloyalty and disorder—by promulgating the doctrine that in proportion to the larger number of the people responsible for the election and conduct of Parliament, the powers of that Parliament are to be limited. That is one way of guarding against the dangers of a reformed Parliament, and it is a way which, under pretence of guarding against them, in fact, aggravates their dangers. There is another method of proceeding, which I hope this House will pursue. We are at present returned by undoubtedly a most intelligent portion of the population, but a portion more limited in its numbers than we think desirable. We are about to admit new classes to the exercise of the franchise. I have got the specific of my right hon. Friend (Sir F. Baring) for making the new Parliament innocuous, and I am not able to adopt it. I will give him mine, and leave the House to judge between us. It is a very simple one. When the new class sends to Parliament representatives who will be more peculiarly its own; when these newly-elected stewards enter upon the discharge of their functions; when they come to review the actions of their predecessors, let them find that, though we represented but a part of the people, yet to the best of our opinions and the best of our judgment, we held fairly the scales of justice between class and class, and studied the interests of all alike. And now I make my second appeal to the House of Commons. I ask you, which of the two plans before you best corresponds to the description I have given? You know well that the interests of different classes are materially affected by different kinds of taxation. Hear my hon. Friend the Member for Buckingham (Mr. Hubbard). How eloquent he is on the sufferings of the long annuitants. I am very glad that the long annuitants should have a representative in this House; but there are classes which are not represented, and I want to know what sort of justice it is proposed to do them by the plan of the Government and the plan of the party opposite respectively? Here, again, I must resort for a few minutes to figures to prove my case, and they shall be the last. I apprehend it is an admitted proposition that in a certain relative manner, but with much of substantial truth, we may say that indirect taxes upon commodities are paid in a large proportion on a number of articles of consumption by the unrepresented classes, whereas the income tax is paid almost entirely by the represented classes, and in a great degree by the wealthy classes of the country. These are the terms in which I would state the incidence of the two kinds of taxation; and bearing these terms in mind, I beg the House to observe what has happened. Six years ago came the Russian war, and we had to make great additions to the taxation of the country. The House thought fit to make those additions in certain proportions between what was direct and what was indirect taxation. I put out of view now—what if not put out of view would make for my own side—the additional taxes laid on spirits, because I conceive they were permanent additions to the revenue which we gladly adopted, irrespective of the question of what class they favoured, and I look only to the temporary additions which the House of Commons made to the taxation for the purposes of the war. They were these—In 1854 and 1855, we laid on for the purposes of the war £8,557,000 of direct taxes; and in the same years, also for the purposes of the war, putting aside the spirit duties, £5,450,000 of indirect taxes. The House will see that this is in the proportion very nearly of eight to five; eight representing the direct, and five the indirect taxes. That was the measure and the mode of the deviation which we made at that period from our old system of taxation, and I think the House will go with me when I say that it was desirable when peace returned, and we began to remit those taxes, that we should not remit exclusively or mainly the taxes paid by the classes that returned us to Parliament; but that we should have observed the same proportion, or at least a proportion equally favourable to the classes not directly represented here. What have we done? Have we conformed to that law? Does the plan of Her Majesty's Government conform to it? Does the plan of right hon. Gentlemen opposite conform to it or reverse it? Here are the figures, and I must say they are more curious than satisfactory. In 1857-8 we retained of direct taxes, above the standard provided for peace—nearly £2,000,000. We retained of indirect taxes £3,000,000—those on tea and sugar. In 1858-9, when the right hon. Gentleman opposite was in office, we retained of direct taxes of the war—none at all of indirect taxes—£3,000,000. In 1859-60 we put on of income tax £4,000,000, not done by the right hon. Gentleman opposite, but done by the present Government, in order to meet the charge of the Estimates in the main prepared by their predecessors, and we still retained £3,000,000 indirect taxes on tea and sugar. In point of fact, if we take the totals of 1857 and 1858, we levied of the direct taxes of the war £2,000,000 and of the indirect taxes of the war £6,000,000, and whereas they have been laid on in the proportion of 8 to 5, not much short of double, they were retained in the proportion of 1 to 3. The proceedings of last year somewhat rectified this, because then we should have paid up to April £6,000,000 of the direct taxes of the war, and £9,000,000 of indirect taxes—the proportion still standing at 2 to 3, instead of, as it ought, at 3 to 2. If the House has followed me in these figures, I think it is clearly demonstrable that, if this House really wishes to show the reformed Parliament which is to follow us that we have done justice as between class and class, something is due from us to the consumers of the great commodities in which the people take an interest, and to the relief which is afforded to those classes by the remission of duties affecting trade. And here let me say this—that if an hon. Gentleman opposite says we have made a great mistake in selecting the paper duty for remission instead of the tea and sugar duties—though I may differ from him, though I may enter into an argument to show that it would be better for the masses that the paper duties should be repealed, still we stand, at any rate, upon common ground; and I am ready to admit that, as far as principle is concerned, the reduction of the duties on tea and sugar would be as just in intention towards the masses of the people as the repeal of the duty on paper. But that is not the fact. Every proposal that has proceeded from the opposite side of the House goes on the principle of maintaining not only every farthing affecting the trading interest, but every farthing of the duties in which the masses of the people are directly concerned as consumers. If I were to take it as a sum in arithmetic, the real state of the case is this:—In proportion to the nine millions that we have levied of indirect war taxation since the war, if we had observed the same rule which we observed in laying it on, we should have levied £14,000,000 of direct taxation. Instead of that we have levied £6,000,000, and the balance of £8,000,000, according to the principle adopted by Parliament, is still due to those classes whose demands we ought first to have relieved. It is under these circumstances, when we have kept up heavy charges on articles consumed by the people, in which the labouring man takes a great interest, that we are again asked to administer relief; for I admit that a penny in the pound is a great relief to the classes which have so long been subject to the burden of the income tax. I am quite satisfied with the issues which have been raised. I do not think it is necessary longer to detain the House. When hon. Gentlemen opposite regret that an unnecessarily high income tax should be levied, I certainly agree with them. I am sorry that any high income tax should be levied, whether necessary or unnecessary. We will debate on the meaning of these terms when the proper time comes. For the present, I have endeavoured to direct your attention to this fact, that the main proposition of the hon. Gentleman the Member for North Essex is a proposal which attacks the whole of the past course of commercial legislation since 1842, and which stigmatizes it for the past, and which renounces it for the future. I have also shown that, if Parliament is to be reformed, the best security we can take for the institutions of the country, for the loyalty of the people under the action of the new system, is to show that we have done justice to all classes while the old one was in existence. Upon these two issues jointly and without fear I commit the Motion to the decision of the House, and I am convinced both that their decision will be conclusively favourable to the scheme of the Government, and likewise that in delivering it the House of Commons will do no more than echo back the voice which has sounded throughout the nation from one extremity to the other.

Mr. DISRAELI: I rise, Sir, to answer the challenge of the right hon. Gentleman, and to interpret that indignant negative which he heard from my hon. Friends behind me. The right hon. Gentleman has stated that the Motion made by my hon. Friend the Member for Essex is one that impugns the whole policy of commercial legislation for the last eighteen years. He says that the measures which he has introduced and the policy which he recommends are precisely the same as those which on preceding occasions have received the sanction of Parliament, and the approbation of the nation. He says, that if the House accedes to this Motion we are declaring that we entirely disapprove all that has been done in those eighteen years to revise our Commercial Code. But I join issue at once with the right hon. Gentleman. I deny the similarity between the measures which he introduces and those to which he refers. Sir Robert Peel, in 1842, in 1845, and the right hon. Gentleman himself, in 1853, certainly found or made deficits, but when they proposed a tax like the income tax it was for a period which covered the interval during which the experiment might have fair play. What we charge against the measures of the right hon. Gentleman is this,—that he has found a deficit and made a deficit, and has not

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proposed measures which will secure fair play to any experiment by which that deficit can be supplied. The whole speech of the right hon. Gentleman depended on this point. If the position of the right hon. Gentleman is not sound—as I hope I shall succeed in showing to the House—the whole of his conclusions fall to the ground. The House, I am sure, will generously remember, though the hour is late, that this is not an occasion on which I could shrink from expressing my opinions. I will therefore consider, as briefly as I possibly can, and for the moment in a merely financial point of view, the plan of the right hon. Gentleman, and I will see how it agrees with the position he has laid down, and how you can reconcile it with the character he has given of the Motion of my hon. Friend. Of this Budget of the right hon. Gentleman I would say this—that it aims at too much and provides too little. The right hon. Gentleman finds a deficit: he increases that deficit, and he closes his proposition with introducing a tax of a very extensive character and which is to exist only for a short term. The right hon. Gentleman has, I think, estimated his deficiency at nearly nine millions and a half—£9,400,000. When the right hon. Gentleman made his financial statement the Army Estimates were not on the table, at least few Gentlemen had enjoyed the opportunity of studying them; I, at least, had not been able to examine them. But I think no one can deny, who has since looked over these Estimates, that it would be a moderate calculation to assume that the army expenditure will not be less than a million beyond what appears in these accounts. We have heard to-night that regiments have been sent to China from the Indian establishments, and that the moment they arrive in China they will be on the British establishment. We have also heard to-night of regiments from India which are expected in England, and which the moment they arrive will be on the British establishment. In the Estimates we found one Vote of half a million for the Chinese war, which every one felt at the moment was a ludicrous amount.

The CHANCELLOR of the EXCHEQUER: You are not to suppose that the Vote of credit represents the whole charge of the Chinese war. It only represents certain extraordinary charges which could not be stated in the ordinary Estimates.

Mr. DISRAELI: Certainly the sum of

£500,000 would appear at the first blush very unequal to the occasion. The Estimate has already assumed the dimensions of £850,000.

THE CHANCELLOR OF THE EXCHEQUER was understood to dissent.

MR. DISRAELI: Without at this hour dwelling too much on the Estimates, it would be a very sanguine anticipation on the part of the House to suppose that the deficit assumed by the right hon. Gentleman would not be exceeded. The right hon. Gentleman, with this deficit of £9,400,000, will next year find wanting those malt and hop credits for £1,400,000, of which we have heard so much, and against the appropriation of which I enter my protest as a measure utterly unsound in finance, and of which I am quite surprised that the right hon. Gentleman should ever have proposed to avail himself. I remember that in 1852 I proposed, as a measure of reform, the extinction of a very small office connected with the Treasury which had a comparatively small sum of public money intrusted to its administration; I believe not more than £350,000. I proposed that that sum should be taken in the revenue of the year, and I did so only in order to secure a surplus, so that the amount would almost certainly have been found in the balances of the Exchequer, to which it belonged. The right hon. Gentleman denounced that project as one which could be justified on no ground whatever, and called for the reprobation of Parliament upon it; but what he is now doing is just the same thing, only upon a much greater scale, and under circumstances much less justifiable. Then we have in addition the question of the million of Exchequer bonds. We are told, Sir, that the country is in a position of unexampled prosperity. If we cannot pay our debts at such a time, when can we? When I asked, the other night, the Secretary to the Treasury, in the absence of the right hon. Gentleman, how and when he proposed to pay that million of Exchequer bonds, the reply I received was a courteous reminder that I had in 1858 postponed the payment of £2,000,000 of Exchequer bonds. Surely he recollected the circumstances under which I took that step? That was not a time of unexampled prosperity. The country was still staggering under a great commercial panic. The month before Parliament met, at the beginning of the year, the *minimum* rate of discount was 10 per cent, and it was felt by everybody that it was totally impossible under those circumstances to propose taxes which would press especially on the commercial classes, then suffering from such startling and fatal depression. The proposition I made was unanimously adopted by the House, and no one, under the circumstances, raised the slightest protest against it; but I see no similarity between the circumstances of that year and those of this year of unrivalled prosperity with which we are now dealing. What we object to in the scheme of the Chancellor of the Exchequer is, that it does not resemble the transactions of 1842 or of 1845. It does not resemble the operations of Sir Robert Peel, or even those operations of 1853 which the right hon. Gentleman himself introduced in this House. It is because the right hon. Gentleman has neglected to take the same security for the future, because we find his plan is improvident, and consequently, under the circumstances, extremely dangerous, that we ask the House to interpose and express its opinion upon the propositions submitted to them. What will be our situation a year hence? It may not, under ordinary circumstances be discreet to indulge in very prospective finance; but it appears to me it would be perfect madness, in our present situation, not to contemplate what will be our position in 1861. The right hon. Member for Portsmouth (Sir Francis Baring), who has some experience on such subjects, has calculated the amount of probable deficit. I confess I shall be surprised, I need hardly say pleased, to find it does not exceed that amount; but if the possible deficit in 1861 be merely £12,000,000, surely the House should pause before it sanctions the proposition of the right hon. Gentleman, and should hesitate, with such a prospect in view, before it accedes to measures which must necessarily, according to the right hon. Gentleman's own account, increase the deficit and augment the pressure of 1861. The right hon. Gentleman seems to be disappointed that more than one speaker in this debate has contemplated the dangerous and inevitable consequences, in such a state of affairs, of attempting to fasten the expenditure of the country upon direct taxation; and he has brought forward a paper—and it is not the first time that he has had recourse to documents of that kind—to show how, in all recent impositions of taxation, there has not been that fair proportion between direct and indirect taxation imposed which he feels to be just and believes to be highly politic. But there is this fallacy in the paper which the right hon. Gentleman read, and the inferences which he draws from it. We do not object to a fair proportion of direct taxation in our financial system. What we do object to is that direct taxation should take the form of an income tax on this large scale. It is not fair in the right hon. Gentleman always to state the question as one of competition between direct and indirect taxation, and describe this side of the House as being always the advocates of the indirect against the direct system. The question is not as to which system is superior. There are but few in this House who contemplate a time when a considerable amount of indirect taxation must not form part of our financial system. But the question is whether that form of direct taxation, which no one has denounced in more unsparing language than the right hon. Gentleman, the national evils of which he has proclaimed, the demoralizing influence of which on the people he has described in glowing terms, shall continue to exist, and not only exist, but be increased under his administration, and go on increasing in a ratio that none can contemplate without apprehension. That is the question. More than one hon. Gentleman has addressed us in this way. We who object to this form, I will say to this excess of direct taxation, are told we are advocating the interests of a class, and that we do not consider sufficiently the interests of the masses, that we now learn from the Chancellor of the Exchequer will probably elect the new Parliament. I deny the justice of this observation. There is a class of political philosophers, certainly represented in the present House of Commons, who think that they can elevate a nation by degrading it into a mob. Sir, I do not share their opinion. The contributors to the income tax are of various classes in the state, numerous, of very different degrees of wealth, cultivation, and position. But it is no doubt true that those who pay the income tax are, generally speaking, the flower of the nation. They represent the traditions, the experience, the domestic integrity, and the moral qualities of the nation; and it is to their high spirit and constancy, from the highest to the humblest, that the State must look in the hour of exigency. It is not true that the contributors to the income tax are a class apart from the great body of the nation; though divided into many degrees they are an important portion of that body. I will not go into the subject of the comparative pressure of taxation, or inquire whether those who fall under the imposition of the income tax do not suffer more severely than any of the working classes of this country. I acknowledge how important it is to consider the condition of the working classes; I know how much depends on their ample and remunerative employment; and knowing how they contribute to the wealth of the country I feel their condition ought, by all means, to be elevated and improved. And I know that you cannot accomplish such a result better than by extending the commercial relations of this country with others, and putting an end to those remaining burdens, that press on trade and industry. All these are high objects of policy that the vast majority of this House are prepared by great efforts to accomplish. But you can accomplish this result on certain conditions—namely, that they are practicable, and consistent with our financial position. Sir, I would now say a word on this Commercial Treaty with France. I entirely approve any means that will increase our commercial relations with that country. That has been for many years—at least a quarter of a century—the object of constant solicitude on the part of many successive Governments. In 1840 we were informed—not officially, but it was well known—that a commercial treaty with France was negotiated. I am not aware of the real reason why that treaty was not ratified, but I believe that the difficulty did not come from the French Government. I should not have alluded to the subject if it had not been mentioned by a Member of the Cabinet, nor should I have felt at liberty to state what I am about to say but for what has fallen to-night from a servant of the Crown. Sir, in 1852, when I was Chancellor of the Exchequer, I was not in office a month before I made an attempt to establish increased commercial relations with France. When the Secretary of State (the Earl of Malmesbury) had opened the more formal business of the negotiation he requested me to place myself in communication with Earl Cowley, and to enter into correspondence with him on the subject, which I did. I do not say that the result of our labours would have taken the form of a treaty. Perhaps the alterations would not have been so extensive as those contemplated by the present Government, but at any rate they would not have been of a despicable character in a commercial point of view, and they would have been arranged by the mutual operation of our respective tariffs. What, Sir, was it that unfortunately prevented those arrangements? Towards the end of the autumn circumstances occurred that rendered it our duty when Parliament assembled to propose a great increase of our armaments. I found it impossible to have a peace Budget and a war expenditure. I was the victim, and my Budget never recovered that fatal blow. I mention this to show that we have none of those prejudices which the right hon. Gentleman imputes to us against increasing our commercial relations with the French Government. On the contrary, I think that, if the condition of affairs permitted, there is nothing more desirable than that those relations should be enlarged, and even if they took the form of a treaty I think I could endure it. What I object to in this Treaty is, that irrespective of the financial considerations involved, it is a very bad Treaty. I do not think there ever was a treaty drawn up apparently with less forethought or less knowledge of the circumstances with which the negotiators had to deal, which altogether contains so many arrangements injurious not only to the trade of England, but also inferentially and ultimately to that of France, or which is better calculated to sow the seeds of discord and dissension between the two countries. It would not be convenient now, at this hour, to go into the details of the Treaty, which would of itself require rather an elaborate speech; but I think that famous clause relating to coal, for example, is a very great mistake, and, if it is acceded to, ought to be accompanied by a reciprocal engagement on the part of France that all corn coming to this country should be exported free of duty. Then the arrangement about silk in the Treaty is extremely imperfect. Some silk manufactures enter France at a duty of fifteen per cent, which will now be charged thirty per cent. It is a great error that France should be permitted by this Treaty to levy an export duty on raw silk, when her manufactured articles of silk are to be admitted to our markets duty free. There are many other details, some of which are important, but which I will not weary the House with at this hour. I object, however, to the Treaty as an ill-drawn instrument, and one which, under any circumstances, ought not to be allowed to pass without criticism and opposition. But what I particularly object to is, that by entering on this Treaty the Government have increased that deficiency of the revenue under which the right hon. Gentleman is suffering. I will say this of the Treaty, that it adds certainly to our deficit a sum of £1,200,000 immediately; but it is so drawn that in respect to wine, when the right hon. Gentleman brings his new duties into full operation, his tests, I feel persuaded, will desert him. I do not understand how he will put his machinery into such order that his wines can be entered without a much greater sacrifice of revenue than he contemplates. If that be so, his loss of revenue will be much more considerable, perhaps £500,000 more than he contemplated in the statement he made when he opened his Budget to the House. As regards commercial intercourse with France, there is on this side of the House no political opposition to such a course, but, on the contrary, the greatest readiness to enter into arrangements for that object. But we object to the Treaty as a Treaty not skilfully negotiated, and as one that occasions a considerable deficiency in our revenue, probably a much more considerable deficiency than the Chancellor of the Exchequer estimates. We object also to the time at which it is brought forward, because the Chancellor of the Exchequer himself has confessed that the French Government were prepared to postpone the Treaty till 1861. [Mr. GLADSTONE: The operation of the Treaty]. There were secret negotiations, and there is not the slightest reason why the Treaty should not have been ratified, and remained a secret Treaty, till it was carried into operation. But we must consider the Budget of this year combined with the Budget of 1853, for this is a complement of that Budget, and they are in fact inseparably united. What has been the effect of the financial propositions of the Chancellor of the Exchequer in 1853, and cannot we draw some warning from their fate as to the probable result of the financial arrangements of 1860? There are four great features of the financial scheme of 1853—that famous scheme, the praises of which have been so much celebrated, and on the credit of which the Chancellor of the Exchequer flourished till he made his financial statement for 1860. The first feature of that celebrated Budget was, I will not say one to pay off the national debt, but to reduce the interest paid to public creditors. We afterwards had an ambiguous apology from the Chancellor of the Exchequer, from which it appeared that when he embarked in that enterprise he was not aware that it was necessary to give a notice of six months to the holders of £500,000,000 of stock before they could be paid off—a circumstance which, of course, somewhat interfered with the operation. The right hon. Gentleman himself acknowledged that his scheme was an abortion. I may say, in passing, what is perhaps not known to the House, that it was an abortion which cost us the whole of the balances in the Exchequer, and when we entered on the Russian war our balance in the Treasury was little more than £1,000,000. Well, so much for the first great feature, and first great failure of the Budget of 1853. The second feature of that financial scheme was the reduction of the tea duties to 1*s.* a pound. I think I may say, in passing, that that was a measure which had been adopted from his predecessor. I had the honour, on the part of the Earl of Derby's Government, to propose that the tea duties should be reduced to 1*s.* a pound; and had the proposition then been carried into law a duty of 1*s.* only would now have been paid. The right hon. Gentleman adopted generally the plan I proposed, but with his eager mind he proposed what he thought a more rapid and less methodical arrangement. He wished to do it quicker than I suggested; and what has been the result? The duty on tea is not 1*s.* a pound; it is much more; and I observed, from what passed at a meeting of the tea trade the other day, that the Chancellor of the Exchequer received, apparently with no disrelish, a suggestion from some gentlemen present that the duty at the present exigency should be made one penny a pound more. [Mr. GLADSTONE: I did not approve of, but dissented from that suggestion]. One great advantage of this debate is that we are favoured with a running commentary by the right hon. Gentleman. [*A laugh*]. I never object to being interrupted, and I hope that the Chancellor of the Exchequer will in future bear interruptions with as much patience as I do. This, then, was the second great feature, and the second great failure, of the Budget of 1853. On the third feature of that Budget—the Succession-Tax—I need say little. This is the great measure which gained for the right hon. Gentleman the sympathy of the hon. Member for Birmingham (Mr. Bright). Here was a tax directed against the landed interest—a circumstance which recommended itself very much to that hon. Gentleman's favour, and which in 1860 was to produce two millions of money. The Chancellor of the Exchequer told us then that with those £2,000,000, and the £2,000,000 which we should acquire by the falling in of the terminable annuities he should have a pretty good sum in hand to assist him in putting an end to the income tax. Well, the year 1860 has arrived, in which this succession tax was to produce £2,000,000 per annum, and the result, we find, is that it has actually produced about one-third that sum. This was the third great feature of the Budget of 1853, and the third great failure. The fourth great feature, and one much larger in its proportions, is now under the consideration of the House—that which relates to the income tax, which, in a manner which gained for him the applause of all parties and the assent of a grateful country, he told us—masterpiece of statesmanship!—was at the commencement of 1860 to terminate altogether. Yet, notwithstanding that promise, we find that the income tax of 1853 is, unfortunately, still alive; nay, more, that it is a child which has greatly grown. The income tax of 1853, in short, which year after year was to diminish, and which in the present year was entirely to cease, has now increased to more than 4 per cent, or at the rate of 10*d.* in the pound. This, Sir, was the fourth great feature of the famous Budget of 1853, and the fourth great failure. Such, then, was the scheme of the right hon. Gentleman, and it is in consequence of that great financial success that we are asked to place confidence in the wild and improvident propositions to which our assent is now invited. But I will not state the case unfairly to the Chancellor of the Exchequer. He has reminded the House that causes have intervened to prevent the realization of calculations which no one could control, and to those causes it is that he attributes the utter failure of his arrangements. The Russian war broke out contrary to his expectation. Now, before I touch briefly on that war, let me remind the right hon. Gentleman that the plea put forward because of it has no validity whatever, so far as regards his attempts to account for not keeping his engagement with respect to the termination of the income tax. Did he not, let me ask, ratify that policy and repeat those engagements in 1857, when he criticised the Budget of the right hon. Baronet the Member for Radnor(Sir G. Lewis), long, be it recollected, after peace had been proclaimed? Why, Sir, the right hon. Gentleman was then the apostle of the same policy as in 1853, and, so far as speeches can bind him, he must admit that he recommended the same policy and contemplated the same results. Nay, more; at a still more recent period, when I, in 1858, occupied the position which he now holds, when by course of law the income tax was to have lapsed to *5d.*—half its proposed amount—he (the Chancellor of the Exchequer), still faithful to his old views, sanctioned the measures which I proposed, and bound himself to the accomplishment of the same compact to which in 1853 he stood pledged. But now, what, let me ask, is the plea which he puts forward for the abandonment of the policy to which I have referred? We now, instead of witnessing the termination of the income tax, are called upon to assent not only to its great increase, but to sanction an arrangement by which, in all probability, another appeal in the same shape will next year be rendered necessary, when we shall be asked to continue this tax in an aggravated form. The right hon. Gentleman, however, tells us that to the Russian war we are to attribute the utter failure of the Budget of 1853; but let me remind the House, in dealing with that plea, that we now know much more with respect to that war than we did seven years ago. We have had since laid on this table the secret correspondence which took place between Her Majesty's Minister at St. Petersburgh and the Members of the present Government, the noble Lord opposite (Lord John Russell) being then, as at present, Secretary for Foreign Affairs. That correspondence was laid on the table in the spring of 1854. From the circumstance of my receiving authentic information which led me to infer its existence, the noble Lord was obliged ultimately to produce it. What appeared by that correspondence? Why, this—that no sooner had Lord Derby's Government been expelled from office than the Emperor of Russia disclosed to their successors his designs on Turkey. Am I using an exaggerated phrase in saying that immediately the Earl of Derby's Government left office this disclosure was made? I have a very good witness, formerly a great commercial authority, now a great diplomatic one, the secret negotiator at Paris—Mr. Cobden. I saw him rise in this House, and heard him say that there never was a vote in his life he regretted more than the one which expelled the Earl of Derby from office in 1852, because he said I have not the slightest doubt, from the information we possess, that that vote produced the Russian war. On the 1st of January the despatch was dated which informed Her Majesty's Ministers that it was the intention of the Emperor of Russia to invade Turkey. The Menschikoff mission, which hon. Gentlemen recollect, followed in due course, and yet it was with all this knowledge—unless the right hon. Gentleman, with his eager nature, was so absorbed in his office that he had no acquaintance with public affairs generally—that he brought forward his famous Budget of 1853 with all those arrangements which only a state of continuous peace could justify. He held out to a Parliament that had repudiated the income tax, that had insisted that it should be referred to a Select Committee, this mode as the satisfactory one of settling those long differences, while the right hon. Gentleman must have been aware that Europe was on the eve of a great convulsion, and of a war into which England would not be inferentially and indirectly drawn, but one in which she must have been the prime actor, for her interests were about to be assailed. But is that all? We know that the Emperor of Russia acted with great hesitation, with great doubt and perplexity, watching with keenness the conduct and temper of the British Government; and if it had appeared to possess any energy or real decision, would he not have been arrested in his fatal course? But we know from the personal confessions of that Government itself, that their Cabinet was the scene of internal dissension—we know that there were two parties in it, and if the present Prime Minister had been Prime Minister then, the war would not have taken place. There was a party over which the Earl of Aberdeen presided, which exercised an influence greater than that of the present Premier and the Foreign Secretary; and that was the party that produced peace Budgets when they ought to have been preparing war armaments. And what was the consequence? Has the House forgotten—England, I am sure, has not forgotten that famous Vote in 1854, in Supply, when the Chancellor of the Exchequer—determined, forced at last to take a new course, which would arrest that of the Emperor, and show him that England was not to be trifled with—proposed that a few battalions of Guards should be sent to Malta, and proposed also the Vote that should pay for their passage back. Who can be surprised at what took place? Three months after such feeble conduct on the part of the Government, the war was begun; and what were the consequences of that war? An addition to your debt of £40,000,000 — an annual charge of £1,180,000, exactly the sum you are going to pay annually for the French Treaty of Commerce. And now we are told we have great and successful financiers—statesmen who produce the great budgets of 1853 and 1860—men who think only of the incidence of taxation on the working classes —who shrink from expenditure, who call for retrenchment, who make every possible effort to lighten the burden of taxation on the people. Why, if these great statesmen had only shown a little more foresight and firmness, and prevented that Russian war which they precipitated by their feebleness, the incidence of taxation would have been very considerably lightened. Does not this prove that other qualities than mere political economy are necessary for the government of a nation? I told you that this Budget of 1853 was inseparably connected with that of 1860. You see how completely the Budget of 1853 has failed in all its four features. You see why it failed—because external circumstances, that were not foreseen by one who ought to have been prescient, interfered in a great degree with their consummation. What is the state of affairs now? Is the aspect more serene than it was in the spring of 1853? No man can suppose that the right hon. Gentleman is now ignorant of the state of external politics. If the Budget of 1860 ends in that confusion which I believe awaits it, and must await all schemes so utterly improvident, the right hon. Gentleman will not be able to tell us next year that his plans have been frustrated by external causes which he could not foresee. The right hon. Gentleman takes a great interest in the affairs of Italy. He has quarrelled with his old friend the Pope, as he has quarrelled with many others of his old friends. That Christian charity he grudged me a share of the other night, he now derives, I believe, from the Greek Church. But I think it would be well for this House, when we have a scheme of finance of this improvident description placed before us—when, with a deficit existing, a further deficiency is created, and that tax increased which in the moment of emergency should be the source on which we ought most to rely, I think it would be well for us to consider what is the state of our Foreign affairs, and what is really contained under that phrase which so glibly runs through the mouths of men — the affairs of Italy. Sir, the affairs of Italy at this moment involve the greatest causes which can possibly impel men to action, or which can influence the destinies of empires. Totally irrespective of many causes of comparative insignificance, all of which in old days might have produced war, you have in Italy now three matters alone, any one of which is enough to convulse the world. You have the question of Papal supremacy, you have the question of the natural boundaries of empires, you have the question of the nationality of races; each of the first two have before this time produced the longest and most sanguinary struggle in the memory of man. The question of Papal supremacy gave you once the thirty years' war. The question of the natural boundaries of empires gave you the long war of the French Revolution. Those questions are still in existence; and, in addition, you have a new one, the solution of which cannot be ultimately avoided, perhaps cannot be long delayed—the question of the nationality of races. Are we to be told, in such circumstances as these, that all a Statesman should do is to simplify a tariff? Was there ever a moment in the history of this country, when we ought more to husband our resources? Is this a time wantonly to put an end to the sources of your ordinary revenue? Is this the time you should fix upon to anticipate the resources of your direct taxation? There is not a man out of this House, if there be any man in it, who doubts the propriety of the course we ought to pursue. I think the course recommended by the Government is the most improvident—I could use, but I will not, a much stronger phrase —that ever yet was counselled to Parliament. I should, under ordinary circumstances, hesitate to support it; but in a moment like this I feel it my duty utterly and emphatically to protest against it. The hon. Member for Liskeard (Mr. B. Osborne) spoke with great friendliness to me this evening, and told me aloud, though, of course, in confidence, that I had recommended a very unwise course to my hon. Friend, the Member for Essex, in advising him to propose that Motion, which he did with so much spirit and promise. The hon. Member for Liskeard asked why we proposed such a Resolution, why we did not admit the principle of the Budget—that is to say, the principle of the policy—and worry the Government in Committee. We should then have got a great deal of assistance; the hon. Member would have helped us himself; and we might have beat the Government in detail. I have no doubt the hon. Member would make a much more adroit leader of a party than I can pretend to be; and, indeed, it is only with the assistance and constant indulgence of my friends, that I can for a moment undertake the cares and duties of the post I now occupy. But I must tell the hon. Member for Liskeard he has totally mistaken the motives which influence us on this occasion, and which are totally different from those which would regulate his conduct. The Chancellor of the Exchequer seemed to deride the speech of the right hon. Member for the University of Cambridge (Mr. Walpole)—a speech inspired, I believe, by as true a sense of patriotism, and characterized by as becoming an eloquence as any speech ever made in this House. The Chancellor of the Exchequer seemed to deride the possibility that we had any object in the course we have taken but to embarrass and subvert the Government. "If those are your views of finance and policy," said the right hon. Gentleman, "it is your duty to terminate our Ministerial career, and if you are not prepared to do that, you ought not wantonly to embarrass us." That was the argument he used. But, Sir, I remember the Parliament I am now addressing. I remember it is a Parliament summoned by the Queen under the advice of counsellors, of whom I formed one myself; and that Parliament, on its meeting, though by a very narrow majority, declared that they had no confidence in the then Government of Her Majesty. They had no confidence in our Foreign policy; they had no confidence in our Reform principles. What confidence the present Parliament has in the Foreign policy of the present Government, I will not pretend to decide. All I know is, that, so far as I can form an opinion, the affairs of Italy are in exactly the same position as when Parliament was prorogued in August last. So far as the Reform Bill is concerned, I confess, after the announcement of the Chancellor of the Exchequer, that the franchise is to be given to the masses, I admit that no Reform Bill we could bring forward could vie with the coming measure of Her Majesty's Government. But I think I have a right, under these circumstances, to say that neither I, nor my Colleagues, after that vote, are at all anxious to attempt to re-occupy the places we then filled. I may, at least, say for myself, that having for more than two years led this House in a minority, I shrink from the renewed anxiety and responsibility of such a post; and I would recommend no Gentleman ever to accept such a position who has any regard for his nervous system. The important office which the Chancellor of the Exchequer fills gives ample opportunity to his eager mind and his impetuous rhetoric. Perhaps in moments of solitary aspiration he may have wished to occupy the proud post of leader of the House of Commons, which no doubt he could fill efficiently. But from what I have observed of the right hon. Gentleman's temperament, I think I may tell him that it is well for him, however eminent his position, that he reposes at least for a time beneath the *mitis sapientia* of the noble Lord the Foreign Secretary and the calm patience of the noble Premier. Although, however, we are neither anxious, nor, perhaps, able, to disturb you in your seats, are we to forget our duties as Members of this House? Are we to forget that there is such a thing as the English nation, and that there is such a thing to fulfil as public duty? No, Sir! We are conscious of that duty. We will not enter into combinations and cabals to embarrass the Government. I have heard in this debate a great deal about what are called party questions, and there is nothing upon which there appears to me such confusion in the minds of men, and, of all men in the world, in the minds of Members of Parliament, as upon this subject. Sir, when a great political party chooses on on some technical ground and narrow issue to join with a section of their opponents and upset a Government, their conduct may be liable to great public reproach. I say "may be liable" because even in such a case combination might be an act of duty, if they thought that the general conduct of the Government was pernicious and they had the means and opportunity of rectifying it. But when a great party, on a question of policy, financial, commercial, or diplomatic, come forward to assert distinct principles, and to advocate an intelligible course, which none can misapprehend, and with which I believe a great portion of the nation sympathizes, to hold up such a party movement as liable to reproach is to confound the nature of things, and not to comprehend the scope and spirit of our Constitution. It is the duty, the noblest duty that can fall to Members of this House, to fulfil such a task. It must always be the lot of only the minority to be Ministers of State, but it is the privilege of all to have views upon political affairs, to support those views with eloquence in this House if they desire it and have the gift, but, at all events, in honourable combination with those with whom they have community of sentiment to assert with their votes their influence and their opinions. Sir, such is now the course which we are about to take. It is our opinion that the proposition of the Government is one pernicious, improvident in finance, not to say profligate — one that may lead this country to an extremity of circumstances this time next year which few can contemplate without the utmost alarm. I wish to see such a course arrested. I do not know what prolonged discussions in this House may not effect. I have little hope or supposition that by asserting our policy in this straightforward manner we can accomplish that object at present. But, in affirming the Resolution of my hon. Friend the Member for Essex, which declares that to add to a deficiency in finance is a proceeding to be deprecated, and that we ought not to disappoint the just expectations of the country by largely increasing the income tax, we assert a principle which we believe in and will maintain. Those just expectations I for one will not deceive, and to that country I ultimately appeal.

VISCOUNT PALMERSTON: Sir, I am not about to follow the right hon. Gentleman (Mr. Disraeli) either in discussing the details of the Budget of 1853, the causes and events of the Russian war, the affairs of Italy, or the nervous system of the right hon. Gentleman, which, however, I may be allowed in passing to say I feel great and unfeigned pleasure in finding to be in so good a condition. But I wish, even at this late hour, in a few brief sentences to recall the House to the subject which has really now to be decided. And I will venture to say that a more important question never was comprised within the six short lines of a Resolution, ample enough in itself for the decision of Parliament without mixing it up with the various topics, some personal, and some of a more general character, in which the right hon. Gentleman has thought fit to indulge in his speech. The Resolution moved is one of the most important that in so short a compass has ever been submitted to Parliament. It contains a decided opinion on two great questions—one relating to our commercial relations with foreign countries, the other to the development of our own internal resources. Either one or the other would have been a fit subject for separate discussion. The hon. Member for Essex has judged fit to put both together; and the result he hopes to accomplish is nothing more nor less than the rejection by anticipation, without any detailed discussion, the Treaty with France and the Budget of my right hon. Friend. That intention may be sufficiently gleaned from the words of the Resolution; and, if any doubt of it has existed, it has been dispelled by the frank avowal of the right hon. Gentleman. I shall not go into any details either of the Treaty or the Budget. The Government is about to invite the House to a discussion in which all the provisions of the Treaty may be considered; and we have to propose Resolutions in all the other parts of our financial arrangement. I now only wish to recall the House to the subject in debate, and to entreat it to consider well what will be the effect of its Vote. By the Treaty with France we have accomplished, in regard to our commercial relations with that country, what has been the object of many successive Governments and Ministries, what was the object of the Government of which the right hon. Gentleman himself was a Member. He has even stated that he should not have objected to put into the shape of a treaty the arrangements negotiated by that Government with the Government of France. The Resolution, nevertheless, which he supports calls on the House to do what will be equivalent to the entire rejection of the present Treaty. With regard to the Budget, and that part of the Resolution that deals with the income tax, if the House agrees to it, it will set aside summarily all the financial arrangements proposed by the Government. I will not deal with that part of the Resolution that refers to the additional penny on the income tax. I presume the framers of the

Resolution do not wish to abolish the income tax altogether. But the latter part of the Resolution does dispose of the Budget, as the former part disposes of the Treaty with France. This part of the Amendment is advocated on the ground of the increased naval and military expenditure of the country. That augmentation neither the right hon. Gentleman nor the country has found fault with. Indeed, it has rather been forced on the Government by public opinion. I fear that no great diminution of that expenditure can be expected within any short period of time. Then to meet it I say it is the duty of Parliament to endeavour to increase the resources of the country by all the means by which they can intelligently be increased. And one mode of improving those resources is to increase our commercial transactions with that great country that lies at your doors. Those increased commercial transactions must necessarily add to the wealth and resources of this country. We are told, indeed, that this Treaty ought not to come into operation at once, because it was secretly concluded, and pledges the sources of the revenue of the country for a year to come. I have no hesitation in saying that a Government who could keep secret a treaty of that sort would deserve the highest censure of Parliament and the country. It is ridiculous to suppose that a treaty of that kind could be kept secret. I say that, if we are in a position in which we have to face a large expenditure, it behoves us to do all we possibly can to increase the national resources; and the treaty we have concluded with France has that direct tendency, having regard to the friendly and commercial relations in which it will place us with our great neighbour. But, more than that, the example which has been set by France and England will be followed by other countries, and the principle of free trade being thus laid as the foundation of the intercourse between those two great countries, will necessarily draw by its example the other nations of Europe into the same course. This Treaty will not only lay the foundation of a great increase in the intercourse between England and France, but will have the effect of spreading over the other countries of Europe those great principles of commercial intercourse which will lead to the prosperity and augment the resources and happiness of all. And when we are increasing our commercial relations with other countries, it would be unwise not to free the industry and develop the resources of our own. Surely, when we are pursuing that course which was followed with such signal success in 1842, 1845, and 1853, we are but doing that which it is our duty to do—namely, setting free the springs of industry at home, and by that means augmenting the resources of the country. I entreat the House not to be led away by any of the extraneous topics which the right hon. Gentleman has imported into this debate. I entreat you to consider the deep importance of the vote you are now about to give; for, by putting a stop to those beneficent measures by which we hope to lay the foundations of a great intercourse between two powerful countries, and to develop still more the internal prosperity of our own, the House, I think, will incur a responsibility which, upon reflection, every man who is a party to such a result will afterwards deplore.

Question put,

The House *divided*—Ayes 223; Noes 339: Majority 116.

List of the AYES.

Annesley, hon. Capt. H.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Astell, J. H.
Bailey, C.
Baillie, H. J.
Ball, E.
Baring, A. H.
Baring, rt. hon. Sir F. T.
Baring, T.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Bective, Earl of
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Beresford, rt. hon. W.
Bernard, T. T.
Blackburn, P.
Bond, J. W. M'G.
Bovill, W.
Bowyer, G.
Boyd, J.
Bridges, Sir B. W.
Brooks, R.
Bruce, Major C.
Bruen, H.
Bunbury, Cap. W. B. M'C.
Burghley, Lord
Burrell, Sir C. M.
Carnac, Sir J. R.
Cartwright, Col.
Cave, S.
Close, M. C.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Cole, hon. H.
Collins, T.
Cooper, C. W.
Corry, rt. hon. H. L.
Cross, R. A.
Curzon, Visct.
Dalkeith, Earl of
Damer, S. D.
Dawson, R. P.
Dickson, Col.
Disraeli, Rt. hon. B.
Drax, J. S. W. S. E. D.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunn, J.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. W.
Elmley, Visct.
Elphinstone, Sir J. D.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
FitzGerald, W. R. S.
Forester, rt. hon. Col.
Forster, Sir G.
Franklin, G. W.
Galway, Visct.
Gard, R. S.
George, J.

Gilpin, Col.
Gladstone, Capt.
Goddard, A. L.
Goff, T. W.
Gore, J. R. O.
Gore, W. R. O.
Graham, Lord W.
Greaves, E.
Greene, J.
Grey de Wilton, Visct.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Lord C.
Hamilton, J. H.
Hamilton, Major
Hanbury, hon. Capt.
Hardy, G.
Hartopp, E. B.
Hassard, M.
Henley, rt. hon. J. W.
Hennessy, J. P.
Henniker, Lord
Herbert, Col. P.
Heygate, Sir F. W.
Hill, Lord E.
Hill, hon. R. C.
Holford, R. S.
Holmesdale, Visct.
Hood, Sir A. A.
Howes, E.
Hubbard, J. G.
Hunt, G. W.
Ingestre, Visct.
Jervis, Capt.
Johnstone, hon. H. B.
Jolliffe, H. H.
Jones, D.
Kekewich, S. T.
Kelly, Sir F.
Kennard, R. W.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. Major S.
Lacon, Sir E.
Leeke, Sir H.
Lefroy, A.
Legh, W. J.
Leighton, Sir B.
Leslie, C. P.
Lever, J. O.
Lindsay, hon. Col.
Long, R. P.
Long, W.
Longfield, R.
Lopes, Sir M.
Lowther, hon. Col.
Lowther, Capt.
Lyall, G.
Lygon, hon. F.
Lytton, rt. hon. Sir G. E. L. B.
Macaulay, K.
MacEvoy, E.
Malins, R.
Manners, rt. hn. Lord J.
March, Earl of
Maxwell, hon. Col.
Miles, Sir W.
Miller, T. J.
Mitford, W. T.
Montagu, Lord R.
Mordaunt, Sir C.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Murray, W.
Naas, Lord
Newdegate, C. N.
Newport, Visct.
Nicol, W.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
O'Donoghue, The
Packe, C. W.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palk, L.
Papillon, P. O.
Parker, Major W.
Paull, H.
Peacocke, G. M. W.
Peel, rt. hon. Gen.
Pevensey, Visct.
Powys, P. L.
Quinn, P.
Repton, G. W. J.
Ridley, Sir M. W.
Rogers, J. J.
Rolt, J.
Salt, Thomas
Sclater-Booth, G.
Selwyn, C. J.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Major
Smith, Montagu
Smith, S. G.
Somes, J.
Stanhope, J. B.
Stirling, W.
Steuart, A.
Sturt, H. G.
Sturt, N.
Talbot, hon. W. C.
Thynne, Lord E.
Thynne, Lord H.
Tollemache, J.
Tomline, G.
Torrens, R.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Upton, hon. Gen.
Valletort, Visct.
Vance, J.
Vansittart, W.
Verner, Sir W.
Vernon, L. V.
Walcott, Adm.
Walker, J. R.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Watlington, J. W. P.
Way, A. E.
Welby, W. E.
Whiteside, rt. hon. J.
Whitmore, H.
Williams, Col.
Willoughby, Sir H.
Woodd, B. T.
Wyndham, Sir H.
Wyndham, hon. H.
Wynn, Col.
Wynn, Sir W. W.
Wynne, C. G.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Jolliffe, Sir W.
Taylor, Col.

List of the NOES.

Acton, Sir J. D.
Adair, H. E.
Adam, W. P.
Adeane, H. J.
Agar-Ellis, hon. L. G. F.
Alcock, T.
Andover, Visct.
Angerstein, W.
Antrobus, E.
Arnott, Sir J.
Ashley, Lord.
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Baines, E.
Baring, H. B.
Baring, T. G.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, Col. F. W. F.
Bethell, Sir R.
Biddulph, Col.
Biggs, J.
Black, A.
Blake, J.
Blencowe, J. G.
Bonham-Carter, J.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bramston, T. W.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Brocklehurst, J.
Brown, J.
Browne, Lord J. T.
Bruce, H. A.
Bulkeley, Sir R.
Buller, J. W.
Buller, Sir A. W.
Burke, Sir T. J.
Butler, C. S.
Butt, I.
Buxton, C.
Byng, hon. G.
Caird, J.
Calthorpe, hon. Fred. H. W. G.
Campbell, hon. W. F.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Visct.
Cavendish, hon. W.
Cavendish, Lord G.
Cayley, E. S.
Childers, H. C. E.
Cholmeley, Sir M. J.
Churchill, Lord A. S.
Clay, J.
Clifford, C. C.
Clinton, Lord R.
Clive, G.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collier, R. P.
Coningham, W.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Dalglish, R.
Dashwood, Sir G. H.
Davey, R.
Davie, Sir H. R. F.
Davie, Col. F.
Deedes, W.
Denman, hon. G.
Dent, J. D.
Divett, E.
Dodson, J. G.
Douglas, Sir C.
Duff, M. E. G.
Duff, Major L. D. G.
Duke, Sir J.
Dunbar, Sir W.
Duncombe, T.
Dundas, F.
Dunkellin, Lord
Dunlop, A. M.
Dutton, hon. R. H.
Egerton, hon. A. F.
Egerton, E. C.
Ellice, rt. hon. E.
Emlyn, Visct.
Ennis, J.
Esmonde, J.
Euston, Earl of
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Ferguson, Col.
Fermoy, Lord
Finlay, A. S.
Fitzwilliam, hn. C. W. W.
Foley, J. H.
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Freeland, H. W.
Garnett, W. J.
Gaskell, J. M.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Gladstone, rt. hon. W.
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir. F. H.

Gordon, C. W.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greenall, G.
Greenwood, J.
Gregory, W. H.
Gregson, S.
Grenfell, C. P.
Greville, Col. F.
Gray, Capt.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Gurdon, B.
Gurney, J. H.
Gurney, S.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Hartington, Marq. of
Hayter, rt. hn. Sir W. G.
Headlam, rt. hon. T. E.
Heathcote, hon. G. H.
Heneage, G. F.
Henley, Lord
Herbert, rt. hon. H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Hodgkinson, G.
Hodgson, K. D.
Holland, E.
Hope, G. W.
Hornby, W. H.
Horsfall, T. B.
Howard, hon. C. W. G.
Howard, Lord E.
Humberston, P. S.
Hutt, rt. hon. W.
Ingham, R.
Ingram, H.
Jackson, W.
James, E.
Jermyn, Earl
Jervoise, Sir J. C.
Johnstone, Sir J.
Kendall, N.
Kershaw, J.
King, hon. P. J. L.
Kinglake, J. A.
Kingscote, Col.
Kinnaird, hon. A. F.
Laing, S.
Langston, J. H.
Langton, W. H. G.
Lanigan, J.
Lawson, W.
Leatham, E. A.
Legh, Major C.
Levinge, Sir R.
Lewis, right hon. Sir G. C.
Liddell, hon. H. G.
Lindsay, W. S.
Locke, Joseph
Locke, John
Lockhart, A. E.
Lowe, rt. hon. R.
Lysley, W. J.
M'Cann, J.
Mackie, J.
Mackinnon, Wm. Alex. (Lymington)
Mackinnon, Wm. Alex. (Rye)
Maguire, J. F.
Mainwaring, T.
Marjoribanks, D. C.
Marsh, M. H.
Marshall, W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Mellor, J.
Merry, J.
Mildmay, H. F.
Miller, W.
Mills, T.
Milnes, R. M.
Mitchell, T. A.
Moncreiff, rt. hon. J.
Monsell, rt. hon. W.
Monson, hon. W. J.
Montgomery, Sir G.
Moody, C. A.
Morris, D.
Mostyn, hon. T. E. M. L.
Napier, Sir C.
Newark, Visct.
Noble, J. W.
Norris, J. T.
North, F.
O'Brien, P.
O'Ferrall, rt. hon. R. M.
Ogilvy, Sir J.
Onslow, G.
Osborne, R. B.
Owen, Sir J.
Packe, G. H.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Patten, Col. W.
Paxton, Sir J.
Pease, H.
Peel, Sir R.
Peel, rt. hon. F.
Peto, Sir S. M.
Pigott, F.
Pilkington, J.
Pinney, Col.
Pollard-Urquhart, W.
Ponsonby, hon. A.
Portman, hon. W. H. B.
Pryse, E. L.
Pritchard, J.
Proby, Lord
Pugh, D. (Carmarthenshire)
Puller, C. W. G.
Ramsden, Sir J. W.
Raynham, Visct.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Ridley, G.
Robartes, T. J. A.
Robertson, D.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Russell, F. W.
St. Aubyn, J.
Salomons, Mr. Ald.
Salt, Titus
Scholefield, W.
Scott, Sir W.
Scrope, G. P.
Scully, V.
Seymour, Sir M.
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Slaney, R. A.
Smith, J. B.
Smith, M. T.
Smith, Augustus
Smith, Sir F.
Smith, Abel
Somerville, rt. hon. Sir W. M.
Stafford, Marquess of
Staniland, M.
Stansfeld, J.
Steel, J.
Stewart, Sir M. R. S.
Stuart, Col.
Stuart, Major W.
Sykes, Col. W. H.
Talbot, C. R. M.
Taylor, H.
Tempest, Lord A. V.
Thompson, H. S.
Tite, W.
Tollemache, hon. F. J.
Traill, G.
Turner, J. A.
Tynte, Col. K.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walter, J.
Watkins, Col. L.
Weymss, J. H. E.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
White, Col. L.
Wickham, H. W.
Willcox, B. M'G.
Williams, W.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Woods, H.
Worsley, Lord
Wrightson, W. B.
Wyld, J.
Wyvill, M.

TELLERS.

Brand, hon. H. B.
Knatchbull Hugessen, E.

House adjourned at half after Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, February 27, 1860.

MINUTES.] *Took the Oath.*—The Bishop of Bangor.
PUBLIC BILLS.—1ª Dwellings for Labouring Classes (Ireland); Attorneys and Solicitors.

LABOUR IN BLEACHING AND DYEING WORKS.—OBSERVATIONS.

LORD BROUGHAM said, he wished to bring under the notice of the Government a subject of great importance to the working classes of this country—the employment of women and children of tender age in the dyeing and bleaching works. He had scarcely ever read anything equal to the disclosures made in the Report of the Committee of the other House of Parliament, and in tracts which had been recently issued, having reference to this matter. For hours after he had read the particulars contained in these documents he had been unable to get the subject discharged from his mind. He thought it monstrous that children of seven and eight years of age should be kept eighteen hours at work, sometimes for three or four days together, so that they could not be kept awake without resort being had to violent means; added to which they endured constant suffering in the limbs from excoriation, which it was frightful to read of, and too painful to relate. The Factories Act of 1844 had done great good, though all the benefits which his noble Friend (the Earl of Shaftesbury) had desired had not been obtained. He wished to ask his noble Friend, the President of the Council, whether any steps would be taken to extend the benefits of the Factories Act to persons engaged in bleaching and dyeing works?

EARL GRANVILLE assured the noble and learned Lord that due inquiry would be made by the Government into the subject which he had brought under their notice.

LAW OF MARRIAGE.—MARRIAGE WITH A DECEASED WIFE'S SISTER.

PETITIONS.

VISCOUNT DUNGANNON *presented* Petitions from the Women of Aylesbury and Inhabitants of Droitwich against any measure for legalizing marriage with a deceased wife's sister. He assured their Lordships that the strongest repugnance prevailed among the women of England to any change in the law; and the present petition was only one of many hundreds with which their table would be inundated should any such measure be again proposed. He believed the tendency of any such measure would be to destroy the peace and the comfort of the domestic hearths of England. The passing into law of such a provision would annihilate much social intercourse and domestic happiness, and would harbour jealousy and kindle suspicion, while it would be productive of no essential good to the community; and if it benefited a few persons it would be to the great injury of the many. He trusted that any measure which might be introduced into their Lordships' House for effecting a change in the law would meet with the same fate as its predecessors.

LORD WODEHOUSE said, that if the noble Viscount could produce no better proof of his assertion than the petition he had presented it would not go for much. That petition was signed by 300 women of Aylesbury and the neighbourhood. Now, he had a petition signed by 428 women of Aylesbury in favour of legalizing marriage with a deceased wife's sister; and they expressed an opinion directly contrary to that of the other ladies, for they believed that such marriages would have a beneficial effect, and were especially adapted to promote the happiness of families. He had also a petition signed by 145 ladies of Cheltenham to the same effect. If the result of such a measure depended on the verdict of the ladies of England he was confident that it would be carried.

THE LORD CHANCELLOR expressed his great satisfaction at the prospect of the ladies of England expressing their opinions on this subject, for it really was a woman's question. He believed that they would be against it by an immense majority, and his own opinion of the impropriety of any alteration in the law remained unchanged.

VISCOUNT DUNGANNON also thought it desirable that the opinion of the women of England should be expressed. He must own that the noble Lord (Lord Wodehouse) had aimed a very fair shot at him; but at the same time he could not help mentioning that last year he presented a petition with the same object as the present from nearly 500 women in the neighbourhood of the metropolis; and he thought this Session would not pass without their Lordships' table being inundated with petitions to the same effect.

NAVAL RESERVES.

OBSERVATIONS.

THE EARL OF HARDWICKE rose, pursuant to notice, to call the attention of the Government to the question of Naval Reserves, which, he said, their Lordships would acknowledge to be one of the greatest importance. He did not rise so much for the purpose of expressing any opinion on the subject as for the purpose of calling attention to the present state and condition of that force, and also from a strong desire to give to the noble Duke at the head of the Admiralty any aid in his power to carry out the necessary and important work in which he was engaged. Although this was not a question upon which their Lordships would feel any great degree of excitement, yet no one would deny that it was one of extreme importance, both as regarded the defences of the country and in other respects, especially at a time when the country was called upon to spend an enormous sum of money in time of peace, owing to the unsettled state of Europe. He thought it would be highly satisfactory to the country and of great service to the State if we had a force of seamen upon whom we could thoroughly rely in a sudden emergency for the defence of the nation. In the present state of Europe we were compelled to keep afloat an armament equal to the carrying on of a considerable war, and this too at a moment when our relations with our allies were of the most friendly character. It was well known to their Lordships that we had always possessed a Naval Reserve—that was to say, the whole merchant service, the seamen of which were liable by Acts of Parliament to serve the Crown in case of any emergency. These statutes were still in force? but public opinion had so anxiously pressed upon the Government the impossibility of raising a force by compulsion, and the facilities of locomotion both by sea and land were so rapid and extended, that the hope of raising seamen by impressment was almost universally abandoned; and although there was no intention of repealing the statutes, yet it was felt that they could not be carried out until too late, and until an enemy was thundering at our doors. Under these considerations his noble Friend behind him (the Earl of Derby) appointed a Commission to consider the best mode of Manning the Navy. The Commissioners made several recommendations, and in August last an Act was passed empowering the Crown to raise a volunteer reserve of seamen. This year a Vote had been taken on the Navy Estimates for paying this volunteer force, and the present was therefore a fitting time to inquire into the prospects and present condition of our Naval Reserve. He would not go into the question of *matériel*—that was to say, of steam ships and other appliances—but would confine himself to the question of our ability to man those ships on any sudden emergency. We had for some years possessed a valuable reserve in the Coastguard; and he would call their Lordships' particular attention to them in connection with a body to whom he would presently allude—the Naval Coast Volunteers. Those men had all served the Crown at sea for ten years; they were thorough seamen, trained to the use of all descriptions of arms, and in the highest vigour of life. They consisted of between 7,000 and 8,000, but not more than about 4,000 were now seamen, the rest having served in the Revenue service on shore. The Commissioners hoped that the Revenue service would employ more seamen, and that a larger number would be available for the Royal Navy in case of need. The next portion of the Naval Reserve were called Coast Volunteers. They were constituted by Act of Parliament; but they were very inadequate in numbers, and, although they might be valuable along the coast at the commencement of a war, yet being only bound to serve one year, they could never be depended on as an efficient body for all the requirements of military service afloat, and to the extent of 100 leagues from the land. The Commissioners then recommended that a force of Volunteer Reserve of 30,000 seamen should be formed, and held together by a retaining fee. They recommended that their retaining fee should be £6, but that £1 of this amount should be carried to a pension fund, to be paid after a certain period of service. The object was to renew, if possible, that Mercantile Marine Fund which was of so much value and importance in connecting the whole of the seamen of England together by a common bond to the service of their country. It was formed by a small contribution from their wages, so that at a certain age they could have a claim upon the fund to support them during the later years of life. Unfortunately, however, partly from mismanagement and partly from the small control over the seamen themselves, that fund had gone to ruin; but it would be a great object if the present scheme could be connected with a Mercantile Marine Fund, the idea being that £1 of the retainer should go to a fund enabling the Volunteer Reserve to receive £12, £18, or £20, a year, according to length of service. It was hoped also that the public would liberally aid a fund which was known to be established for so praiseworthy an object as the pensioning old seamen. The Commissioners also recommended that naval schools should be established at the different ports for the instruction of boys, and that one portion of the boys should be draughted off to the Royal Navy, and another to the mercantile marine. He earnestly called the attention of the noble Duke to these recommendations of the Commissioners. He wished to make an observation or two on the operation of the third article of the rules issued by the Admiralty regulating the admission of Volunteers, by which candidates were required to have served five years at sea, to be certified as AB. The object of this, of course, was to get AB seamen. Now, there was no term so vague as that of AB seamen. One man might be good for one purpose and another for another, but all received general certificates after service. By proceeding on this principle of selection the probability was that when they got their 30,000 men they would find that a great many of them were not up to the mark. Why should it not be at once distinctly stated that there were certain qualifications which the men should possess, and why should they not be asked to show on examination what they were able to do? In this way they would be sure to know what description of men they were who presented themselves. Under the system proposed there could be no certainty of procuring good men. He had heard it said that certificates were even made matters of bargain and sale by the men. Then, as to the system of training, he thought it very inadequate. The Volunteers were to be a picked body of seamen, trained to the use of arms, well drilled, and made practically acquainted not only with the use of the great gun, but of small arms. The time set apart for drill was twenty-eight days in the year, which, by deducting Sundays and the time required for travelling, would be reduced to twenty-two—a time wholly inadequate to train and drill the men effectively. Now, they knew perfectly well that without an immense deal of practice no man could be of any great value in the management of artillery; and he feared, therefore, that if the country depended upon these Volunteers as being first-rate seamen, accustomed to artillery, and ready to fight an enemy, it would be deceived. He wished next to point out to the noble Duke that if they were not able to produce a better class of men than these were likely to be, they would absolutely ruin the reserve they now had. By one of the regulations, No. 151, it was provided that Naval Volunteers would be eligible for the Coastguard force. He had shown their Lordships that they might confidently rely on the Coastguard to the extent of their numbers. They might be called off their stations to-day and be ready to man a ship to-morrow. But supposing they had 30,000 Volunteers of the description he had referred to, and they had a right to enter the Coastguard service after ten or seven years, he was afraid it would be found that the latter would lose in efficiency. A naval volunteer might pass and not be a seaman at all in the proper sense of the word; he might be only partially drilled and trained—and, yet after he had been a certain number of years on the books he would have the right to enter as one of the *élite* of our reserve, he being an inferior man and unable to perform any of the duties that a Coastguard man now discharged. In this way the Coastguard force would be deteriorated. It was provided by rule 6 that no naval pensioner could enter that service. But there was a body of men, called short-service pensioners, men of good character and who had each served ten years on board of a man-of-war. They were now scattered over the face of the earth: but, if permitted to join the reserve force, they would be found a most valuable accession to it. At present they received a pension of 6*d*. a day, but by making a difference in their pay of from about £9 to £15 a year, the Government would attract an excellent class of men to the proposed force. There was at present a description of reserve which was considered of some value, but which he thought susceptible of improvement—he meant the crews of the eleven ships that were now stationed in the various out-ports for the purpose of affording facilities for drill to the Coastguard and Coast Volunteers. Those men at present never had any practice, for the ships never moved from their moorings; but he thought if they were sent to sea in summer much might be done to render their crews really efficient. There was a point of some importance to which he wished to advert. At this moment he was told there was a feeling among the mercantile seamen throughout the country that a trap was being laid for them in this plan of the Government. They imagined that when they entered the service of the Government as reserve men they were liable to be pounced upon at any moment and carried off to China or some other distant part of the world were we might be engaged in some petty war. He (the Earl of Hardwicke) was sure he only spoke the feeling of both Houses of Parliament and of the Government when he said most distinctly and emphatically that the end and object of the whole scheme was to obviate the necessity of having recourse to impressment; so that the seamen of the country, of all men, had the greatest interest in its success, and were under the strongest obligations to support it. He was satisfied that no petty war or political accident would ever induce the Government to break the contract they had made in this matter with the seamen of England, or to take those men from their usual occupations on any such enterprise; so that they might rest assured that when they were called on to serve it would only be in the performance of that great duty of national defence which was incumbent on every citizen.

THE DUKE OF SOMERSET said, he was not surprised to find that the noble Earl, having acted as Chairman of the Manning Commission, took a considerable interest in the success of the plan in question. He assured the noble Earl that he did not in the least complain of any criticism or even censure which might be passed on a scheme which was still an experiment, and which was now for the first time being tried on a large scale. He (the Duke of Somerset) might shortly advert to some of the principal recommendations of the Manning Commission, and to the course the Admiralty had pursued with respect to them. The Commissioners had made several special recommendations, the first, and perhaps the most important of which related to the establishment of training ships for boys. On that subject two different plans were suggested. One was, that at the naval ports—Portsmouth and Plymouth, for instance—training vessels should be stationed for lads who, after having undergone a certain amount of instruction, should all go into the navy. Another was that at all the great commercial ports training ships should be placed for boys, some of whom should afterwards enter the navy. and others of them be at liberty to join the merchant service. When the Admiralty came to consider those two suggestions it appeared to them that they would have to do something more than place a vessel at each of the large ports—that they would have to attach to each of those vessels a small brig or yacht in which the lads should go to sea, and so have opportunities for practice in seamanship. Under the circumstances he had thought it would be well to pause before they adopted in the large commercial ports a system of training schools such as had been recommended. But, in the meantime, he had thought it desirable to try the experiment on a different scale,—namely, to have training ships stationed at Portsmouth and Plymouth for boys, with small vessels attached, so that during the whole summer the lads might be going out to sea, and rendering themselves really efficient seamen, and he was told that after a year of such instruction these lads would become valuable acquisitions to the Royal Navy. He believed that this would prove a right course to adopt as a commencement, and the Admiralty had accordingly decided on giving practical effect to it. Another recommendation of the Manning Commission related to seamen gunners, and certainly nothing was more important than good naval gunnery. The Admiralty had made arrangements for giving increased pay to seamen gunners, had appointed gunnery lieutenants and instructors of gunnery: so that they had taken some steps to give effect to this recommendation of the Commission. The Commissioners had reported that the supply of provisions to the seamen was too small, and the Admiralty, acting upon the suggestion, had increased the quantity issued to the men. Free grants of bedding and clothing were now also given, the practice having been begun by the late Board of Admiralty, in accordance with the recommendation of the Commission. Another recommendation of the Commissioners was that the seamen should be paid their wages at shorter intervals. That question required some consideration, which it was now receiving; but it so happened that it was not a matter of pressing importance, because all those men who had entered the service during the present year had received the bounty, which, perhaps, met the views of the Commissioners, that an allowance should be given to the men at a time when they most required it. With respect to warrant officers the Commissioners recommended that certain alterations should be made, and that pensions should be granted to their widows. The Admiralty thought the propositions were just, and had acted upon them. So also with respect to petty officers,—they were to receive an allowance upon being promoted. An important reform had been effected by increasing the number of marines. That force had been increased by 2,000 men last year, and by 1,000 in the Estimates of this year, thus raising the force from 15,000 to 18,000. It was not desirable to increase the force too rapidly, because of the difficulty of drilling a large number of recruits, and he had therefore resolved upon effecting for the present a smaller augmentation of the corps than had taken place during the last year. He next came to the Coastguard, the importance of which force he fully admitted. That force had been increased this year by 500 seamen, and the number of seamen would be continually increased as the landsmen serving in that body were pensioned off. He had next to refer to the great question of the establishment of a naval reserve force. That reserve at present consisted of the Coastguard, of the Royal Naval Coast Volunteers, and the new reserve force created by the Act passed in the course of last summer. There were at present in the Coastguard serving on shore only about 3,200 seamen. In the district Coastguard ships about 1,800 more, making a total of 5,000 seamen fit for service at sea. In the Royal Naval Coast Volunteers there were of men who had been drilled and were ready for immediate embarcation in case of emergency about 6,600. It must be remembered, however, that in creating the new force many men had been attracted to it who would otherwise have joined the Coast Volunteers. The scheme of a naval reserve was one attended by many difficulties, and required the combined action of the Royal Navy and the mercantile marine. He had been told by those well acquainted with the commercial marine that if the Admiralty trusted entirely to naval officers to raise the force they would fail, from the suspicions that would be entertained by the merchant seamen. He, being desirous to avail himself of the assistance of shipping masters and of other persons connected with the commercial marine, applied to the Board of Trade, and the officers of that department had exhibited great zeal and taken great pains to promote his object. The result was that the Board of Trade, after having entered into communication with mercantile men in all parts of the country had drawn up a set of regulations, which were generally approved of by the Admiralty: but he had felt it to be, in the first instance, desirable to make certain restrictions. Thus he had restricted the entry for the present to able seamen. He had been told if he wanted 30,000 men it would not do to restrict the entries to able seamen. He admitted that statement; but if it had been announced that on a given day the Admiralty were prepared to receive all who might choose to enter—whether able or ordinary seamen—the number might have been too large to allow of the whole being drilled effectively, and the system might have broken down at the outset. He had therefore thought it best in the first instance to confine the entries to able seamen, and if they succeeded in getting good men the force would become popular, and they could take more volunteers as they were able to drill them. The liberality of the Admiralty and of Parliament had created the suspicion of the sailors. For many years schemes of a reserve had been in agitation, but the objection always was that the country would pay the bounty, but would not get the force. Last year the offer of £6, and to pay the men during the time of drill, was made, and the force, it was stated was only to be called upon to serve upon occasions of great emergency. He quite agreed with the noble Earl (the Earl of Hardwicke) that no Government should use the reserve, except in case of a great national danger or critical emergency. The particular emergency could not be defined beforehand; but before the men of the reserve could be called upon to embark, there must be an Order in Council and a special proclamation addressed to the reserve. Thus the men in that force could only be called upon to serve after a decision of the Cabinet, and under circumstances which made it almost certain that Parliament, if not then sitting, must be immediately assembled. Thus every possible security was given to the men that they would not be called upon to serve except in a time of some sudden danger or great national emergency. At first, however, seamen thought the terms were too good, and were suspicious that as soon as they had joined the Government intended to ship them off to China. There was no ground, of course, for such doubts, and as to China that was the most popular station just now. Indeed, had he had five times the number of ships to send to China, he would have had no difficulty in manning them. The new scheme only came into operation on January 1, and, despite its restriction to able seamen, the natural suspicions of the men, and the difficulty of all at once understanding the arrangements, he believed about forty or fifty were entering every week, and if that went on for a short time longer, the country would have the nucleus of an efficient reserve. The noble Earl had suggested that the reserve ought to be formed of sailors who had served ten years in the fleet, their places being supplied by bringing in other men. This, however, would greatly injure the efficiency of the service, for the men who had been ten years afloat were some of the best in the navy, and could not at present be spared. Perhaps, hereafter, this plan might be resorted to; but at present it was impossible to part with those men without greatly impairing the efficiency of our naval force; and it was moreover deemed necessary to proceed gradually, otherwise the country would be committed to a large outlay. Under the system he had adopted none were entered but able seamen and those who were likely to be really effective. It had been objected that men were required to be doubly approved, first by a shipping master and then by a naval officer. To some extent that objection was well founded; but if you tried to raise this reserve by naval officers alone the men would not join. It was found necessary to deal with merchant sailors by those to whom they were accustomed. The responsibility of accepting or rejecting any men must rest, of course, on the naval officer; but arrangements had been made by which the naval officer now attended along with the shipping master—so that, although a double approval was still necessary, only a single attendance was required on the part of the men. The noble Earl complained that twenty-two days' training was quite inadequate. The same complaint had been made respecting the twenty-eight days' training to which the militia were subjected. It was true that the Naval Reserve would not be made so efficient as if they were trained for several months; but it should be remembered that the country did not want to engage these men entirely, they wanted them for reserve purposes; they did not want to withdraw them from the mercantile service altogether; and if they took them for more than twenty-two days it was unfair to the interests of that service. He admitted that if they could give more days' training it would be an advantage; but that could only be done by taking the men for a longer period of drill, which would be objectionable. The expense would be enormous, and it would not answer the purpose, because they wanted seamen for seafaring purposes. To pay sailors to be kept on shore would never answer. If they took able seamen, he did not think it was impossible to train the men to the use of the guns, and get them into a state of considerable proficiency in the space of twenty-two days. He did not speak without authority on this point. He had applied to the authorities at the different ports, and he found that marines who had been in training for three weeks only had attained considerable proficiency. This objection, therefore, ought not to weigh with their Lordships and lead them to condemn the system. The noble Earl had spoken of the desirability of connecting the reserve force with a Seamen's Fund. No doubt, it would be desirable; but the Commission had expressed their opinion that the object aimed at would be better attained by means of a fund voluntarily supported. He (the Duke of Somerset) thought that, as these men seemed suspicious already, they would perhaps imagine that some further hold upon them was to be established by a compulsory payment. It had been thought better, therefore, not to mix up any such fund with the new force, but to leave it for voluntary adoption whenever a good scheme could be laid down. The Merchant Seamen's Fund, it would be remembered, had become bankrupt, and great distrust would therefore exist on this point. The noble Earl said there was at present no sufficient instruction for officers or men on board the Coastguard ships. Every district ship, however, had one or two gun-boats attached to it, and during most of the year these boats were sent out along the coast, and excellent practice was thus afforded. There was great difficulty in securing all the advantages which could be wished for in this way, with a due regard to economy. If they had gunboats they must have steam machinery, engineers, and superintendence, and they would be constantly liable to the expense of repairs. The Estimates this year were very heavy, but the chief amount was taken for men, and the more men introduced into the navy the wider the basis for a future naval reserve. He had thought it better to begin cautiously in the formation of a reserve; but if it continued at its present rate of increase, some forty or fifty men joining it per week, and if sailors get rid of their suspicions that they were about to be entrapped, and found that they would be called out only on some national emergency, he hoped before long that they would join it still more freely, and that if in a few months' time the noble Earl again called attention to the subject he would be able to enter into the discussion with more hopeful prospects for the future.

THE EARL OF ELLENBOROUGH said, that about fourteen years ago he was a member of a Commission which had to consider the state of the Merchant Seamen's Fund. They found it in a bankrupt condition, through the miscalculations of those by whom it had been established; but the earnest desire of the Commission and of the Government which then existed was that the fund should be re-established on a better footing, and it was proposed to do this by the acquisition of certain funds which they could properly lay their hands on, to enable the fund to go forward and prove of advantage to the service. He, indeed, when occupying the position now held by the noble Duke, had gone so far as to conceive the design of a hospital for merchant seamen, which would show that they, as well as the sailors in the Royal Navy, were objects of the tenderest care and solicitude on the part of their country. As regarded the measure for the establishment of this Naval Reserve, he confessed that he never expected great things from it. He had always felt that persons would be disappointed who hoped by its means to be able at all times to lay their hands upon a certain number of men for service in the Royal Navy, because he knew that the men best calculated for the naval reserve were the men who would always be shipping for distant voyages, and were not at home when war was imminent. In point of fact, however, there was at such times in this country a reserve which had not been duly appreciated. People fell into two errors in speaking of the mercantile marine. Some thought that, in the event of war, the whole of that body of men, consisting, according to some calculations, of 200,000 or 300,000, would be available for service in the navy; while others supposed that no sailors would be available, except those who had actually engaged to serve. Now, the fact was this:—There was at all times in the United Kingdom a very considerable body of merchant seamen unemployed, the number varying according to the season. That would form the reserve force of Her Majesty's navy in case of war. It would become available in this way—The moment there arose a reasonable apprehension, and long before a declaration of war, merchants were afraid to send their ships to sea, and of course did not need hands;—the men were compelled to find some service, and, being unable to do so in merchant ships, they were of necessity forced to seek employment in the Royal Navy. The number of men unemployed at the commencement of the next war would be infinitely greater than at the commencement of former wars, because, in consequence of the very narrow balance between our naval force and that of the French it would be impossible, at the beginning of the war, to keep up our convoys to enable merchants to make their voyages; the navigation of the seas by merchants would be stopped, and a great many men usually employed in the mercantile service would then be disposable here for Her Majesty's service. The same thing would occur in every part of the world; for the merchant would be afraid of putting his ship to sea unless he could receive a great degree of protection from men-of-war. Therefore the men of the merchant service in different districts abroad would be available for service in the Queen's ships in the same districts; and, even if the proposed naval reserve should fail, still he thought there would be that reserve which he had just now alluded to, and of which no circumstances could deprive this country. He must say that the account given by the noble Duke of the prospects of the Naval Reserve was a great deal better than he had expected; and, considering that the Admiralty had confined themselves in the first instance to accepting as volunteers able seamen, he had no doubt, recollecting how comparatively few were the numbers of that body, they might congratulate themselves on having established a system which would produce on paper a respectable force. He was, however, under the apprehension that, in consequence of the men being engaged in distant voyages, the number available in war would not be so great as he should desire to see. There was one thing he would venture to recommend, and that was the Admiralty should consult Lieutenant Brown, who was a perfect master of this subject, and would be able to tell them the number of merchant seamen usually at home at different periods of the year. He would likewise advise them to have at all times in their possession an account of the number of seamen actually in this country. The number, of course, varied at different times, but there should be no week in which the Government should not be aware of the total force of the seamen in the country. He congratulated the country on the efforts made by successive Boards of Admiralty to improve the condition of the seamen. There could be no doubt that the country had acted with great wisdom, liberality, and benevolence towards the seamen, and he trusted that the jealousies and suspicions entertained by the latter would gradually cease to exist, when the seamen observed, as they must of necessity soon perceive, the kind manner in which they were dealt with by successive Boards of Admiralty and by Parliament.

ORDNANCE MAPS.—NEW RAILWAYS. QUESTION.

THE EARL OF POWIS asked the Under Secretary for War what provision was made for marking on the completed sheets of the Ordnance Survey new lines of railway as they were opened for traffic. The proposal might be carried out at a very little cost, and would be highly useful for reference.

EARL DE GREY AND RIPON said, the course which the noble Earl recommended had been already adopted. Officers went about the country from time to time to survey different lines of railway as they were made, which were not yet laid down on the sheets of Ordnance Survey. The reports were sent to the office at Southampton, and when they arrived the plates were altered by laying down the lines. Of course it was impossible for the officers to mark the lines of railway on the sheets on hand, but the stock of printed sheets kept on hand was small, and there were few lines of railway not already marked.

House adjourned at Seven o'clock,
till To-morrow, Half past
Ten o'Clock.

HOUSE OF COMMONS,

Monday, February 27, 1860.

MINUTES.] NEW MEMBER SWORN.—For Ennis, William Stackpole, esquire.

PUBLIC BILLS.—1° Endowed Schools (No. 3); Coroners (No. 2).

2° Administering of Poison; Packet Service (Transfer of Contracts); Medical Acts Amendment.

STATUE OF RICHARD CŒUR DE LION. —NELSON MONUMENT.—QUESTION.

MR. HANKEY said, he would beg to ask the First Commissioner of Works when the statue of Richard Cœur de Lion, by Baron Marochetti, for the erection of which a Vote of £1,650 was granted last year, will be put up on the intended site? He also wished to inquire when the lions will be placed in Trafalgar Square?

MR. COWPER said, he must beg to explain that the delay had arisen from the difficulty which was experienced in getting granite for the pedestal of the statue from the quarries. Everything was completed with the exception of the pedestal, and it was contemplated that the statue would be ready for erection in about two months. He would rather answer the second question on a future day.

DUTIES ON FRENCH AND SPANISH WINES.—QUESTION.

MR. BENTINCK said, in the absence of his hon. Friend the Member for Tewkesbury (Mr. Lygon), he desired to ask the Secretary of State for Foreign Affairs, as Her Majesty's Government, in consideration of their undertaking to obtain the reduction of the Duty on French Wines, have solicited from France the promise of prospective concessions in favour of this country, Whether the contemplated reduction of Duties will not confer similar advantages upon Spanish Wine; and, if so, whether Mr. Buchanan has received instructions to urge upon the Government of Spain the propriety of making a corresponding concession in favour of the trade and commerce of England.

LORD JOHN RUSSELL said, that the reduction of the duty upon Spanish wines would be precisely that proposed in respect to French wines. He had not, however, thought it expedient to instruct Mr. Buchanan to ask any concession from the Spanish Government.

CEMETERY AT CLAPTON.—QUESTION.

SIR DE LACY EVANS said, in the absence of his hon. Friend (Mr. Berkeley), he wished to ask the Secretary of State for the Home Department, Whether he has given, or intends to give, his sanction to the establishment of a Cemetery at Clapton, which is not only within the prohibited distance, as defined by the Burial Act 15 and 16 of Victoria, but adjoins a populous district; and, if so, what has caused the violation of the spirit and intention of the Statute to be advisable?

SIR GEORGE LEWIS said, that under the existing law, there was a power given to the Secretary of State to prohibit new burial grounds within the Metropolis. There was a schedule of parishes appended to that Act by which the limits of the Metropolis were defined. There was also a clause containing these words:—

> "That no new Burial Ground or Cemetery parochial or non-parochial, could be opened within the Metropolis, or within two miles of the same,

without the approval of the principal Secretary of State."

In answer to the question of his hon. and gallant Friend, he begged to say he had not as yet given his sanction to the establishment of the burial ground alluded to. The fact of its being within the prohibited districts was not material. The question was, whether the Secretary of State should prohibit the establishment of the cemetery within that district. The Act enabled him to give his sanction to it if he thought proper. He had received numerous communications on the subject, and it was still under consideration.

WINE LICENCES.—QUESTION.

Lord EDWARD THYNNE said, he rose to ask Mr. Chancellor of the Exchequer, Whether the Magistrates will have any control over Licenses to sell Wine granted to Confectioners, Eating-house Keepers, and others in towns, boroughs, or rural districts, and, if not, what remedy is proposed against those persons if they keep disorderly houses or harbour persons of bad character ?

Sir DE LACY EVANS said, he also wished to inquire whether it is proposed to introduce any Bill during the present Session with reference to the general licensing system by Magistrates ; also, what provisions will be made respecting the 15th and 16th clauses of the Budget ; and what arrangements are contemplated as to withholding Licences from persons who may desire to avail themselves of the advantages offered by the admission of Foreign Wines, &c. ?

The CHANCELLOR of the EXCHEQUER : Probably, Sir, the most satisfactory reply which I can give to these questions will be this general answer, that before I ask the House to come to any Vote on the subject of licences for the sale of wine in eating-houses, I shall lay on the table, probably in the shape of a Bill, all the regulations we propose to apply to eating-houses which have received wine licences, so that all who are interested in the subject may have an opportunity of understanding fully the views of Her Majesty's Government. But looking at the question as it stands, I should say that it would certainly be most desirable that Magistrates should have every facility given them both for preventing originally the granting of licences to persons of bad conduct, or those keeping houses frequented by disorderly persons, and likewise for enforcing the laws against them in the most stringent manner after such licences had been received.

CHINA.—QUESTION.

Sir JOHN PAKINGTON : Sir, I wish to put to the noble Lord the Secretary for Foreign Affairs a question of which I have not given notice, but which, no doubt, he will be prepared to answer. That question is, Whether he has yet received those Despatches from China which he stated to the House some short time since he expected to arrive ; and, secondly, whether he is now prepared to say how soon he will be able to fulfil the promise which he then gave of making a statement to the House with respect to the views of the Government in relation to their Chinese policy ?

Lord JOHN RUSSELL : Sir, I have received the despatches to which the right hon. Baronet refers, but they do not contain any material facts. I hope in a few days to make the statement of which I have given notice.

PUBLIC-HOUSE LICENCES.—QUESTION.

Lord FERMOY said, he had failed to catch the previous answer of Mr. Chancellor of the Exchequer, and he therefore begged to ask the right hon. Gentleman the question standing in his name—namely, Whether he has any intention of altering the existing system of licensing public-houses further than he proposed to do by his Budget ?

The CHANCELLOR of the EXCHEQUER : Sir, my noble Friend is doubtless aware that several years ago a Committee of this House sat on the subject of licensing public-houses, but the result was that the question to a certain extent was left open ; at the same time an anticipation was created that legislation on the general subject would take place. Certain hon. Gentlemen, as you are aware, have proposed to legislate on branches of this subject, particularly on the important point connected with beer-houses ; but Her Majesty's Government have not any intention of bringing in a Bill to deal with the question at large. There are some points which I do not consider as being included in the question of my noble Friend ; for instance, all matters referring to the sale of liquors not to be consumed on the premises, I consider that it is open to the Government at any period to deal with; and, again, with respect to all questions of local restraint and regulations, I do not intend that my answer should apply. If, as I trust may be the case, the House should adopt, on the proposal of the Government, some plan for the extension of the sale of wine to eating-houses, under proper regulations, I think a very important experiment in connection with the tastes, habits, and moral and social well-being of the country will have been made. It appears to me that this experiment will require some little time to elapse before any judgment can be formed of its results; and the Government will not interfere with the course of that experiment till they have arrived at some satisfactory conclusion.

Sir CHARLES BURRELL said, he wished to ask whether, in the extension of the system of selling Liquor and Beer, it is the intention of the Government to go back to the old plan of allowing Grocers and others to sell Beer of a lower quality to the labouring classes? It was formerly allowed to be done to their great benefit.

The CHANCELLOR of the EXCHEQUER: The Government has no intention whatever of making any proposal as to the consumption of beer on the premises. The proposition is limited to the sale of wine: as to the sale of beer no proposition or suggestion will be made.

Sir CHARLES BURRELL said, he must beg to explain that the time he referred to, the beer was not drunk on the premises, but taken away by the labouring classes in jugs and bottles.

EXPORT OF COAL.—QUESTION.

Mr. HORSMAN said, he rose in pursuance of the Notice he gave on Friday, of his intention to ask a Question of the Government respecting the 11th Article of the Treaty. He had reason to believe that there was on the part of the French Government a disposition expressed not to insist upon the retention of that Article. He now begged to ask, Whether any information of the kind has been received by Her Majesty's Government—he did not mean whether any official information had been made to the British Government [*Cries of* "Order."] He was only endeavouring to make his Question intelligible. He should wish to know from his noble Friend whether the report that such a disposition has been expressed by the French Government is true; and, if true, whether it has led to any communication between the two Governments likely to lead to any modification of the 11th Article.

Lord JOHN RUSSELL said, there had been a communication from the French Government, but not to the effect supposed by the right hon. Gentleman. It was rather one to the effect, that if any strong desire was expressed on the part of the English Government for an alteration of the 11th Article, the French Government would be disposed to modify it, but not to give it up. Her Majesty's Government had returned a very positive answer to the French Government that they had no wish to ask nor to propose to the French Government to make any alteration in it.

CUSTOMS ACTS.—COMMITTEE.

House in Committee, according to Order. Mr. Massey in the Chair.

(In the Committee.)

Sir JOHN PAKINGTON said, that before the Resolutions were taken he wished to raise a point of order. On Monday last his right hon. Friend (Mr. Disraeli) had moved a Resolution on the Question that the Speaker leave the Chair; he thought that Question, as a point of form, should be put before the House went into Committee.

Lord JOHN RUSSELL said, the Question was put and carried on Monday last, after the Resolution of the right hon. Gentleman had been negatived.

DUTIES ON FOREIGN WINES.

The CHANCELLOR of the EXCHEQUER: I now rise, Sir, for the purpose of moving a Resolution with respect to the wine duties, which stands second on the list of Resolutions that has been placed in the hands of hon. Members. The first Resolution, as far as the Committee is concerned, was voted, in conformity with the usual practice, without discussion, on the night it was originally moved. Of course it is competent to any hon. Member, if he thinks fit, to raise a discussion on the merits of that first Resolution when the House is resumed and the Resolution is reported; I will not, therefore, detain the Committee by any reference to it. I will pass to the second and most important Resolution, on one of the most difficult questions of fiscal and commercial law that, in the course of my Parliamentary life, I have ever had to deal with. I will not at all conceal from the Committee the sense I have of the extreme difficulty of taking any steps for a reform of the wine duties. The truth is, that a system of very high duties, with its severe pressure, has continued for a long period of time, indeed through many generations, without any considerable variation, with the exception of Mr. Pitt's Commercial Treaty, that ever promised any essential change as to the access to the article of wine by the great body of the people. The effect of this system, combined with the peculiar nature of the commodity, which has a tendency in the finer qualities to increase in value the longer it is kept, is to produce a state of things so artificial and so exceptional that it is impossible to devise any mode of escape from it that will not be attended by very considerable difficulties and open to serious objections during the stage of transition. No doubt, when that stage of transition is accomplished we may arrive at a state of things highly satisfactory to the country, and, I trust, productive to the revenue; but we cannot take the very first step towards effecting a thoroughgoing change in the wine duties without encountering very considerable difficulties in our way. Before I state the method by which Her Majesty's Government purposes to attain the end described in the text of the French Treaty I will answer the question of which notice has been given by the right hon. Member for Stamford (Sir Stafford Northcote), as to the mode to be adopted for ascertaining the ordinary strength of wines, and the manner in which the scale is to be applied to them. I need not say we have no official data, properly so called, of the strength of wines, except at one particular point of the scale, although what is termed the alcoholic test, which many think a simple novelty, is in continual and daily operation, and has been so for a considerable time. The object of that test as now applied is simply to determine, in the sense of the British Customs laws, what is wine, and what is not wine. Any fermented liquor containing a greater amount of alcohol than 40 degrees is not admitted as wine in the ports of this country. We have no official data, then, on which to estimate the ordinary strength of wines, except for those strong sorts that stand on the border line between what is wine and what is not. We have, therefore, instead of referring to the Custom-house books, thought it preferable to collect a great variety of samples representing the general course of trade and the average strength of wines of different classes. I cannot call these official data, and they may be open to dispute, but gentlemen connected with the wine trade, and others interested in the question, have easy access to information of the same general kind. The operation of the test to which I refer has been founded on actual experiment, and the mode of making that experiment is as follows:—The wine is first of all subjected to distillation in small stills, which have been now brought to such perfection that they perform the operation in less than half an hour. The spirit having by this process been extracted from the wine, it is tested in the usual manner, and with the most perfect accuracy, by means of Sykes's hydrometer. Now I come to the different classes of wine, and the different rates of duty at which they are to be admitted into this country. A portion of the lighter wines of France and of the Rhine will be admitted at a duty of 1*s.* per gallon. The remainder of the lighter wines of France and of the Rhine will be admitted at a duty of 1*s.* 6*d.* A portion of the lighter wines of Portugal, Spain, and the Mediterranean will also be admitted at a duty of 1*s.* 6*d.* per gallon; while the greater portion of the Spanish, as well as the great bulk of the Portuguese, and a considerable amount of the Sicilian, together with the wines of the south of France, will have to pay a duty of 2*s.* I must in passing remind the Committee of the artificial condition into which the wine trade is thrown by the peculiar position of our system of duties. One effect of the present state of things has been that the practice has grown up of administering spirits to wine both before and after it reaches this country and has paid duty. To so great an extent, indeed, has this practice been carried, that it has become extremely difficult, in the case of wines coming from other countries than France, to ascertain the precise state at which the wine suitable to the English market arrives by the process of fermentation apart from the admixture of spirit. What these wines possess in alcoholic strength then must be referred to the strength they possess when they arrive in this country. Now, the reasons which induced the Government in negotiating the Treaty with France to proceed upon the principle which we seek to press upon the attention of the House in this Resolution, were founded on the considerations which

I am about to lay before the Committee. I can only say that they appeared sufficient to induce us to depart from the plan of levying a uniform duty on wine, which, *primâ facie*, might appear to be the more convenient course, and to adopt that to which we invite your sanction. The grounds, then, upon which the Government were not so much led as driven into the adoption of a system of varying duties on wine are, in the first instance, that wine is a commodity which appears to vary more in its quality, considered as a product of the earth, than almost any other great staple product that can be named. That fact, it is obvious, constitutes a source of difficulty in the operation of a uniform duty, where that duty is extended to such a degree as to constitute a considerable portion of the price of wine; and, because we have instances in which the value of one quality of wine might be represented by a single unit and that of another by 100, it is quite plain that anything more than a merely nominal duty at a uniform rate would be extremely unequal in its operation. Now the Committee will see that we must resort to something more than a mere nominal duty, not only because we cannot afford to spare the amount of revenue which a contrary course would involve, but because the principle on which the duty on wine is levied is one which lies at the very root of half our indirect taxation —the imposition of duties on strong liquors. We cannot, for instance, dispense with the £1,700,000 which we receive from bonded wine, but even if we should deem it expedient to introduce wine into this country free of duty we could not propose such a measure, because the duties on brandy, rum, and malt produce £5,000,000, and that on British spirits between £9,000,000 and £10,000,000, all of which sums are raised on the principle involved in maintaining a considerable duty on spirits. We therefore find it impossible to fix a uniform duty on wine at a low rate. Neither could we adopt one at a high rate, unless we were prepared to sacrifice on the one hand that which is the essential aim of our measures, or upon the other to compromise the security of the largest branch of our revenue. We deemed it, therefore, expedient to propose a plan which should hold out the prospect of admitting to the British market the cheaper wines of the wine-growing countries at a rate not exceeding 1*s.* per gallon, and I wish to call the attention of the Committee to the fact that although that may appear to be a low rate as compared with the present duty of 5*s.* 10*d.* per gallon, yet in reality it is not so with regard to those wines. On the contrary, it may be fairly said that it is a sufficiently high duty to impose on the cheaper yet sound wines of Europe, such, for instance, as those which an English traveller is well contented to get when he sits down to dinner abroad. It is, at all events, the highest rate of duty which we think compatible with the extensive importation of that class of wine into this country, and which it would be desirable to impose consistently with a determination to give fair play to the fiscal experiment which we are about to make. Our wish in making that experiment is, to place access to the article of wine within reach not only of the limited class which now uses it, but within reach of the whole middle classes—of the lowest order of the middle classes, and even of the better portion of the working classes—I do not say as an article of ordinary consumption, but one which they may use on those occasions when they provide themselves with something better than their daily food. I lay it down, therefore, as a fundamental rule that the cheaper and weaker wines of the Continent must be admitted into the British market, if we wish to give fair play to the scheme under the consideration of the Committee, at a rate of duty not exceeding 1*s.* a gallon. I now come to the question whether we can afford to fix that sum as a uniform rate. I have already suggested that such a rate would, if adopted, entail upon us fiscal sacrifices beyond that which the Government have contemplated. That such sacrifices would have to be made is not, however, the reason why we did not lay before you a proposal to this effect. If it were simply a question of a loss to the revenue of some £300,000, or £400,000, or £500,000, more or less, I must confess, speaking for myself, I should be prepared to face any disadvantages contained within that limit for the sake of giving fairer play to our proposal. There is, however, a much more serious question involved in the matter, and that is the relation between the duties on wine and those which are paid on spirits. We propose that wine which approaches to the strength of 40 degrees proof spirit shall be liable to a duty of 2*s.* per gallon. The effect of that proposal will be that while we are proposing to tax British spirits 100 degrees proof at something over 8*s.* a gallon, we are about to tax at the rate of

5*s.* only the proof spirit contained in wine. In taking this course we are open to objection from opposite quarters. Upon the one hand those who look at the question from the point of view which the distiller is likely to take may, not unnaturally, say that we give undue preference to wine by taxing the proof spirit which it contains at so much lower a rate than in the case of spirits itself. My answer to that objection is, that although the proof spirit which wine contains is one important element in its composition, and one which we take into consideration, yet it is not the only element—that wine, in short, is a commodity which possesses characteristics which recommend it to the consumer entirely apart from this circumstance, and that, although there exists a modified competition between the proof spirit in wine and that which is embodied in the article which is sold under the name of spirits, yet that the competition is indirect in its nature. Now, in order to illustrate more clearly what I mean, I may observe that there is a considerable quantity of spirit contained in beer, and that, taking the percentage of proof spirit which it embodies per gallon, and then calculating the amount of malt duty which we levy on each gallon of beer, and comparing the amount levied on the spirits in beer with that which is levied on spirits net, you would find the alcohol in beer is much more lightly taxed than that which is contained in spirits properly so called. There is thus an indirect competition between the two articles, although practically the consumption of beer does not interfere with that of spirits. The alcohol which beer contains is only one of its characteristics. While, therefore, we have been obliged on the one hand to keep down the duty on the weaker wines to 1*s.* per gallon, we have, on the other, been compelled, by an imperative regard to fiscal considerations which we cannot overlook, to keep up the duty to 2*s.* when wine approaches to 40 degrees, for fear we should compromise the immense revenue, amounting to between £11,000,000 and £12,000,000, which we levy on British and foreign spirits. In point of fact, it will be found in placing the duty at 2*s.* we have placed it as low as we dare. It would be competent to argue that in order to maintain the proportion between the duty on the alcohol in wine and that on the alcohol in spirits the duty should be placed at 2*s.* 6*d.* on wine at 40 degrees; but the answer to that is that, after all the best inquiry we can make, the duty being fixed at 2*s.*, there would be no fear of illicit processes or mixture that might be adopted to give the wine the character of spirits; while if we went above 2*s.* we should have had the risk of those processes, and therefore we are not prepared to make such a proposal. The Committee will, therefore, see that if we are to have a plan to meet the great exigencies of the case, it is, unfortunately, necessary to adopt a varying scale of duties. I say unfortunately, for no man feels more than myself the extreme desirableness of uniformity in the rates of duty, to avoid all delay, all vexation, all uncertainty in the administration of fiscal law. Well, then, if we are compelled by the force of circumstances to have a varying scale of duty, the next question is, on what principle should it be regulated? I am aware that some gentlemen have thought they could regulate the wine duties on the *ad valorem* principle. I do not mean to deny if that could be applied it would be the best of all, from the immense variation in the quality of the article, and the necessity of raising a large revenue from it. But the simple answer to any man who urges an *ad valorem* duty is this, that I do not think any Minister of Finance or head of a revenue department could, on the whole, undertake the responsibility of endeavouring to administer the law under such a principle. If, indeed, we had a very low rate of duty on value, it might be done, but that would be impracticable in our case, as I have shown. On the other hand if we were to maintain a very high rate, of 50 or a 100 per cent, then the temptation to fraud would be so great and constant, and the means of meeting it on the other hand so uncertain, that such a law would become impracticable. Very ingenious and well-informed gentlemen have endeavoured to construct a scale of this kind, and I have myself made it a subject of the most careful inquiries, in the hope of finding that it would be possible, but I am obliged, with others, reluctantly to acquiesce in the almost universal opinion—namely, that a scale of duties on wine levied on value, and upon a high ratio on value, would be found impracticable. The scale we propose has in some degree a reference to value, but at the same time a varying degree; on the whole, it will be true that the higher priced wines will pay the higher duty, and the low priced wines the lower duty; but there will be certain exceptions to that rule, because there are some wines, very limited, however, in quantity, both of the Rhine and France, which have a very weak alcoholic character, and at the same time, from their high flavour, are of very considerable value. But putting these exceptions out of view, the alcoholic test, as far as it goes, will vary very nearly according to the value of the wine. I do not, however, recommend it on that ground; it has been adopted simply from a sense that it was an absolute duty not to propose to the House any plan with respect to which we could entertain a reasonable fear that it would endanger the enormous revenue which arises from spirits. That is the ground on which this test has been adopted. Now, as respects the test itself, all these tests are open to a certain amount of objection, because they all entail the necessity of some practical operation; but Parliament, notwithstanding, has found it necessary to adopt the system of classification in some other cases in which it was by no means so imperative as in the case of wines. In the case of the very important article of sugar, for instance, the qualities are divided into three or four different classes, and these, not with reference to one single quality, but with reference to several, it is the duty of the Customs to combine together in order to ascertain the duty. It does not depend on one quality, whether sugar be recognized as refined, or white clayed, or the lowest brown muscovado, but on the combination of these qualities, depending on the grain, the strength, and the colour of the sugar. Now, I do not think the inconvenience here would be so great as in the article of sugar in this important and capital respect—namely, that the test applied to wine is fortunately a certain test. Some, indeed, have said that the test was inapplicable, the quantity of colouring and sweetening matter entirely defeating the action of the hydrometer; but by the process of distillation, which occupies only half an hour, we can ascertain with absolute precision what is the strength of the wine. We have, then, no fear of fraud, no fear of uncertainty, in the operation of the test, while, on the other hand, I have no doubt it will attain its essential object; and I do not believe, nor do the most intelligent gentlemen connected with the trade I have seen desire me to believe, that it will be attended with any inconvenience, except such as may readily be obviated. I have thus explained to the Committee a subject of a rather technical and dry character. The essential object the Government had in view is the adoption of a scale of duties on wine instead of a uniform rate. There is another important point connected with the operation of the change we propose to the Committee on which it is necessary I should say a few words, and that is the drawback on wines in stock, with respect to which various claims have been preferred. And here I cannot state too strongly my opinion, which I hope is the opinion of the House—I am quite sure it is the only opinion really sustainable on fiscal grounds—that, as a general principle, nothing can be worse than to allow drawbacks on articles subject to Customs' duties, although there may be, I admit, peculiar cases when a very strong equitable claim arises. Supposing, for example, that you are compelled by circumstances to make rapid and frequent changes of duty, incessantly to interfere and disturb the course of trade, sometimes lowering the duties, sometimes raising them—as Mr. Pitt, after lowering the duties on wine in 1787, was obliged to raise them again enormously in 1795. It is not possible for a trade to stand the frequent recurrence of operations of that sort without being relieved from the immediate consequences of such rapid vicissitudes. But the way in which Parliament has dealt of late years has been of quite a different character. I am not speaking of Excise duties, where everything is carried on under survey habitually, I am speaking of Customs' duties. I beg the Committee to recollect what has been the course of our recent legislation. It has tended without exception to the mitigation and removal of duties. The effect of the mitigation and removal of duty, in every case where it is attempted on a scale sufficient to produce its legitimate effect, is to give great extension of trade, and uniformly the result is a profit to the dealers in the article; for you never remove the duty without in the first instance putting a portion, sometimes the whole, but always a portion, of the duty in the pockets of those who carry on the branch of business affected. Do not let it be supposed we grudge that; on the contrary, it is the legitimate effect of your operations; not only so, but it is the means through which your operation produces its fruits, for the increase of the profits of a trade is the sure foundation of the extension of that trade, and the increased supply to the consumer; but, at the same time, it is obvious that the direct tendency of this is to remove any inconvenience which otherwise would arise to dealers from alterations of Customs' duties with reference to their stocks in hand. First, because they have in the price of the article, apart from the duty, received at once a portion of the drawback, and in the extension of trade arising from the mitigation of duties generally more than the amount of drawback. The whole of these considerations apply to the article of wine as fully as to any other branch of trade whatever. Therefore, when your legislation has run constantly in this course of mitigation for a long series of years, I hold that nothing can be weaker than the claim for a drawback on the stock of wine in hand, apart from the very serious consideration that this stock not being under survey you have no means of checking the most intolerable frauds. It is perfectly true with respect to wine, more than almost any other article, that you increase its value by long keeping, and, therefore, if you look at that alone the possessors of stock which has paid the high duty would seem to be at a disadvantage when they are placed in competition with the new wine. But the value of the old wine does not depend on the duty. Those who are rich enough to drink the old wine, do not look at the rate of duty at all. That is completely absorbed in the character of the wine. The new wine introduced at the low duty cannot compete with that class of wines on any terms. The gentlemen who have been accustomed to their old port, their old sherry or Madeira, will not take the new wine at any price. I do not believe there ever was a time at which these considerations told more strongly than they do at present. I believe all those houses in the wine trade which send round their circulars to the public endeavour to make their prices attractive by their cheapness. I received one of those circulars myself the other day, and I was curious to look into it on account of the discussions that were likely to take place. I found that the circular came from a cheap house, but that cheap house offered their old port at 210*s.* a dozen. If their old port is now worth as much as 210*s.* the dozen it will not be worth a sixpence less, but probably worth much more, through the stimulus that will be given to consumption after the reduction of the duty. I would therefore impress on the Committee that on all these general grounds there is no just reason whatever for allowing drawback on any part of the stocks of wine on hand. At the same time there does happen to be a specific and partial arrangement on which a claim of good faith may be thought to have arisen. In the year 1839 or 1840 there began a negotiation with France for the reduction of the wine duties, which was continued for one or two years. Before that was well over a negotiation, also for a reduction of the wine duties, commenced with Portugal. That was followed by a similar negotiation with Spain. And the consequence of these negotiations, the whole of which were patent to the public, was a paralysis both of trade and of revenue. Under these circumstances the dealers in wine during the Administration of Sir R. Peel made an application to the Treasury of that day, and Mr. Goulburn, then the Chancellor of the Exchequer, although entirely objecting to drawbacks on stocks of wine in the event of a reduction of duty as a general principle, yet held that there were grounds, in the common interest of the revenue and of trade, for making a specific arrangement. His arrangement was founded on the belief that although drawbacks ought not to be given in the event of any purely legislative reduction of duty, yet in the event of a reduction which followed upon negotiation for a Commercial Treaty, it would be right to give some drawback, because the effect of promising such drawback would be that it would maintain the trade in a healthy state while the negotiations were pending; whereas he found by stern experience in the year 1842 that there was a great falling off in the entries of wine, and consequently in the revenue, owing to the expectation of a treaty. Therefore, the Treasury in 1843 passed a Minute, perfectly distinct and definite in its terms, the effect of which was that all persons might claim drawback on certain wines in their possession, upon certain conditions, in the event — not of a reduction of the wine duties, but of a reduction of the wine duties under treaty. The conditions in question are set forth as clearly as possible in the first paragraph of the Minute. The effect of the Minute is as follows:—That in any Act that may be passed on the conclusion of a treaty for reducing the duties on foreign wine provision should be made for allowing dealers in wine a return of duty on all such wine as may be henceforth cleared from the Customs, provided that a stock equal thereto shall be found in the dealers' possession when the duty is reduced; and provided that the wine so found, and in respect of which drawback is claimed, be wine which has paid duty within two years if imported from Portugal or from France, and within six months if imported from any other foreign country. During the year 1843 that Minute attained its object; it restored confidence to the trade, and placed it in a natural condition. So matters went on, till after the lapse of time all idea of a Commercial Treaty was abandoned. It is right, however, to state that in 1843 that Minute was not only maintained but extended; for an order was issued, with the sanction of the Treasury, by the Board of Excise, extending the terms to all the wine which dealers might have in their possession at the time of the reduction of duty, limited only by the quantity on which they had paid duty within the time specified in the Minute. The proof of the identity of the wine was no longer required. This took place in 1843. The whole matter then passed out of view, the negotiations for Commercial Treaties came to an end, and, I believe, hardly any of the wine-merchants or dealers conformed to the necessary conditions as to the taking out of duplicate warrants and other regulations as to their stocks till the year 1852, when this House appointed a Committee to examine into the question of the wine duties. At that period it was suggested that it would be satisfactory to the trade if they were permitted again to commence acting under the Minute of 1843, and accordingly new directions were issued by the Board of Inland Revenue, which allowed the traders to resume operations in conformity with its provisions. But the extension which the Minute had received in 1843 was expressly withdrawn, because the order of the Board of Excise, dated the 24th of July, 1843, under which the Minute had been extended, was expressly cancelled in the order of the Board of Excise, issued in July, 1852, so that when the arrangement revived it was revived on the original footing of the Minute of 1843, which was clear in its terms, and not liable to any ambiguity of construction. Therefore Her Majesty's Government found the Minute of 1843 in existence with terms perfectly definite. It is, indeed, quite true that the dealers in wine have now suffered none of the inconvenience that attended the former negotiation of a treaty. There has been no protracted delay, no publicity, nothing that has for a moment checked the action of the trade; but to avoid the appearance of anything that might partake of the nature of special pleading, I may state that as the Government find that a considerable portion of the wine trade have acted on the Minute as it stands, and are ready to produce their books, showing that they have so acted, we think it our duty to propose to the Committee to grant drawback to those persons who have conformed to the terms of the Minute, although, as I ventured to tell some of the gentlemen who came as a deputation to me in Downing Street, it appears to me that they enjoy an extremely good fortune, for I have great doubts whether they will lose anything at all by the reduction of the duty; while by the allowance of a drawback I frankly own I think they will in a large number of cases pocket the same money twice over. This, however, accrues to them under what may be deemed a contract, and therefore I trust the Committee will not grudge or scruple to grant it. As to any attempt to go beyond the terms of the Minute, and to claim on general or vague grounds a right to make demands on the public purse, that is no part of the contract, and is in my opinion justified neither by its spirit nor its letter. I therefore think it the duty of the Government to offer the firmest resistance to any such demands; and I shall call upon the Committee to support us in preventing any endeavour to get public moneys for which there is no just claim. I wish to reserve a separate question which has been raised, and which does not belong to the proposal I am about to make, but to the further proposal contained in the latter part of the Resolution, with regard to the final change in the wine duties that is to take place in future years. Thus far I have spoken in respect to the first portions of this Resolution, the first part being that which resolves that the wine duty shall fall immediately from nearly 5*s.* 10*d.* to 3*s.* a gallon, and the next part that which allows a drawback on the exportation of wine until the 31st of March next, and the third that which gives a drawback to dealers who have acted in conformity with the terms of the Minute of 1843. After that comes the closing portion of the Resolution, which provides for a further fall in the wine duties at a later date. It is proposed that those claimants who will now receive under the Minute of 1843 a drawback equal to the difference between 5*s.* 9*d.* and 3*s.* shall be entitled to receive a further drawback at the period of the further fall in the duty equal to the difference between 3*s.* and the rate at which their wine shall then be finally taxed. I do not wish to pledge the Committee on that subject by anything I now say. It appears to me that the proper time for considering that question, if it is to be considered, will be after we shall have voted that portion of the Resolution with which we are now dealing—namely, the part that relates to the fall in the wine duties which it is proposed shall immediately take place. I know not what course will be most for the convenience of the Committee, but what I should suggest, Sir, would be that in reading the Resolution you should have the goodness to stop—if no hon. Gentleman wishes you, as it is perfectly competent for him to propose, to stop at an earlier period —at the words "*2s. 9d.* per gallon," which are immediately before the scale describing the alcoholic test. The effect of that will be to put at once to the Committee so much of the Resolution as includes the whole of the arrangement that will take effect immediately, and to postpone for further consideration the remaining part of the Resolution, relating to the final fall in the duties. It may be that there is in the Committee an idea like that which has been urged upon the Government by various members of the trade—namely, that it would be expedient that whatever changes are to take place in the wine duties should take place entire, and at once. The Government are well aware that there are various considerations of convenience connected with the course of trade which would be best satisfied by a plan of that kind. But the objections to it are, in our view, of greater weight than its recommendations. The first objection has reference to the revenue. I cannot doubt—and the best authorities concur in my apprehensions—that to make a change as great as from *5s. 9d.* a gallon to the lowest scale here mentioned by a single stroke would be to inflict on the public revenue, in the first instance and for a little time, a loss very much more serious than it will have to sustain from the proposal as we have framed it. Besides that, I do not think that we could venture upon so hazardous an experiment with a due regard to the interests of the consumer. We must remember what is the state of the stocks in this country. No notice has been given from here which would induce the grower or manufacturer of wine abroad to make any preparation whatever for this change. He has never heard of it, he has never had any idea of obtaining access to the English market, or of preparing his commodity for that market until within the last few weeks; and the stocks in this country, although they may be quite sufficient, are certainly no more than sufficient, to meet the demand which will arise under the change which we propose. They are adapted to supply a demand which is comparatively limited, and although I do not doubt that the Continent will be able to give a considerable extension to the supply even without notice, I think, and I hope the Committee will be of the same opinion, that it would be very hazardous to make the whole of this change in reliance upon markets which have made no preparation whatever to meet so considerable an alteration. It may be a question whether the date which we have fixed for the final fall of the duty is the precise one at which that change ought to take place. That is matter for debate and discussion. At present I confine myself to urging upon the Committee that the entire transition which we intend to make is so great that it ought to be divided into at least two stages, and that a moderate interval ought to be interposed between them. I believe that those who, in former times, have on various occasions endeavoured to induce the House of Commons to sanction changes in the wine duties, have almost always, if not invariably, proposed to make those changes much slower ones than that which is now submitted to the Committee. In fact, our object has been to make it as rapid as we dared, because the inconveniences of a transition state are very great, and we ought to pass to the final or *minimum* duty as quickly as it is consistent with finding a supply adequate to meet the increased demand. These are the various points on which I have felt it necessary to trouble the Committee, and I therefore now beg to move, as a distinct Motion, so much of the Resolution as enacts the immediate fall of the duty to *3s.* a gallon, and provides the amount and conditions of the drawback that shall be payable when that fall takes place.

1. Motion made, and Question proposed,

"That in lieu of the Duties and Drawbacks of Customs now charged or allowed on the articles undermentioned the following Duties shall be charged thereon, on importation into the United Kingdom, namely:—

Until the 31st day of March, 1861, inclusive.

Wine of and from Foreign Countries—

		s.	*d.*
Red . .	the gallon	3	0
White . .	the gallon	3	0
Lees of such Wine	the gallon	3	0

With an allowance for Drawback on Exportation until the said 31st day of March, 1861, inclusive, of 3*s.* per gallon on such Wine Exported or used as Ship's Stores, but that no drawback be granted on Lees of Wine; and with an allowance of Drawback to Licensed Dealers in Wine who have complied with the Provisions of the Minute of the Lords of the Treasury, dated the 7th July, 1843, on the Foreign Wine which they had in Stock the 10th February, 1860, on the conditions of the said Minute, at the rate of 2*s.* 9*d.* per gallon."

MR. H. BAILLIE said, he trusted that before the Committee agreed to this Resolution, more satisfactory information would be afforded to them of the mode in which the Chancellor of the Exchequer intended to supply the deficiency in the revenue. And in asking the question of the right hon. Gentleman he begged to assure him that hon. Gentlemen, who sat on the Opposition side of the House, had no objection to the reduction of the import and excise duties. They admitted, as readily as the right hon. Gentlemen himself, the great advantages of these reductions to trade and commerce. But they were of opinion that there was "a time for all things," and that this was not the time to reduce the import and excise duties when there was an acknowledged deficit in the Exchequer of no less than £7,000,000, and when the right hon. Gentleman was about to engage us in a costly and expensive war, for which he had not even given the Committee an estimate. The financial statement of the right hon. Gentleman was founded entirely on the assumption that, after the reduction of these duties, there would be a deficiency of between £9,000,000 and £10,000,000 in the Exchequer. He (Mr. Baillie) would be prepared to show that this deficiency must inevitably amount to £3,000,000 more; and, if so, the Chancellor of the Exchequer must do one of two things—he must either withdraw the proposal for reducing the duty, or else come boldly forward and propose £3,000,000 of addition to the income tax. Now, in what did the fallacy of the right hon. Gentleman's statement consist? He had taken an Estimate of only £500,000 for the extraordinary expenses of the China war within the year. It might be regarded as impossible to form a correct estimate of what those expenses would be; but from the experience of the past we could make a very near approach to the amount. The incidents of the Persion expedition agreed very closely with those of the expedition to China. The Persian expedition was fitted out in Bombay; it consisted of 4,000 European troops and 8,000 Native, 12,000 altogether. It left that Presidency in the month of November 1856; from the setting out of the expedition to the ratification of the Treaty of Bagdad on the 2nd May, 1857, the time was five months and a half. The extraordinary expenses of the war, not including the pay of the troops, but including commissariat and transport charges, amounted to £2,195,000, or, in round numbers, £2,200,000. The Chinese expedition, now fitting out in the Presidencies of Bombay, Madras, and Bengal, as the House was informed the other day by the Secretary of State for India, would consist of 7,000 Europeans and 5,000 Natives, together 12,000 troops, the exact number employed in the Persian expedition; but with this difference, that the proportion of European troops being greater the expenses of the commissariat must be higher, and he believed that in the first six months the expense could not be less than the expense for that period of the Persian war—namely, £2,200,000. But inasmuch as the Chinese expedition could not terminate in less than nine months, the cost could not be less than £3,300,000; and indeed he should be much surprised to find it so small an amount. Yet this was a charge which the right hon. Gentleman had altogether omitted from his estimate. He might possibly suppose that there was a prospect of getting an indemnity. If he did, he had better at once dismiss all such anticipations, because the last accounts informed us that the Chinese Government was in the greatest possible distress for money, and had resorted to every possible expedient to raise it. There was, therefore, no chance of its defraying the cost of our expedition. If, therefore, the French Treaty was expected to produce great advantages to that country, let them, as the phrase was, pay for it over the counter. But instead of doing that, it was to be paid for by the creation of a deficit of 3,000.000 sterling, and at the same time when the Chancellor of the Exchequer invited them to undertake an expensive war, for which he had not condescended to propose any estimate whatever. This was not the way in which the finances of this country ought to be conducted; and whatever might be the party feelings of hon. Gentleman opposite, he hoped that in justice to their constituents they would insist on the Chancellor of the Exchequer making a clear and explicit statement of the mode in which the revenue was te be raised, Mr. CRAWFORD said, he must decline to follow the hon. Member for Inverness-shire in his attempt to re-open the general discussion which was closed on Friday night, although he regretted that he had not had an opportunity of expressing the views of his constituents on the Budget as a whole. He should therefore confine himself to the Resolution before the Committee. After the perspicuous and intelligible statement of the Chancellor, he had no difficulty in understanding the grounds upon which a system of *ad valorem* duties in the case of wine was sought to be established; but, speaking on behalf of the dealers in wine in the City, he could not express his concurrence in the proposal of his right hon. Friend. The alcoholic test was most objectionable; it would certainly be productive of great inconveniences, and would probably prove an entire failure. It was a very nice scientific process, and not a mere mechanical test, depending to a great extent upon the practical skill of the operator and the accuracy of his instruments. Nothing could be more probable than that, while wine imported into London might be found to contain 15 degrees of proof spirit, and so liable to a duty of 1*s.* 6*d.* per gallon, the very same quality of wine imported into Liverpool might, owing to a want of dexterity on the part of the operator, or some defect in his instruments, be declared to contain no more than 14 per cent of spirit, and so subject to a charge of only 1*s.* per gallon. Such cases, he was afraid, would be of constant occurrence. There was, in fact, the greatest difficulty in establishing a differential duty at all. The right hon. Gentleman had alluded to the case of sugar, but an *ad valorem* duty upon tea had been found quite impracticable, and in the case of sugar there was not only no more prolific cause of disputes between consignees and the Custom-house than the proper classification of the article; but he was informed that it interfered with the process of manufacture abroad, because the manufacturers were afraid if they refined their sugar beyond a certain point it would be charged with the higher duty. The question of drawback was also one of considerable importance. All those dealers who had complied with the Treasury Minute of July, 1843, were to be entitled to 2*s.* 9*d.* per gallon upon all the wines they might have in stock. So far good, but the dealers complained that early in the present month they were deprived by a Treasury Minute of the advantage of being allowed to protect themselves until the 1st of January next, by obtaining what was called a duplicate warrant. They complained that when that period should have arrived, and when the new duties should have been brought into operation, they would not be allowed the amount of drawback fairly due to them upon their intermediate payments; and he confessed that the statement of the Chancellor of the Exchequer had not altered his opinion that the dealers in wine were entitled to a sum equal to the difference between the existing and the proposed duties.

The CHANCELLOR of the EXCHEQUER: I have no wish to prejudge that part of the question.

Mr. CRAWFORD said, he was glad to hear it, and he hoped that want of decision was the effect of the representations which had been made to the right hon. Gentleman by the representatives of the trade in the course of the day. He should like to know from the Government whether there were any treaties in existence the stipulations of which gave to certain foreign nations—Spain and Portugal for instance—the right to claim that their wines should be introduced into this country, without reference to quality, at as low a rate as the wines of any other country. These were the objections he had to urge against a system of differential duties. At the same time, he was prepared to admit the objections to a uniform rate of duty, and the difficulty of finding an alternative.

Sir STAFFORD NORTHCOTE said, he wished to say a word on the question of drawback. He thought the Committee had better confine itself, in the first instance, to the question of drawback under the first change of duties, leaving the change that was to take place in 1861 to future consideration. He quite agreed with the Chancellor of the Exchequer as to the undesirableness of allowing a drawback, but he was afraid good faith would compel them to do so in this instance. He believed the dealers were prepared to abide by the Minute of 1843 as explained by the order of 1852. The case, as it appeared to him, stood thus. A Treasury Minute was issued in the month of July, 1843, with respect to the terms on which a drawback would be allowed in the event of a reduction of the wine duties. There was, however, some ambiguity in its terms, and an application was made for an explanation. The explanation was given authoritatively from the Board of Excise, which explained the terms of the first Minute, by extending the privilege of drawback, not merely to the identical wines that had been first pointed to, but to the same quantity of wines "being of like quality." It was true that the Minute of 1852 revoked that order, but it revoked it only to re-enact it, for it had provided that the wines for which drawback was claimed should be of the same description. He thought that faith ought to be kept with those who had acted on the understanding that the terms of the Minute would be adhered to.

THE CHANCELLOR OF THE EXCHEQUER said, he had no doubt that his hon. Friend (Sir Stafford Northcote) was in error as to the interpretation of his Minute. The Minute of 1852 was intended to revive the regulations for drawback established in 1843, which were all but universally abandoned, and when made it was communicated to every member of the wine trade. As his hon. Friend remarked, it revoked the explanation given by the Board of Excise. But his hon. Friend was in error in supposing that it re-enacted them. It laid down three conditions under which the holders of stock could obtain a drawback. The first was that there should be an equal quantity of wine in stock; the next was, that the identity of the wine should be proved; and the third was, that the quantity found in stock was equal to that which was bonded. The Committee would see that this third condition was merely an accidental and wholly unnecessary repetition of the first, and in no sense whatever removed the necessity for the proof of identity required by the second.

MR. BENTINCK said, that much as he admired the clearness of expression and oratorical ability of the right hon. Gentleman, the Chancellor of the Exchequer, his statement appeared to savour more of assertion than argument. The right hon. Gentleman stated that the mischievous practice of adulteration would be diminished by the measures which the Government proposed; but if he knew anything of the subject, and could trust the opinions which he had received, the result of those measures would be to produce an extensive adulteration of wines on the Continent with a view to their transmission to this country. It had also been alleged that the reduction of the wine duties would enrich the wine dealers; but it was the continental, and not the English wine merchants who would be benefited by the change. There was then but little chance of any advantage under either of those two heads. The right hon. Gentleman had spoken of the good faith to be observed with the wine-dealers, but he should also bear in mind the good faith that ought to be kept with those who paid the income tax. His great objection to the Budget was that it reduced the permanent revenue, without showing how the deficiency was to be made good, and he had never heard any answer given by the right hon. Gentleman to the charge, over and over again preferred, that taxes were remitted upon the luxuries of the higher and middle classes without any attempt to deal with those which affected the necessaries of the labouring population. If proof were wanting that the system of free trade—if that could be called a system which was applied without a principle beyond that of favouring the interests of certain classes— proceeded without reference to financial inconvenience or human suffering, it would be found in the figures of the Budget introduced by the Chancellor of the Exchequer at the dictation of the hon. Member for Birmingham. The right hon. Gentleman, with surprising candour, had declared that the alteration of the wine duties would benefit the middle, the lower middle, and the better off among the working classes, but the claims and the necessities of the labouring population were altogether ignored. Gentlemen who called themselves "Liberals," or became members of that party in advanced life, were very fond of dwelling on the grievances of the working classes. How did their acts accord with their professions in the present instance? The hon. Member for Birmingham (Mr. Bright) had told the House in substance that he had dictated the course taken by Her Majesty's Government, and that if they did not follow it out to the letter he would turn them off the Treasury benches. They were all aware of his power; they knew that he had only to raise his finger, if he wished to see them removed, though he, (Mr. Bentinck) for one, would rather that they remained in office till they drank the very dregs of that cup which they were offering to the people of England; but he should like to ask the Viceroy over Her Majesty's Government how he ever intended to come before the country again as the friend of the working classes, after having given his sanction to one of the most cruel and unjust proposals to the working classes which had ever been made in that House. The Chancellor of the Exchequer never condescended to go into detail; he questioned whether he knew enough of the rural population of England to enable him to do so; but, if he thought that it was possible to introduce the lighter class of French wines among the labouring classes as a substitute for their principal beverage beer, he would tell him that it was one of those absurd and visionary ideas which were not worth arguing, for the thing was utterly impossible. In the first place, they would not bear the carriage. The wines themselves were scarcely drinkable in France by any one whose palate could not relish vinegar, and they must of necessity be something less palatable on their arrival in this country, unless they were so adulterated as to be no longer the wholesome pure beverage contemplated by the right hon. Gentleman. Did they expect the people would give up their established habits to drink this poor compound? The right hon. Gentleman had given a description of what he himself had felt upon drinking half a wineglassful of wine, which was evidently of a similar quality to those French wines, when at the bedside of a sick sailor; and that description of the right hon. Gentleman's sufferings had been really sufficient to make one's blood run cold. How, then, could the right hon. Gentleman propose to introduce such stuff to our labouring population? He hoped the labouring population would at last understand who were their real friends. [Mr. Bright, Hear, hear!] The hon. Member for Birmingham cheered; he was the champion of a very wealthy and powerful class of the community; in 1846 they succeeded in passing measures that were most beneficial to themselves. In this Budget the same attempt was repeated; it continued the policy of the changes of 1846. But now the hon. Gentleman and his friends had thrown off all disguise; the great commercial class wished to legislate for their exclusive benefit. He hoped the Budget would be thoroughly discussed, and then, he thought, the hon. Gentleman would never again be able, by the power of his oratory, to make the mass of the people believe that this legislation for a class would be to their advantage. He wished to have an opportunity of discussing fully the Budget, and the causes of the immense deficit. They had heard a series of assertions as to the causes of it, and a series of assertions as to what the effects of the changes of the Budget would be. But they had never yet heard anything to show what the financial position of the country would be in the year to come. They had heard nothing to show that they might not expect even a greater deficit than that stated by the Chancellor of the Exchequer. It was all very well to exclaim, sufficient unto the day is the evil thereof; but that was not a safe mode of financial legislation, and he should be glad to know when the Government would give the House an opportunity of discussing the points to which he had referred. It appeared to him that all discussion of them was postponed and staved off. He wished to know, in short, when the Budget itself would really be dealt with.

Mr. FRANK CROSSLEY was glad to find that the hon. Gentleman had now become the champion of the working men. There was a time when a proposition was made to take off the duty on the first necessary of life, and the hon. Gentleman, instead of taking the part of the working man, did all he could to shut him up in the little island in which they lived, and confine him to the produce of it. The hon. Member said that the Chancellor of the Exchequer, by altering the wine duties, showed a preference for the rich class and the better-off portion of the working class; but the right hon. Gentleman did not stop there. He showed them that the alteration in the wine duties would improve the condition of the working class generally, because by importing this wine there would be an extended demand for goods; and that portion of the people who could not partake of the wine would get employment by means of its introduction. He (Mr. Crossley) must say that he had had many communications from his constituents in the wine trade, suggesting that he should support a proposition for a uniform duty on all wines, and his reply was that they were not to consider what would be for their individual advantage, but what would be for the benefit of the country at large.

Sir EDWARD GROGAN said, there were three points in the speech of the Chancellor of the Exchequer which the right hon. Gentleman had endeavoured to impress upon the House. One was that a uniform rate upon wine was an impossibility. He should be happy to hear from the right hon. Gentleman why he had departed from his principle of having one uniform duty on all wines, and yet proposed discriminating duties upon those of a stronger and a richer character. The wine trade were in favour of one uniform duty on wines whatever their quality, and had passed resolutions at their public meetings in favour of that object. He certainly could not understand upon what grounds the right hon. Gentleman had proposed two distinct scales of duties. When the right hon. Gentleman spoke of determining the different classes by a process of distillation, he should recollect that such a system would involve a period of about half-an-hour in its application, and that it would consequently entail an immense expenditure of time upon the officers of Customs and the other parties concerned whenever a vessel arrived with a cargo of wine. Such a process, too, would require an extraordinary delicacy of handling in order to do justice to all persons interested in the trade. It was scarcely to be expected that the present class of officers at the outposts would be equal to this duty. On the subject of the drawback, the right hon. Gentleman endeavoured to draw a wide distinction between articles that came under the Excise laws and those that came under the Customs laws. He (Sir E. Grogan) could not see any reason why such a difference should be established. He thought it would be most unjust to withhold the drawback from the wine trade when it was allowed upon paper, especially after the distinct promise held out in the Treasury Minute of 1843 in regard to wines which had complied with the conditions therein laid down. The right hon. Gentleman said, that a copy of that Minute had been sent in 1843 to every person engaged in the wine trade. He could tell the right hon. Gentleman that there was a great number of wine merchants established since that period, who had never received a copy of that Minute, and had not the slightest information of what it contained. Where was the justice of punishing that class of traders for the negligence of the Government officials by withholding from them the drawback which was granted to others? He trusted that the right hon. Gentleman would give further consideration to the points he had urged.

MR. WOODD said, the wine trade did not ask for any favour, but merely justice. They only wished the Treasury to abide by the construction which they placed upon their own words in 1843, and with regard to which no doubt had ever been entertained. The present proposal of the Chancellor of the Exchequer merely held out a premium for fraud, because it was utterly impossible for the excise to identify wine so as to know whether it had been brought into stock within two years. For that information they must rely upon the statement of wine merchants themselves; and though honest people would make a true statement, those—and there were some in every trade—who were not particularly conscientious would represent their wine as imported within the two years. He trusted the Committee would be of opinion that the words of the Minute could not bear any other meaning than that the trade had a claim for drawbacks upon all wines answering the description in the orders, provided they had an equal quantity in stock at the time.

MR. MONCKTON MILNES said, he would remind the Committee that the question of the revision of the wine duties had been brought forward with great ability and zeal in previous years by Mr. Oliveira, formerly a Member of the House, without exciting the slightest attention on the part of the Government, and even very little on the part of the House itself. Although he had no very special private reasons for alluding to the assiduity and personal labour displayed by Mr. Oliveira, he felt it right to refer to the efforts of that gentleman, and to express his regret that he was not present in the House, because he had on those occasions, though perfectly unconscious of it, been actually sowing the seeds of this great constitutional reform. Though he (Mr. M. Milnes) agreed with the general principle of the Chancellor of the Exchequer's measure, there were many details with respect to which the right hon. Gentleman would find himself deceived. The alcoholic test, for instance, to which he proposed to submit all wines imported, was the very worst which could be selected. The effect would necessarily be to introduce the most acidulent wines, and to keep out those better productions of the Peninsula which would best suit the taste of the British public. He thought that if they were to have a regular wine trade with the Continent, they would be obliged to abandon differential and agree upon fixed duties. His principal object in taking part in the discussion, however, was to direct attention to the great injustice with which the Government proposed to deal with the holders of stocks of wine. There was something almost repulsive in making it a matter of strict legal contract. It would only be fair to treat the wine dealers now as they would have been treated in 1843 if the Commercial Treaty, of which there was then a prospect, had been carried out. The Minute issued on that occasion provided that they should be no losers by the Treaty, and he confessed he did not see how a distinction could be drawn between that and the present case. With regard to the identity of stocks of wine, he thought the Government should adopt a course marked by the greatest liberality. The Minute had died away, and the surveyors themselves had told dealers in wines it was useless to keep the stock-book which that document required. The Chancellor of the Exchequer would do well not to require the production of any formal documents, but to content himself with a passbook, regularly drawn up, accompanied by duplicate certificates supplied to the trade by the Inland Revenue, and by them transmitted to the Excise. He would not be a loser by that plan, while he would do justice to the trade. He spoke principally on behalf of the merchants who held small stocks of wine, the more important merchants having kept their accounts more accurately. The former had not been culpably negligent, but had been actually encouraged not to keep the account specified in the Minute of 1843 by those very officers whose duty it was to see that the Minute was obeyed. He therefore should move as an Amendment, without any desire to press it against the wishes of the Committee, to insert after the words "2*s*. 9*d*. per gallon," "or by such other process which may prove satisfactorily to the Commissioners of Inland Revenue that such stock has been acquired before the 1st of February, 1860." He would only add that the right hon. Gentleman would tarnish his scheme if he acted towards any body of men affected by it harshly or unjustly.

Amendment proposed,—

"At the end of the proposed Resolution, to add the words 'or by such other procees as may prove satisfactorily to the Commissioners of Inland Revenue that such Stock has been acquired before the 10th day of February, 1860.'"

Question proposed, "That these words be there added."

Amendment, by leave, *withdrawn*.

MR. CAYLEY said, he thought the right hon. Gentleman the Chancellor of the Exchequer would do well to adopt the suggestion of the hon. Member for Pontefract. He wished to draw the attention of the Government to certain articles which they appeared to have lost sight of in those arrangements. In the correspondence that had taken place between the noble Lord the Secretary for Foreign Affairs, Lord Cowley, and Mr. Cobden, he was surprised to see no mention made of an article closely connected with the agricultural interest, namely, beer, ale, and porter, especially as the taste for malt liquor was rapidly increasing among the French, and the consumption had doubled within a very short period; and it had been rumoured that the Emperor of the French had invited the hon. Member for Derby (Mr. Bass) to establish a brewery in Paris. He thought the Government might have asked for some *quid pro quo* in reference to articles which had already engaged the attention of the Emperor at a time when we were asked to admit French wine at so much lower a rate of duty. If any one called for a bottle of Bass's pale ale at a *café* in Paris he was charged two francs for it. The duty on a thirty-six-gallon cask of ale was about 9*s*. or 9*s*. 2*d*., the *douane* 5*s*. 10*d*., making altogether a duty of 15*s*. upon an article worth some 30*s*., the cost of transit to Paris being 6*s*. 4*d*. additional. It was therefore clearly a prohibitory duty, and he thought that at a time like this, when we were making concessions as to the wine duties, the Government had been guilty of a very serious omission in not having insisted upon the entrance of beer into France at a cheaper duty. Malt liquor was an article for which the English were as famous as the French were for their wines, and its export, therefore, might be proportionately increased by a diminution of the import duties on it in foreign countries. At a time, too, when our import duties on foreign wines were to be so much diminished, it was only just that the malt tax should be reduced or abolished. A recent return showed that the increased consumption per head of various articles of importation had gone along with the reduction of the duties upon them. There had been, for instance, two reductions [Mr. BRIGHT: Three reductions.] —Well, three reductions in the duty on French wines since 1820, and the result was that the consumption had been doubled. There had been also considerable reductions in the duties on tea, coffee, and sugar, and the consumption of those articles had likewise greatly increased. There had been, however, only a slight reduction in the duty on malt, and consequently the consumption of that article per head had remained virtually stationary. The manufacture of malt was also cruelly hampered by the vexatious and inquisitorial proceedings of the Excise at every stage, and the heavy penalties attached to any breach of their regulations. He would like to ask the hon. Member for Birmingham, supposing Lancashire to be a cotton-growing as well as a cotton-manufacturing country, what would be the condition of mind of a man even as pacific as himself if he had to pay a tax of 50 per cent upon cotton twist, and was plagued and harassed at every stage of its manufacture by the exciseman? In his (Mr. Cayley's) belief, were such the case, half the manufacturing body of that country would be in custody for assaults on the Excise, and the other half in Bedlam before three months were expired. In conclusion, he begged to ask the Chancellor of the Exchequer whether any reference had been made to the article of English beer during the negotiation of the Treaty with France? and if so, whether there was any probability of our being allowed to introduce that article into France at a cheaper rate at a moment when, so far as he could learn, the people of that country were so much disposed to consume it; and when in this country we were to be tempted and invited by a great fall in the duties to be such largely increased consumers of French wine?

MR. DODSON remarked, that the present duty upon French wine in England and the duty upon English beer in France were almost equivalent, being from a fourth to a fifth of the value of the article imported, and that therefore the reduction of the one ought to follow the reduction of the other. He was of opinion also that to make a reduction in the duty upon French wines, without also making a reduction of the duty upon the materials of English beer, was overstepping the principle of free trade. The effect of the Chancellor of the Exchequer's proposition was to establish a protection in favour of the foreigner as against the home producer. The right hon. Gentleman had exaggerated the prosperity of the agricultural classes in his statement a few evenings previously. He had assumed that landlords were getting increased rents because the produce of schedule A had considerably increased; but this was, in fact, owing to the landlords having invested more capital in the land, and the tendency having been of late years to throw small farms into large ones, a greater area came under the operation of the income tax, and thereby increased the receipts without supposing that the farmers were making greater profits than in former years.

THE CHANCELLOR OF THE EXCHEQUER remarked that, so far from there not being discussion enough on these matters, as the hon. Member for Norfolk (Mr. Bentinck) had feared, the discussion was taking almost too wide a range. He must decline to enter into the variety of subjects which the hon. Member for Inverness (Mr. H. Baillie) had opened up. Such topics as that of the finances of 1861, and that of the propriety of the Government Estimates for the military expedition to China, might be discussed at some fitter opportunity than in Committee on a particular Vote about the Customs Acts. The last two speakers had introduced a question more germane to the business. It was inquired, first, whether the Government had paid any attention to the case of English beer admitted into France, and it was complained that nothing had been done for this; and also that sufficient consideration was not given to the charges on the production of English beer, in the shape of malt and hop duty. In answer to that he would state that he did not think that in the official correspondence there was any mention of English beer, and no particular instructions were given to include it in the negotiations. They did not stipulate, or stickle, or fight for it. That was not conformable to the nature of the transaction in which they were engaged. Had they endeavoured to weigh matters in opposite scales, according to the old fashion of commercial treaties, they must have broken down altogether, and they would have deserved to break down, and the good they hoped the Treaty would realize would not have taken place. But there were reasons for not insisting on that particular article of beer. If they had founded a demand that France should reduce the duty on English beer, upon the ground of the duty on French wine being reduced by England, France would have naturally demanded what amount of duty are you going to lay on French wine. But France would then have come to a conclusion enormously different from that of the hon. Gentleman who said just now, that we levied the same duty on wine that France did on beer. On certain select qualities of wine, representing perhaps a thousandth part of the vintage of France, on the very finest and choicest, the incidence of our duty might be as the hon. Gentleman had stated; but that had nothing whatever to do with the general relation between our duty and the wines of France. Taking the lowest of the French wines that came in now, the hon. Gentleman was quite in error as to the proportion between the duty and their value. The other day some French wine, very sound and palatable wine, was sent to him (the Chancellor of the Exchequer) by a gentleman, who informed him that he had paid 12*s*. duty on it, and that he was selling it retail in London at 26*s*. a dozen. Here there was a duty of 100 per cent, but even in this case the article was of a fine quality, and not a fair specimen of the common French wines. The duty on such French wine as that, however, when reduced as much as the Government proposed to reduce it, would still be 20 or 25 per cent on its value. Now, the duty on English beer in France, which he hoped would be reduced, and which the Government would try to reduce if they could, was at this moment considerably less in proportion to the value of the article. When the Government should have carried into effect the whole of their proposed changes with regard to French wines, they would still continue to levy on all except the very finest a duty considerably greater than France levied on our beer. The duty in France on English beer was, according to the best estimate he could make, something less than 2½*d*. a gallon, or two-fifths of a penny, which was, as nearly as possible, 18 per cent on the value of English beer. That did not make out a very strong case against France on the question of wine and beer. Then the hon. Gentleman raised another question, as to the relation between the malt and hop duty levied in England and the duty which was to be levied on French wine. He (the Chancellor of the Exchequer) agreed that it would be highly inexpedient and unfair to levy a higher duty on beer, that is, on the malt of our own soil, than we levied on the wine coming from abroad; but this was by no means the case. According to his estimate of the present incidence of the malt duty it could not fairly be stated at more than 15 per cent on the value of the manufactured article, namely, beer. With respect to the wine duty, on the other hand, a fair estimate would make it 40 or 50 per cent, or even 100 per cent, and upwards. He did not mean on the expensive kinds of wine, for he would admit that on those the duty would be light; and even now it was not extraordinarily heavy. It was, however, practically impossible to observe the distinctions between the different kinds so as to tax each kind in exact relation to its value. But with respect to those very fine kinds of wine, they obviously would not come into the slightest competition with beer, which paid hop and malt duties. The competition which beer would have to sustain with wine, if it really had any such competition to sustain, must be with the lower kinds of wine, and the latter would still be much more heavily taxed, in proportion to their value than beer itself was. The hon. Member for Dublin (Sir E. Grogan) had asked why, if the graduated scale was good, it should not be applied immediately. At present there was an uniform duty, and it was proposed to keep an intermediate duty for so very short a period, that it would not be necessary or practicable to substitute the graduated scale for cheaper wines, instead of the simpler uniform rate, until that short intermediate period was over. The same hon. Member had said he could see no difference between the claims of those who dealt in goods that paid a customs duty and those who dealt in exciseable goods, as to the return of the duty. He (the Chancellor of the Exchequer) was surprised to hear that doctrine, which if it were to be applied to the operations of any year when customs duties were greatly reduced would require a million and a half or a couple of millions to be provided, to repay all those who had introduced goods liable to the customs duty. But he denied the justice of the principle of drawbacks generally in the circumstances under which our legislation had proceeded for a number of years past. If, however, drawbacks were to be allowed in some cases, it must obviously be in cases were a supervision had been kept over the goods until the time when the drawback was paid, and where consequently some means of absolutely identifying the goods existed. Now those means were supplied by the excise surveys, but with customable goods there were no such means whatever. It might be said, indeed, that wine was not an exciseable commodity, and it was not; but wine, by the Treasury Minute, was for a certain purpose set down as an exciseable commodity; and the stocks of the wine merchants were thus made subject to surveys and inspection, on purpose that, if ever a claim to drawback arose, it might be dealt with in the same manner as an article of excise. Now, a variety of propositions had been made, and his hon. Friend the Member for Pontefract (Mr. M. Milnes) proposed that we should entirely throw overboard all consideration of the distinction between customable and exciseable commodities. He must, however, be aware that the Government had lost sight of the great bulk of the stocks of wine, and knew nothing of them, either as to the time when the duties upon them were paid, or whether they had been paid at all. Yet, his hon. Friend proposed that the Government should deal with all of them alike, and say to every man in the country who had got wine, "We will return you the amount of the duty on your stock." He could not call the proposal of the hon. Member for Pontefract generous; he called it foolish and extravagant. It would be dealing with the public revenue in a way which the House would never dream of sanctioning. The hon. Gentleman did not say whence he proposed to supply the deficiency that his suggestion, if adopted, would entail. The hon. Member for West Norfolk (Mr. Bentinck) might legitimately address to the hon. Member for Pontefract a pertinent inquiry as to what amount of additional burden he meant to impose on the community in order to give effect to his liberal-minded scheme. There was not the slightest case for the return of a single farthing beyond what was due under the specific terms of the contract. There was no loss to be inflicted on the wine trade. The wine trade were too open and ingenuous to make a secret of this matter. They recognized the enormous benefit of the proposed reduction of the duties, and there could be no doubt that prices would be acted upon by the stimulus which the change would create. The Treasury Minute of 1843, with regard to drawback, to which his hon. Friend had referred, was perfectly clear and explicit. No one who read could put upon it two constructions. True, a supplementary letter was added; but it did not attempt to explain the Minute, which needed no explanation: it altered and enlarged it, and so changed its whole basis. The original Minute was confined to the case of a reduction of duty under treaty; whereas the letter made no reference whatever to treaty, but recognized the claim entirely apart from it. That letter was most carelessly and loosely expressed—a defect very rarely to be found in any document emanating from the Inland Revenue Department. No doubt, if that document had been allowed to remain, the Government would have been bound to stand by the consequence of the negligence displayed in its preparation; but the question was subsequently reconsidered, and the letter was duly cancelled and revoked, notice being given to the trade of its revocation. The minute then reassumed its original shape, and by its terms the Government proposed to stand. The proposition of the hon. Member for Pontefract was not only unprecedented, but was one which it was totally impossible to carry into effect. It would cost the country half a million or a million, and, if adopted, the hon. Gentleman should take the office of Chancellor of the Exchequer, and meet the deficiency that his own measure would occasion.

MR. MONCKTON MILNES said, he should have submitted to the superior judgment of the right hon. Gentleman if he had proved the proposal he had made to be impracticable. His suggestion was that the money should be returned only when the Commissioners of Inland Revenue had satisfactorily ascertained that the stocks had paid the extra duty. The right hon. Gentleman was entirely mistaken in saying that these wine merchants would not be losers, and it would be unjust to give this favour to those traders who had adhered to the letter of the contract, while it was refused to those who had fulfilled its spirit. Two courses were open to the Chancellor of the Exchequer—namely, either to do summary injustice by refusing the drawback to all, or to do plain and simple justice by acceding to his proposal. He thought the wine dealers had established a very strong case, and if he saw that the feeling of the Committee was with him, he should take the sense of hon. Members on the question.

MR. BALL maintained that the subject of the malt-tax was immediately connected with the question before the Committee. He regretted that the Chancellor of the Exchequer, who showed so much courtesy and favour to all the other claimants upon his consideration, invariably resisted every appeal made to him on behalf of the agricultural interest. The right hon. Gentleman had given no answer to his hon. Friend (Mr. Cayley). No classes had been so severely treated as the British farmers and maltsters had been with respect to the duties on malt. The interests of the working classes also were deeply injured by that duty, interfering, as it did, with the demand for their labour. The Excise system, particularly with reference to the taking of security from those who wished to malt, also operated most oppressively. Hon. Gentlemen opposite never failed to taunt the Protectionists with the success of free trade. He had bowed to the decision of the House on that subject, but he was not afraid to avow that he still held the principles he had professed of old. Free trade had failed to realize three of its greatest promises. It had not given the poor man a cheaper loaf than he had before, and in this respect it had deceived and betrayed him. Then, it was said there would be an end of those fluctuations of prices which had prevailed under protection, whereas, prices had fluctuated more under free trade than under the eight or ten preceding years. The third promise had been just as delusive. The Free-traders said, "Only let us have trade unshackled, and we shall never have war again." He believed that this Budget would break many a man's heart who had cheered on the hon. Member for Birmingham (Mr. Bright) in his contest for free trade. There had never been a general trial of free trade before, and many tradesmen and others who never sympathized with the agriculturists would find out whether free trade was a boon or not. Hon. Gentlemen opposite, after they had given free trade to the agriculturists, tried their hands with the shipping interest, and brought down the value of shipping property not less than 30 per cent. He intended to divide the House to-night, for it was of no use to ask for justice to the agriculturists after the wine resolution had passed. There was no party so oppressed as the agriculturists, and he asked for relief for them in the shape of malt duty. If the cotton manufacturers suffered the same vexatious interference as the maltsters in carrying on their trade, the roof of that House would fly off with the eloquence of the hon. Member for Birmingham. The Chancellor of the Exchequer was going to allow the foreigner for the first time to introduce malt. This would encourage him to cultivate the growth of barley, and thereby damage the barley growers at home. At present the malting trade was almost a monopoly. The London brewers were men of great wealth. They had agents in every market with unlimited capital, and this gave them the pick of the market, so that they bought all the better qualities of the barley. Another class of maltsters were men who bought the second quality of barley with their own capital. A certain time was necessary for making it into malt, and the usage had been to allow the maltsters some weeks' credit for the payment of the duty. The right hon. Gentleman was not aware of the evils that would flow from his proposals in regard to this branch of trade. Last year there was a good deal of inferior barley grown in Sussex and Norfolk, which the great brewers would not have. The maltsters, who found their own capital, were able to take such barley if the Government gave them a little time, and thereby they benefited the farmer. The fact was that the whole Budget was an abomination—a hodge-podge. The morality of the Budget was this—

> "You rob Peter to pay Paul,
> You tax the Briton to bribe the Gaul."

MR. BASS observed that he feared that the anticipation of the Chancellor of the Exchequer as to the extended consumption of cheap wine would not be fulfilled. He (Mr. Bass) was prepared to make a great sacrifice in order to enable the Emperor of the French to induce his subjects to adopt free trade principles; he thought it as well to subsidize France by a Treaty of this kind as in any other way, but he did not think, looking at the circumstances of the wine trade for the last two or three years, that France would derive much benefit from this particular article of the Treaty. In 1857, after a very good vintage, the preceding one being a very fair one, France had imported from Spain upwards of 12,000,000 of gallons of wine—nearly twice as much as we consumed in a year. It followed, therefore, that at least Spain would be able to send us 12,000,000 gallons before France could send us an additional gallon to that she now exported. Even if the 30,000,000 or 50,000,000 of gallons which some anticipated were consumed in this country, the duty, being only about 16*d.* a gallon on the average, would not amount to more than £700,000 or £800,000. The comparison of the Chancellor of the Exchequer between the duties on French wines in this country and the duty on malt liquor in France was hardly fair. He had taken the very lowest class of French wines, which of course showed a high rate of duty; and on the other hand he had taken a high class of English beer, which showed a low rate of duty in proportion to its value. The common run of beer sent to France was sold at from 20*s.* to 30*s.* the barrel. Taking it at 25*s.* the price would be about 8½*d.* a gallon. The French Customs' duty upon beer was 9*s.* 2*d.* a barrel of thirty-six gallons, or about 3*d.* a gallon. Now, a duty of 3*d.* upon an article sold at 8½*d.* was certainly a great deal more than 18 per cent. During last year we imported 700,000 or 800,000 gallons of French wine at a price of 10*s.* 4*d.* a gallon for white, and 14*s.* 9*d.* a gallon for red. All this wine would come in at the 1*s.* rate, which would thus amount to a duty of 10 per cent on white and only 7½ per cent on red wine. It was not, however, fair to compare French wines with English beer, because, as M. Chevalier truly said, those wines had no equivalent in England. The duty on malt was fixed by Act of Parliament at 21*s.* 8½*d.* per quarter, but it was more, owing to the mode in which it was levied. Last year he had paid 22*s.* 4*d.* per quarter on 90,000 quarters, and adding the hop duty, equivalent to 1*s.* 8*d.* a quarter more, the whole amount was raised to 24*s.* The price of British barley during the last forty or fifty years had been below 33*s.* a quarter, and therefore the entire duty upon that article was one of 70 or 75 per cent. This was the fair comparison between the duties upon French wines and British wine, as beer had been called. If we were to have free trade, why should not malt have the advantage of it as well as anything else? Its consumption showed as much elasticity as that of any other article, rising with a small duty and falling with a high one. In 1854 a large additional duty of 1*s.* 6*d.* a bushel was imposed, with no corresponding advance of revenue. In 1856, the 1*s.* 6*d.* was taken off, still leaving the duty 2*s.* 8*d.* the bushel; and in the very next year there was an increase of 30 per cent in the consumption in England, and of 50 per cent in Ireland. Why should not the Chancellor of the Exchequer, if he was for free trade and at the same time fair trade, give them a chance of returning him the revenue by reducing the duty on malt? Were the malt tax reduced one-half, in three years it would yield the same revenue as now. The Chancellor of the Exchequer, however, was for bringing wines from France, and Spain, and Portugal, and spirits from Holland. He (Mr. Bass) was told that Russia could distil spirits at 8*d.* a gallon. All these things were to be brought in to compete with our indigenous produce. The Chancellor of the Exchequer had the other day said of certain Gentlemen who had gone to him as deputations that they were all, without exception, Free-traders, but they were not Free-traders without exception. He was a Free-trader without exception, and he should like to see free trade in malt,—a declaration which had not been made in that House by any brewer for the last forty years. Another way in which beer was about to be placed at a disadvantage was that a new class of houses were to be permitted to sell wine, but the permission was not to extend to beer. It was true it might be introduced by another process, by getting certain names and certificates of character; but not by the easy course which was sufficient in the case of the foreign articles. The hon. Member for Liskeard (Mr. B. Osborne) in his speech the other night, spoke of the adulterations of wine that took place in this country, but he (Mr. Bass) could easily show, from the blue-book, that this was not the only country in which adulteration took place, and that France was quite as much in the habit of adulterating wines as our dealers were. It was very possible, therefore, that we might get a great deal of French wine not quite so pure as some Gentlemen anticipated. For instance Mr. Saville Lumley stated that during the last five or six years Spanish wines, mixed and flavoured with other substances, had been exported to all parts of the world as the finest wines of the South of France. Sir E. Tennent said that in the event of a serious reduction of the wine duties, our entire system of taxation would have to be re-arranged—that it would involve the necessity of a corresponding reduction in the duty on brandy—and that then it would be impossible, consistent with justice, to maintain the duties on British spirits, and on Scotch and Irish whisky—and that the malt-tax must be got rid of. It was most unfair that British spirits, worth 1*s.* 8*d.* a gallon, should pay a duty of 8*s.*, while the best kinds of French brandy only paid 8*s.* 6*d.* per gallon.

MR. VANCE said, he could not but regret that the hon. Gentleman who had just sat down had not made his speech the other night; it was one of the most convincing speeches against the whole Budget that he had ever heard. The wine trade in Dublin objected to the duty on wine being fixed at 3*s.* for the first year, subject to a further reduction. This would tend to restrict trade, if not to bring it to a perfect standstill, as dealers would abstain from increasing their stocks. In some of the small ports it would be impossible to get officers who could test scientifically the strength of the wine. Another objection to the present scheme was that it imposed a smaller proportionate duty on the best Lafitte claret and on sherry than on the coarsest Burgundy. At present a most unjust distinction was kept up between British and foreign spirits, for the latter was gauged only on leaving the Custom-house, but British spirits were gauged on quite a different principle. The latter were gauged while new and before any of the spirit had evaporated. No proof had been given that the proposed reductions of duty would stimulate the export of our manufactures to France. Irish linens and poplins would derive no benefit, nor did he believe that any of the manufactures of the West Riding could enter France at a duty of 30 per cent.

Mr. HUMBERSTON said, he trusted that since the principle of allowing a drawback had been conceded no exception would be made to the disadvantage of those dealers who had simply failed to comply with the technicalities of a Treasury order. He thought the principle of granting the drawback ought to be extended to the whole of the trade, even though some of its members should not have technically complied with the Excise regulations.

Colonel SYKES said, that if they were to re-argue the general question of free trade and to re-open the Budget, their discussion of the Resolutions would occupy the whole of the Session. He would confine his observations to the question under the immediate consideration of the Committee. Believing, as he did, that the Budget was statesmanlike and comprehensive, it was painful to him to have to object to some of its details. He thought, however, that the Chancellor of the Exchequer did not propose to deal fairly with the dealers in wine. Those traders who had complied with the Treasury Minute of 1843 were to have a drawback of 2*s.* 9*d.* per gallon. But that Minute had long since been abandoned; the Government had announced that the intention to exact compliance with its conditions was at an end, and it was too bad that the claims of the great body of wine merchants to drawback upon stocks in hand should be refused on a mere technicality. If drawback was to be allowed to those dealers who had complied with the Minute of 1843, if drawback was to be given to traders in paper, and if a demand was to be made for drawback by timber merchants, common justice required that those dealers in wine who had not acted upon an abandoned Treasury Minute should have their fair claims allowed. He should vote for the Amendment.

Mr. WHITESIDE said, he wished to take the opportunity of reminding the Committee that the probable effect of a reduction of our wine duties had at one time been discussed in France; and no less a personage than the Emperor of the French had expressed a very remarkable opinion upon that subject. The merchants of Bordeaux had asked His Majesty to endeavour to induce the English Government to reduce our wine duties; and his answer was, that "it was a delusion to suppose that even if the duty were altogether abolished the people of England would be induced to drink the light wines of France." His Majesty added that he had himself lived in this country and knew our tastes; and that the French growers would deceive themselves if they thought the English would largely consume their produce, whatever concession might be made in favour of English manufactures in France. The Chamber of Commerce of Bordeaux had afterwards sent a deputation to Paris, and the Emperor repeated to them in more decided terms his former declaration, stating that his opinion was "founded upon personal experience, and that the Bordeaux merchants would do well to consider what he had said;" but he added that it would be different in the case of brandy, and that if the duty upon that article in England were reduced a great advantage would be gained by the cultivators of the vine in France.

Mr. URQUHART admitted that great benefit would result from a reduction of the tea, malt, sugar, and coffee duties, but, paradoxical as it might appear, he was convinced that the best and easiest way to obtain that benefit and lighten the burdens of the poor was by the middle and upper classes beginning to drink the cheap wines of France. What he meant was that an augmented commerce with France would produce more cordial relations between the two countries, and eventually lead to a large reduction of our extravagant expenditure, thereby enabling us to reduce or abolish the duties levied on articles of general consumption.

Mr. H. BAILLIE said, that with reference to the statement of the Chancellor of the Exchequer that the proper time for discussing the expenses of the Chinese war would be when the Estimates were before the House, he wished to explain that as they were then asked to adopt a proposal which would diminish the national revenue, it was not in his opinion an improper time to ask the Government how they intended to meet the expenses of the Chinese expedition. The Estimates of these expenses were not now and, practically, never would be submitted to Parliament. The only Estimate which had been produced was one for £850,000 for expenses incurred in this country. But the extraordinary expenses of the Chinese expedition, which would be incurred in India, could not come before the House till the end of the Session. They would, in fact, constitute a deficit next year.

MR. HENLEY said, he would confine himself to the Question before the Committee, which he understood to be the reduction of the wine duties to a uniform duty of 3*s.* up to a given period, upon which an Amendment had been moved with respect to drawback. The right hon. Gentleman the Chancellor of the Exchequer had argued the case with great ability, but he was not at all satisfied that the having a comparatively high duty on French wine for the first twelve months, and then lowering the duty afterwards, would tend either to the benefit of the consumer or to the relief of the revenue. He could not help thinking that the practical result would be that nobody who had now got any considerable stock of wine would buy a single bottle for the next twelve months. So far from the wine trade being benefited by that proposal, the effect would necessarily be to hang up all the transactions in it for some time to come. It would have been a great advantage to those who traded in wines if the duty could have been fixed once for all. The trade would then be set free and people would buy three years' consumption within the year. The right hon. Gentleman had then said that if the duty were at once reduced to the lowest point it would be of no use before the wines were manufactured for this country. Certainly it would be pleasant for the people to know that they were to wait for cheap wines until they were manufactured—not until the grapes produced them. Again, his mind was not relieved by what had been said as to the necessity of what was called the spirit test. He thought that the Chancellor of the Exchequer, in saying that wine did not come in competition with spirits, almost answered his own argument on that point. When he (Mr. Henley) first read the general proposal as to the wine duties, it struck him as embodying a direct differential duty in favour of France, and nothing that he had since heard in debate had altered his mind on that subject. What the object of the Government could be in throwing that ounce of gold into the scale of the Gaul—whether it was done the more to induce the French Emperor to abandon his Holiness the Pope, he could not say; but, whatever might have been the intention, the arrangement went in point of fact to establish a differential duty in favour of the wines of France against all the other wine-growing countries in the world; and he did not think that in these times of free trade there was much justice in such a proposition. Nor did he think the general scheme, financially, was oversafe; but, the House having determined upon that scheme being carried out, he was not disposed to do anything that might tend to weaken it, for, in his opinion, it was weak enough already. With regard to the drawback the Chancellor of the Exchequer seemed to think that under the increased consumption of wine which must take place if the duty were diminished the wine merchants would be able to make good any loss that would arise from the diminished value of the wine which they held. But either the public or the wine merchants must pay the amount of the 5*s.* 9*d.* duty which had been levied on the stock in hand; and if the charge were to fall on the public no large increase in the trade could for the present be expected. He was bound, however, by the Minute of 1852, and he would not therefore support the Amendment. Notice had been given to the trade in the year 1843, and had been renewed in the year 1852; and he did not think that a case for that concession in their behalf had been made out.

MR. MONCKTON MILNES said, he wished to alter his Amendment, and he hoped the Committee would allow him to substitute the following words for those which he had originally proposed at the end of the clause:—"Or who can prove by any other process which will be satisfactory to the Commissioners of Inland Revenue that such stock of wine had been required and the duty paid upon it within two years of the 10th of February, 1860."

Another Amendment proposed,—

"At the end of the proposed Resolution, to add the words 'or who can prove, by any other process which shall be satisfactory to the Commissioners of Inland Revenue, that such stock of Wine has been acquired and the Dute paid within two years before the 10th day of February, 1860.'"

LORD JOHN RUSSELL said, he must confess that this proposition was one of the loosest he had ever heard. There were certain rules laid down, on the observance of which drawback might be claimed; it was confessed that those rules had not been observed by certain traders; and an attempt was now made to exempt those persons from the consequences of their own neglect. If such a course as that was to be adopted, how could the Committee expect that any conditions in analogous cases would be observed hereafter? Similar claims, founded on such a precedent, might be preferred in behalf of other interests, and he begged the Committee to reflect on the lavish expenditure to which that might lead. Men would only have to say that, though certain conditions had been imposed on them, they had not observed those conditions, and because they had not observed them they came to Parliament and aked for a drawback. He trusted his hon. Friend would not insist upon so untenable a proposition.

SIR STAFFORD NORTHCOTE said, he should feel it his duty to vote against the proposal of the hon. Member for Pontefract. The question was whether the Committee and the Government ought, or ought not, to enforce the conditions which had been distincly laid down, but which had nevertheless not been observed. As those conditions so laid down had not been fulfilled, he thought the parties in whose interest the proposition of the hon. Member for Pontefract was made were entirely out of court and had no claim for a drawback. He did not mean, however, to abandon the ground he took before with regard to the identity between the Order of 1852 and the Minute of 1843; but there was no need of an Amendment to establish that point, for the Resolution provided that all persons who complied with the Order of 1842 were entitled to the drawback. The question was, therefore, narrowed to the proper construction of the Treasury Order, and he thought that might be safely left to the equity of the Government.

SIR FITZROY KELLY said, it was a comfortable thought that they were now engaged in a discussion on the real business of the country, and that no party spirit or party feeling could be introduced. He meant to confine himself entirely to the question that was now before the Committee. He had listened with the utmost attention to the elaborate and lucid statement of the Chancellor of the Exchequer, and he was ready to admit that an argument might be raised on the terms of the different orders. But he said that even where a fair ground of doubt existed that doubt ought, as a simple matter of justice, to be settled in favour of the merchants rather than of the Government, whose ambiguous terms had given rise to the doubt. There was no merchant, he contended, who could read the Treasury Order without feeling satisfied that he was entitled to a drawback so long as he possessed a stock of wine on hand equal to and of like quality with that on which he had paid duty within the last two years. He hoped the Government would deal with the matter in a spirit of equity and not as special pleaders. In his argument he did not refer to the Treasury Minute of 1842, which had been revoked, but confined himself entirely to the last-issued document—the Treasury Order of 1852. In the construction of that order the whole question turned on the meaning of one word, and that word might just as well, in point of grammar, in point of common sense, and in point of justice, be interpreted in favour of the merchant as in favour of the Government. The words were—

> "In any Act that may be passed upon the conclusion of any treaty for a reduction of the duties upon foreign wines, provision shall be made for allowing to certain dealers a return of duties upon all such"—that was the important word—"wines as may be henceforth cleared from the Customs, provided that a stock of wine equal thereto shall be found in such dealer's possession at the time of the reduction of such duties."

If the Minute had stopped there, no doubt could have arisen on the point. The Minute went on, "provided that it be proved that such wine has paid the duty within two years." The whole question was whether "such wine" meant all such wines as might henceforth be cleared, in which case the construction must be in favour of the merchant, or whether it applied to the latter expression, that such stock should have been in the dealer's possession for two years. He really thought no one would doubt that if a dealer had in his possession 10,000 gallons of wine, of which 5,000 had been in his possession for more, and 5,000 for less than two years, he would imagine that if he had the entire quantity of wine in his possession, he would be entitled to a drawback on the entire quantity. He (Sir Fitzroy Kelly) agreed with the right hon. Gentleman that the closing words of the Order were mere surplusage; but then the right hon. Gentleman should remember that they were not dealing with special pleaders but with merchants; and it was clear that the last words of the Order would make the greatest impression on their minds. He thought that a Government bringing forth a measure intended to facilitate and encourage trade ought to deal liberally and equitably with those whose interests were to be affected. With respect to the amount of revenue involved, that was not the point. It was a question of justice, and whether the amount was £600,000 or £1,000,000 he hoped the Government would take a large and liberal view of the matter.

MR. WOODD observed that the Minute of 1852 contained the same words as were in the former Minute of 1843, "provided that it be proved that such wine had paid duty within two years."

THE CHANCELLOR OF THE EXCHEQUER: The words "and of the like description" were added in 1852.

MR. WOODD thought that the addition only made his case the stronger, for it clearly could not refer to the same wines. It was intended that the Order of 1852 should include the Order of July, 1843.

THE CHANCELLOR OF THE EXCHEQUER said, he was anxious to assist the Committee in arriving at a satisfactory conclusion. At present they appeared to be discussing two different questions—the Amendment moved by the hon. Member for Pontefract, and the proposition which had been just argued by the hon. and learned Gentleman opposite (Sir F. Kelly). He must confess he was not able to follow clearly the hon. and learned Gentleman's argument, but that probably was his own fault. He understood him, however, to found his observations simply upon the terms and conditions of the Treasury Minute and of the subsidiary documents as they stood. If that were so, the hon. and learned Gentleman agreed with the Motion as he (the Chancellor of the Exchequer) proposed it—namely, that the drawbacks should be given to parties who had complied with the conditions of the said Minute. As to the interpretation of the words, there might be an important difference of opinion upon them, but, the difference being one of construction only, the Committee were not in a condition to arrive at any conclusion until the papers were before them. They would, therefore, be under no disadvantage in acceding to the Resolution, after which it would remain open to any hon. Member in the Customs' Committee, which would not be finished for some time, to call for a decision on the point of construction. With respect to the Amendment, or rather the addition proposed by his hon. Friend (Mr. M. Milnes), that involved a totally distinct question. His hon. and learned Friend called compliance with the conditions of a covenant a technicality, and said that the Government ought therefore to dispense with any such compliance. Now, the cost of this generosity, or whatever it might be called, on the part of his hon. Friend [Mr. M. MILNES.—Justice!] would be about £600,000. A covenant had been made with certain parties; they did not pretend to have performed its conditions; and yet justice demanded that the Government should treat them as if they had performed the conditions. That was his hon. Friend's idea of justice. Then it was said, "Let the parties, if they can, prove that they are entitled to the drawback." But there was no process by which they could prove it other than by the Excise survey, to which none of them had submitted. It would be very unfair on the part of the Government to accept a Motion of this kind, and then save themselves from paying by alleging that the dealers had no means of proving the identical quantity entitled to drawback. But the mischief of this proposal did not stop here. His hon. Friend called upon the Committee to declare that wine which had paid Customs' duty within two years should receive a drawback. Now, if this principle were adopted for wine, it would be only just to apply it equally to timber, silk goods, gloves, currants, raisins, figs, and every other article upon which reductions were proposed, until in the pursuit of what his hon. Friend called "justice"—but which he called the grossest and most gratuitous injustice towards the public—they would sacrifice not £600,000, but a sum which would impoverish a much richer Chancellor of the Exchequer than he was.

MR. MONCKTON MILNES said, the right hon. Gentleman quite misapprehended what had fallen from him. Every one of these persons had submitted to the Excise survey, had received a certificate, and had entered the particulars in his cash-book. The distinction set up was a technicality. It was, whether the trade had complied with the special form called the stock-book process, which the officers of Excise told them was unnecessary. The right hon. Gentleman would not be recommending his Budget to the country if, on the first night of the Committee, he inflicted an injustice which would fall on the weak and the poor, and not on the rich man, who had kept his books in the particular form prescribed.

THE CHANCELLOR OF THE EXCHEQUER observed that his hon. Friend had stated that the officers of Excise had advised persons not to comply with the rules laid down in the Minute. He had heard this alleged before ; but he was bound to say that not one case had been certified to him in which that charge had been proved, and therefore he was unable to believe that it had been done. His honourable Friend said that these persons had omitted to keep a stock-book, which he called a technicality; but the truth was that that book constituted the whole of the evidence in the case. It was the beginning and the end of the claim, and afforded the only means of proof that could be adduced upon which the Treasury could rely.

Mr. BENTINCK said, he was anxious that the vote he was about to give was one that should not be misunderstood. In ordinary cases he might not have thought the hon. Member for Pontefract was so high an authority ; but he believed that to make an appeal to the present Government on the part of justice, patriotism, or right feeling, was a hopeless undertaking. The Government did not attempt to convince except by a majority. Every man, therefore, holding the opinion he did was, he thought, bound to throw every possible obstruction in the way of this most mischievous measure.

Mr. WOODD remarked, that he was quite content to accept the Resolution as it stood, and to go into the question of interpretation when they had the papers before them.

Sir EDWARD GROGAN stated, that he presented a petition the other night from certain wine dealers in Dublin containing the assertion which one of the petitioners stated as being within the personal knowledge of the Secretary of the Treasury, that the officers of Excise whose duty it was to observe and carry into effect the Minute of 1843, not only failed to perform their duty, but in many instances threw obstacles in the way of traders who wished to comply with the Treasury regulations, and actually refused to enter and verify their stock sheets.

Mr. LAING said, it was true that a wine merchant told him that the officer of the Excise advised him not to keep a book, and the Chancellor of the Exchequer had received a letter from another wine merchant to the same effect, but these were mere cases of misconduct on the part of the officers, and ought to have been reported to the Board of Inland Revenue.

Sir MINTO FARQUHAR thought, that if it had been done in two cases, it was very likely that it had been done in other cases, and that a general impression had been made upon the minds of wine merchants, that such a book as that alluded to was not necessary. He thought a good case had been made out for the Amendment, and if pressed to a division he should vote for it.

Question put, "That those words be there added."

The Committee *divided:* Ayes 72; Noes 183: Majority 111.

Original Question put, and *agreed to.*

The CHANCELLOR of the EXCHEQUER said, he then rose to propose the remainder of the Resolution which fixed the rates of duties to be paid on wines of different strength. In this part, however, the Government had determined to make a certain amount of change, which he thought would be acceptable to the House. He had stated that it was quite necessary that there should be an interval before the final fall in the duties, but, at the same time, they would make that interval as short as possible, and, on consideration, they thought it might be put at the 1st of January next year, instead of the 1st of April. With respect to the degrees of strength of alcohol in wines, the Government proposed that in the lowest class of wines, instead of terminating at 15 per cent, the test should be 18 degrees. The effect of the alteration would be that wine of 18 degrees of strength should be admitted at 1*s.* per gallon, wines of 26 degrees of alcoholic strength 1*s.* 6*d.* per gallon, and wines of 40 degrees of strength 2*s.* a gallon.

Mr. SEYMOUR FITZGERALD said, the observations of the right hon. Gentleman the Chancellor of the Exchequer only increased the objections that ought to be entertained by the Committee to his scheme. One great objection to the proposal was that the differential duty was entirely in favour of French wines alone. As the right hon. Gentleman had first proposed his scheme, it was perfectly clear he was acting on imperfect information, because the lower scale of duties 15 degrees of alcoholic strength would admit only a very small portion of French wines, and those of the lowest and weakest character. He (Mr. S. FitzGerald) held in his hand the result of some experiments that had been made by two or three of the principal importing houses in London within the last week, and they showed that sherries of every kind averaged from 32 to 33 per cent of alcoholic strength, so that they would come in at the very highest rate of duty. Marsala, the Sicilian wine, came at 33 per cent, while port was bound to possess from 33 to 40 degrees. Therefore all wines from Spain and Portugal would come in at the highest rate of duty. The Medoc wine, of what was termed port growth, contained 17 degrees; Chateau Latour was 18 degrees: and indeed the experiments with 200 samples of claret, of various vintages—namely, 1856, 1857, and 1858, and of different kinds—showed that they possessed an average of only 18 degrees of alcoholic strength. There was, however, this further objection, that by establishing this differential duty in favour of French wines alone, in itself a great objection, it seemed as if we were getting rid by an artifice and a trick in the levying of the duty of our covenant with Spain and Portugal, to admit their wines at the same rate of duty as the wines of the most favoured nations. He would only ask the Committee whether this should be permitted? But he wished more particularly to point out, with reference to the alcoholic test proposed by the right hon. Gentleman, the difficulties under which he would find himself from having made this concession to France part of the Treaty, instead of proposing that it should be enacted by the independent legislation of that House. If there was one point upon which the wine trade was perfectly agreed it was that, although the public would derive considerable advantage, and although they themselves would derive considerable advantage from this alteration in the wine duties, still the alcoholic test proposed would be found utterly impracticable, and that if practicable as a test, it would be impossible to carry it into execution; because, first, it required a considerable time to perform the requisite operation. The right hon. Gentleman had said that it could be done in half an hour. Admitting that to be the case, what would be the result? He had been informed by a very large importer that it was not at all an unusual thing for him to clear forty or fifty pipes in a morning; and if it required half an hour to test each pipe, when would the forty or fifty pipes be cleared? No doubt it would be said that this test was in use at the *octroi* in Paris, but he was informed that it had caused such inconvenience that, except in cases where the *octroi* officers had received information which induced them to suspect fraud, it was scarcely ever used there. Weeks and months elapsed there without its ever being put into practice. Then it would require a very different class of officers from those ordinarily employed—men who were practical chemists—to apply the test with any success. The right hon. Gentleman had taken credit in his Budget for a saving of £20,000 on account of the number of persons that his proposed alterations would render unnecessary in the collection of the Customs' duties, but if practical chemists were required, and in such numbers as would be necessary, what would become of that £20,000? A curious case had occurred not long since which would exemplify the necessity for the employment of such persons. Three pipes of port were imported, exactly similar in character, of the same shipping, vintage, and price. One was sent to London, one to Leith, and one to another port, the name of which at that moment he did not recollect. That sent to London was not permitted to pass the Custom-house, because it was said by the officer who tested it to contain above 43 degrees of alcoholic strength, no wine, according to the present law, being permitted to pass that was above that strength. That sent to Leith was allowed to pass because it was below that strength. But that sent to the other port was rejected by one officer, but admitted by a second, who repeated the operation of testing. It was evident, therefore, that not only would considerable delay be occasioned, and that a new class of officers would have to be appointed, but that the proposed test would give rise to constant disputes between the officers and the shippers. In fact, the whole of the wine trade agreed in the opinion that the test was one of a perfectly impracticable character; there was not one dissentient voice upon that point. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] The right hon. Gentleman would have an opportunity shortly of expressing his opinion, whether dissentient or otherwise, upon the statements he (Mr. FitzGerald) was making, and it would be more convenient if he would defer until then his energetic "hear, hear!" It was a cheer that rather implied ridicule than anything else, and was certainly scarcely one of a courteous nature. He (Mr. FitzGerald) thought the right hon. Gentleman himself would be compelled to admit sooner or later the impracticability of the test, for it would place him in this position. It was not as if it was to be applied by force of an Act of Parliament, but it formed part of the Treaty, from which no retreat could be, and it would be necessary to abide by the stipulations of that Treaty, however inconvenient its application might be found. But if found so inconvenient as to be perfectly impracticable, and therefore discontinued, then the admission of every description of French wine, whatever its actual strength, could be demanded at the lowest rate—namely, 1*s.* per gallon. If it were discontinued with reference to French wines it must equally be so with respect to the wines of those countries which were to be treated the same as the most favoured nations. But the right hon. Gentleman had told the House earlier in the evening that with regard to the great bulk of wines coming from Spain and Portugal he had come to the conclusion that it would be sheer folly and madness to admit them at a duty one farthing below 2*s.* per gallon. The right hon. Gentleman would therefore be compelled to submit to a deficit in the revenue such as he never contemplated, and which it would be impossible to supply except by that direct taxation which he himself had deprecated but now practised. It was proved by the evidence taken before the Wine Duties Committee in 1852 that if the duty were reduced to 1*s.* a gallon, it would require the consumption of wine to be multiplied sixfold to equalize the revenue —that instead of 6,000,000, there must be 36,000,000 gallons of wine consumed to meet the loss of revenue occasioned by the transaction. But another difficulty had been pointed out to him by practical men who had considered this question. They said that there were wines very new and very full-flavoured but very cheap, not exceeding in price 2*d.* or 3*d.* a gallon in France, and which, if sufficiently brandied, could be brought over. It was perfectly clear, that if admitted at the rate of 1*s.* a gallon it would be a good speculation to import those wines brandied up to the fullest strength permitted by law solely for the purpose of re-distilling it and (putting the wine out of consideration) obtaining the brandy. Even paying the full duty the brandy would be thus introduced at a rate not exceeding 5*s.* per gallon, while if it paid that duty only at which he had shown the right hon. Gentleman might be compelled to admit it, by the discontinuance of his impracticable test—namely, 1*s.* per gallon, the brandy thus obtained would be introduced at a rate not exceeding 2*s.* 6*d.* per gallon. What, then, would become of the duty on brandy? He held in his hand a letter from one of the largest wine importers in London—a gentleman who, if his name were mentioned, the right hon. Gentleman would admit was a reliable authority upon these questions, and that gentleman asserted his ability to prove the impracticability of the alcoholic test, and that if adopted all the wines of Spain and Portugal, as well as those of France would, before long, be introduced at the lowest rate of duty—namely, 1*s.* per gallon. If so, was it not worth consideration by the right hon. Gentleman whether it was not advisable to postpone this portion of his Resolution until he had made further inquiry into the matter?

THE CHANCELLOR OF THE EXCHEQUER said, he wished to express his regret at having given offence to the hon. Gentleman by the cheer which was involuntarily extorted from him by the force of imagination, which induced the declaration that he spoke for the wine trade without a dissentient voice. The hon. Gentleman contended that if a higher rate were laid on strong wine a differential duty would be imposed in favour of the wines of France as against those of the Peninsula; there was some truth in the statement that the wines of the northern vine-producing countries were weaker than those of the south, but it should be borne in mind that the state of our law hitherto had deprived gentlemen in the trade almost entirely of the means of knowing what was the natural state of the juice of the vine after the process of fermentation. The hon. Gentleman's statements had been greatly exaggerated. He stated that no wines but those of France would come in at a low duty. On the contrary, the country that would derive exclusive advantages from those low rates would be Germany, which had nothing whatever to do with the Treaty. So far from deriving an exclusive advantage from the Treaty, a very large portion of the wines of France were not only not weak, but were the very strongest which came in, and all of them would have to pay this 2*s.* duty. If France were to reason in the spirit of the hon. Gentleman, she might say, because we had placed a duty of 2*s.* on wine in bottle, whatever the strength, and because no wine was imported in bottles from Spain and Portugal, that we were thereby departing from the principle of alcoholic strength, and were establishing differential duties. The only object which the Government could have in endeavouring to discover the proportion of alcohol was to protect the spirit revenue; it might be impossible to deal with it exactly, but any difficulties which might exist had been enormously overstated by the hon. Gentleman. He believed it would be found that a mistake was made by those who, like the late Attorney General for Ireland, still clung to the belief that French wines were unfavourably viewed.

MR. WHITESIDE: I said the French Emperor stated so.

THE CHANCELLOR OF THE EXCHEQUER: But why, if he did not believe it himself, had he put the French Emperor into the box—he was his own witness? He would illustrate what he meant by a reference to the sugar trade. The sugars of Cuba were of a much higher quality than those which came from Brazil; and, on that account, Cuban sugars paid a much higher duty, but was it right to say that differential duties were established? The amount of duty payable altogether depended on the quality, and it was precisely at this point that the difficulty was experienced in getting wine in its natural state. The wines of the Peninsula were rarely seen in their natural state, though it was sometimes the case. The other day he heard of two samples of port of the last vintage, the strength of which respectively was 27 and 28, being probably eight or nine degrees under the ordinary average, which was made up by the admixture of brandy. The hon. Gentleman declared that the trade united in condemning the proposed test as impracticable. He did not know whether they had made representations to him in what might be called their corporate capacity, but in those which had been made to him they certainly did not hold the language of the hon. Gentleman. In their resolutions they stated that it would be cumbrous and cause delay.

MR. SEYMOUR FITZGERALD: I meant that it would be found practically inoperative.

THE CHANCELLOR OF THE EXCHEQUER: So far from that, he might state that within the last six months 1,366 wines had been sampled at the Custom-house in London. And as to the statement that the system would entail enormous expenses by the establishments at the different ports, he would answer it by saying that it was not intended to maintain staffs for the purpose at the smaller trading localities; the wine trade of England was concentrated in a very limited number of ports. The direct importation into any other ports was so insignificant it would be absurd to have an establishment of officers in them for a purpose like this; and it was inaccurate to say that a higher class of Custom-house officers would be required to conduct this operation. On the contrary, the Chairman of the Board of Customs, after this plan had been adopted by the Government, had assured him that in a short time, under the measures proposed, the department would be able to dispense altogether with the services of a great number of the class of landing-waiters, a costly and highly accomplished class of officers. He would not go into a second explanation of the general grounds for adopting this change. The hon. Gentleman said—and he would admit—that there was a degree of inconvenience in any process of testing, or weighing, or examining that delayed the passing of a commodity for a single moment. But if the hon. Gentleman meant that the process of testing caused a general obstruction to the ordinary course of trade he must join issue with him. The wine trade had not represented to him by their corporate deputations that they would sustain any amount of inconvenience from the process. Wine was not only the article of which the quality was tested on importation. The process was not like the examinations of the *octroi* of Paris, by which every cart or cask was inspected; these were large operations. Thousands of hogsheads of sugar were imported, but every single hogshead was not examined. Experience taught the officers what number of hogsheads of sugar or cases of wine it was necessary to take in order to ascertain the ordinary quality of the article. In these things what appeared to be difficulties vanished when they were practically dealt with. The hon. Gentleman had come down to supply the lack of information on the part of the Government, and had stated that full brandied wines of a low quality might he purchased abroad for 2*d.* or 3*d.* a gallon.

MR. SEYMOUR FITZGERALD assured the right hon. Gentleman he had said nothing of the kind. He had said that wines of coarse quality could be purchased abroad, and brandy added to it before importation.

THE CHANCELLOR OF THE EXCHEQUER observed he had understood the hon. Gentleman to say now that a full-bodied, strong, but coarse wine could be bought and imported at the rate of 2*d.* or 3*d.* a gallon.

MR. SEYMOUR FITZGERALD said,

he must beg the right hon. Gentleman's pardon. What he had said was that a strong-flavoured wine might be bought at that rate, and brandied so as to make it worth while to import it.

THE CHANCELLOR OF THE EXCHEQUER thought the impression on the House was that the hon. Gentleman had said strong wines. Had it been true that wine of any spirituous strength could be imported at that rate the statement would be important. But he was assured that wines of any strength, however coarse, coming in here, liable to a 2*s.* duty, as containing 40 degrees of proof spirit, could not be imported at less than 12 times the amount stated by the hon. Gentleman. He did not know what could be done with such wines; there might be an argument concealed in the statement, but he could not perceive it.

MR. SEYMOUR FITZGERALD said, he must beg leave again to explain. He had stated that a coarse wine might be bought in France at the price he had named, and it would be worth while for the buyers to mix a very large proportion of brandy with it, and import it at the shilling rate of duty, solely for the purpose of redistillation,—for the sake of the brandy it contained.

MR. T. BARING said, he wished to know why the number of degrees of proof spirit that would make wines liable to the duty of 1*s.*, had been suddenly changed from 15 degrees to 18? It should be recollected that wine underwent no subsequent process after importation; but sugar was refined, and was valued according to the quantity of saccharine matter it contained. Wine was taken into consumption merely according to the taste of the consumer. It was the avowed object of the right hon. Gentleman to increase the consumption of pure wine, but the differential duty would tend to make adulterated wine cheaper than pure. The wines of Portugal and Spain must be diluted before they could be imported at the lower duty; if the taste of the consumer was for strong wines, why not admit it as the same duty as weak? It seemed to him that every inducement was held out to the adulteration of wine before it was imported. If the Government wish to introduce a pure article, he could not understand the principle on which a graduated scale of duty was imposed. As to the process of collecting it, if the right hon. Gentleman was certain it could be done readily and easily, he might be secure.

But he had a very different account; he had heard of wine rejected at one port and admitted at another. If the Government did not need a superior class of Customhouse officers to apply the test—men above all suspicion of being tampered with—it might be perfectly secure as to the machinery for collecting the duty. But a uniform duty was preferable; the consumers should be left to select the wines that suited their own taste. The comparison of the sugar duties was totally inapplicable to wine.

THE CHANCELLOR OF THE EXCHEQUER said, he inferred from his remarks that the hon. Gentleman could not have heard the statement he had made in the early part of the evening, or he would not have asked why the Government did not propose the same duty for weak wines as for strong. The answer was as simple as possible. The higher rate of duty was imposed as a protection to the revenue derived from spirits; but if the same duty were placed on all wines alike it would defeat the main purpose of this great change, which was to promote the introduction of wines of a medium or low quality. And if the 1*s.* duty were applied to all wines up to the standard of 40 degrees of proof spirit, then those whom he was bound to consult, and without whom he could not move, stated that they could not be responsible for the collection of £11,000,000 from the duty on spirits. The hon. Gentleman had alluded to the wine that was rejected at one port and admitted at another. The explanation of that particular case was very simple. It was this:—The Customhouse had not been in the habit, hitherto, of enforcing the test with very great rigour. All they looked to was ascertaining the *bonâ fides* of the importers; and when they knew that there was no danger to the spirit revenue they did not exercise so much rigour as the strict letter of the law required. The real explanation, however, of the difficulty was, that during the recent vine disease in the Peninsula a change had taken place in the practice of the wine trade. It had been found necessary, in consequence of the *oidium*, or deemed convenient, to brandy wines more highly than had previously been the case.

SIR STAFFORD NORTHCOTE said, he should like to learn from the right hon. Gentleman what effect the acceleration of the lowest scale of duties would have upon the revenue, as well as to ascertain the reason why he had advanced the lowest degree of proof from 15 to 18, while he had made no change in the two other scales? The objection to the alcoholic test was that it was cumbrous, and must, if it were to be applied to every separate sample, be productive of great inconvenience to the dealers in wine. He might also observe that it had been pointed out to him that 15 degrees was a very inconvenient point for the lowest scale, touching as it did upon the clarets, and this was the reason, he presumed, which had led the right hon. Gentleman to make the proposed alteration. In his opinion there ought to be only two classes so as to simplify operations as much as possible. It was objectionable, moreover, that under the proposed scheme a preference over Spanish and Portuguese would be given to French wines. That would be more especially so as a consequence of the alteration in the lowest scale which the right hon. Gentleman had made, for nearly all the French wines, except perhaps Rousillon, would be imported under the 18 degree scale, while nearly all the wines of Spain and Portugal would be thrown into the third class. With respect to the question of an *ad valorem* duty being imposed, he would simply say that in many instances the highest rate of duty would have to be paid upon the least valuable wines—as, for instance, in the case of Cape and Marsala, which, although they were inferior in point of value to the finest French wines, yet would have to pay a higher duty. He should also contend that as a consequence of that state of things, the poorer classes would not enjoy those advantages as consumers of French wines, which the right hon. Gentleman seemed to regard as the main object of his proposal. If the duties in question had been *ad valorem* duties the case of the sugar duties would have applied, but the scale did not fall with anything like equal force on the different classes of wines. The right hon. Gentleman was, it appeared to him, doing an unwise thing if he desired to see other countries open their markets to us, in reversing the policy of the Methuen Treaty, by admitting nearly all the wines of France under the lowest scale, while the wines of Spain and Portugal were excluded from its operation.

LORD ALFRED CHURCHILL said, that the alcohol in wine having a less specific gravity rose to the top after the cask had been some time in bond. It would not do to shake the cask, because that would spoil the wine. How did the right hon. Gentleman propose to get over the difficulty of the test showing a different result if applied to the upper than if applied to the lower portion?

THE CHANCELLOR OF THE EXCHEQUER said, the difficulty was easily overcome every day by the Board of Customs drawing partly from the top and partly from the bottom of the cask. As to the expense of this measure to the revenue, they would not lose so much on wine as the spirit duties would give; but, of course, that was speaking only of the two articles wine and spirit. After the whole of the propositions had been dealt with, he would make a statement of the general result. His hon. Friend was entirely wrong as to this being an inverted *ad valorem* scale. It was true that Hermitage would pay the lowest duty and Marsala the higher duty, but fine clarets were rare products and would not form a thousandth part of the wines imported. Looking to that exceptional class of wines and not to the 999 other sorts, it might be said to be an inverted *ad valorem* duty. But generally the strong wines were the dear, and the weak wines the cheap wines. Therefore the scale would fall justly. He frankly owned he did not recommend it as an *ad valorem* duty.

MR. HENLEY said, that the proposal to levy a duty of 10 per cent on wines of 15 degrees strength at one moment, and of the same amount on wines of 18 degrees at another, was an arbitrary change, for which no reason had been given.

THE CHANCELLOR OF THE EXCHEQUER said, his hon. Friend had stated the reason for the alteration quite correctly. The line at 15 was inconvenient, because it would tend to press down the clarets now introduced to bring them under that strength. His hon. Friend had alluded to a very important point, though he seemed not to be aware of the facts. The strength at which British wines were made was a good index of the turn which popular taste would take. British wines had no natural strength, but to suit the taste of the public they were generally made at 24 and 25. His own impression was that there would be a considerable importation of wines at from 22 to 25, although at present none of that kind was imported.

MR. BASS said, that not only the Chateau wines but all the wines of Bordeaux would come under the 15 per cent standard. The right hon. Gentleman was mistaken in supposing that class of wine was the exception. In the south of France there was produced a considerable quantity of low quality and low price, and a vast quantity of moderate wines which, like all the wines of Germany, would come under 15 per cent. In point of fact, if the right hon. Gentleman referred to statistical tables of the relative strength of the different wines of Europe, he would find that the highest class would really have to pay the low and the lower class the high duty.

Mr. J. B. SMITH said, it was the brandy which was imported with the wine which made the difference, and therefore the wines of Spain and Portugal would pay higher duty than the wines of France, which were not brandied.

Mr. BASS said, the hon. Member was mistaken in supposing that the wines of Spain and Portugal were highly brandied. The spontaneous production of spirit in those wines very much exceeded 15 per cent.

Sir FITZROY KELLY said, he looked upon the question as important in its bearing on our foreign relations; and, therefore, he wished to hear whether the right hon. Gentleman had really considered how far these Resolutions were consistent with the existing treaties between this and other countries. In levying duties on wine, it was proposed to substitute an entirely new test, and he had not heard any substantial reason why they should depart from a system which had existed for centuries, unless it was to confer an exclusive favour on France. If three merchants imported today 50 pipes of wine from Portugal, Spain, and France respectively, they would pay the same duty; but if they imported the same quantities and qualities after the Resolution was agreed to, perhaps one-third less would be paid on the French wine than would be paid on the wines of Spain and Portugal. We had treaty engagements with Spain and Portugal, and the question was whether, under the most favoured nation clause, it would not be a breach of those treaties. Then, as to the alcoholic tests, it was impossible to deny that, however carefully and skilfully applied, they were open to considerable doubt; and, unless some latitude were allowed, the result would be that when the scheme came into operation the revenue authorities would be beset with petitioners all complaining of the effect of the test as applied to their wines. It was also perfectly clear that the result of the arrangement proposed would be, that the wines of Spain and Portugal would have to pay the highest duty; and that the French would be the great gainers, as their wines would fall under the low duty.

Mr. HASSARD said, he wished to know if the Chancellor of the Exchequer had considered what effect his proposal would have on colonial wines, and especially those which came from the Cape of Good Hope. If they had to pay the high duty the charge would press very severely upon them. The original strength of those wines was about 17 per cent, but they had to be raised to 25 per cent with alcohol in order to prevent fermentation while passing the tropics, and might therefore have to pay the higher duty. He thought that those wines deserved some attention at the hands of the Chancellor of the Exchequer, and he wished to know whether there were any means by which they might not be placed at a disadvantage by the side of other wines.

Mr. CRAWFORD said, he wished to know whether the new duties would take effect, as was the custom, from the next day, and, if so, whether care would be taken not to charge people who came early in the morning the high duty, while those who came in the afternoon paid only the reduced duty.

The CHANCELLOR of the EXCHEQUER said, he believed it was not the intention of the Committee to continue any differential duty in favour of Cape wines after the new scale came into operation. They would pay, like other wines of the same strength, for the protection of the spirit revenue in England. With respect to the question of the hon. Member for the City (Mr. Crawford), the rule adopted of late years was, that the Resolutions of the House for reducing Customs' duties took effect immediately, subject to the condition, that if Parliament did not confirm those Resolutions the parties were bound to pay the difference. He felt it his duty, unless the Committee should be of a different opinion, to take care that the same rule was acted upon in the present case, and that the 3*s.* duty should be taken the next day.

The CHAIRMAN said, that the Resolutions would take effect as soon as the House had confirmed the Resolutions passed in Committee.

The CHANCELLOR of the EXCHEQUER said, that was also his own impression, though upon making inquiry he had been told otherwise. The usual course, however, would be followed, and the new duty would take effect immediately after the Resolution had been reported to the House.

MR. NEWDEGATE said, he wished, before the Committee proceeded with the Resolution, to present a Petition from some inhabitants of North Warwickshire which reached him after the meeting of the House. The prayer of the petition was, that in the case of the House assenting to a reduction of duty on French products, our own agricultural produce, especially malt, might not be placed at disadvantage, and he hoped the Chancellor of the Exchequer would direct his attention to the prayer of the petition.

2. *Resolved,* That on and after the 1st day of January, 1861, the following Duties shall be charged, namely :—

		Containing less than the following Rates of Proof Spirit, verified by Sykes' Hydrometer, namely :—			If Imported in Bottles.
		18 degrees.	26 degrees.	40 degrees.	
Wine of and from Foreign Countries—		*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
Red	the gallon	1 0	1 6	2 0	2 0
White	the gallon	1 0	1 6	2 0	2 0
Lees of such Wine . . .	the gallon	1 0	1 6	2 0	2 0
Wine, the growth and produce of any British possession, and imported direct from thence—					
Red	the gallon	1 0	1 6	2 0	2 0
White	the gallon	1 0	1 6	2 0	2 0
Lees of such wine . . .	the gallon	1 0	1 6	2 0	2 0

THE CHANCELLOR OF THE EXCHEQUER said, he would then move the fourth Resolution, providing that the duties charged upon certain goods, wares, and merchandise imported into the United Kingdom shall cease and determine, a list of forty-three different articles being annexed to the Resolution.

Motion made, and Question proposed,—

"That the Duties of Customs chargeable upon the goods, wares, and merchandise hereinafter mentioned imported into Great Britain and Ireland, shall cease and determine, namely :—

"Agates or Cornelians set."

MR. NEWDEGATE objected to proceed with the Resolution, which embraced no fewer than forty-three articles, and affected the industry of many thousands of their fellow-countrymen. He would move that the Chairman report progress.

SIR WILLIAM MILES said, that as the Chancellor of the Exchequer had given notice that he would take all the articles in the French Treaty first, it followed that books and parchment from abroad would gain admission into England before the Excise duty on paper was taken off. As, however, there was a condition attaching to the article in question, that the provision was not to take effect unless the Excise duty in England was remitted, would it not be as well, for the sake of saving time, to postpone the discussion on that provision of the Treaty until after they had settled as to the removal of the Excise duty? He might also remind them that the hon. Member for Hertfordshire (Mr. Puller) had an Amendment on the paper respecting the prohibition of the export of rags from France.

THE CHANCELLOR OF THE EXCHEQUER said, said he would take care that the Resolution should be so drawn as not to commit the House in case the Excise duty on paper was not repealed. He hoped the hon. Member for Warwickshire would waive his objection to proceeding with the Resolution, at any rate until they came to some article that evoked opposition.

MR BENTINCK said, that in that case he should object to the very first item—"agates, or cornelians, set." He did not think that, at so late an hour, they could make satisfactory progress with the Resolution.

THE CHANCELLOR OF THE EXCHEQUER said, although he feared there was not much that was *boná fide* about the hon. Member's objection, still he should not oppose the Motion to report progress after the wine Resolutions were ordered to be reported.

MR. ALDERMAN SALOMONS inquired if the article in the fourth Resolution, though named in the French Treaty, would be received from other parts of the world without an equivalent?

THE CHANCELLOR OF THE EXCHEQUER said, the Resolution did not limit the articles admitted to those coming from France; it took no cognizance of their origin, but left the import open from all the world.

MR. T. BARING inquired in what order the right hon. Gentleman was proceeding with the Resolutions?

THE CHANCELLOR OF THE EXCHEQUER said, the only deviation that would be made in the natural order of the Resotions was in the case of the spirit duties (Resolution No. 3) And, as stated by him the other day in answer to a question from the hon. Member for Finsbury (Mr. T. Duncombe) the Resolution respecting spirits would be postponed until after the other Resolutions had been passed.

MR. DARBY GRIFFITH said, the answer of the right hon. Gentleman to the hon. Member for Woolwich (Mr. Alderman Salomons) was not consistent with the statement of the right hon. Gentleman the other day, that the giving of certain facilities to France did not imply their being extended to German goods.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman had mistaken the purport of his answer. What he had stated was that, under the Treaty, it would be perfectly competent to the House of Commons, if it thought fit, to lay higher duties on German or any other goods than on the French goods; the French Treaty would not forbid it.

VISCOUNT PALMERSTON said, he hoped hon. Members having Motions on the paper for to-morrow would have the kindness to waive them and allow the discussion on these Resolutions to proceed. He hoped the hon. Member for Berks would give his consent to this arrangement.

CAPTAIN LEICESTER VERNON said, he was exceedingly loth to give way on this occasion, because he stood excessively well for bringing on to-morrow the Motion of which he had given notice. He considered it of very great importance in a commercial point of view, because until it was settled commercial men could scarcely know whether they were safe in taking Government contracts or not. At the same time, he would not stand in the way of the Government or the House if it was their wish to proceed with these Resolutions. He hoped, however, the Government would give him facilities for bringing on his Motion on an early day.

LORD JOHN RUSSELL said, it might be convenient to the hon. Member for Bridgewater (Mr. Kinglake) to be informed that the Motion of which he had given notice for next day—namely, one for the production of copies and extracts respecting Savoy—would not be objected to by the Government.

MR. NEWDEGATE said, he had no objection to the House resuming that the Chairman might report the Resolutions on the wine duties to the House.

Whereupon Motion made, and Question, "That the Chairman do report progress," put and *agreed to.*

House resumed.

Resolutions to be reported *To-morrow.* Committee report progress.

PACKET SERVICE (TRANSFER OF CONTRACTS) BILL.—SECOND READING.

Order for Second Reading read.

Motion made and Question proposed "That the Bill be now read a second time."

MR. LYGON said, that the measure proposed to transfer the supervision of the mail contract service from the Admiralty to the Post Office, although the latter department had shown itself extremely slow in affording the public the facilities to which they were entitled. Moreover, this Bill was premature as it prejudged the question now before the Committee to whom the task of laying down the principles on which telegraphic and packet contracts should be conducted had been intrusted. If that Committee was to be of any use at all, this measure ought to be postponed until they had reported. He begged, therefore, to move the adjournment of the debate.

Motion made and Question proposed "That the Debate be now adjourned."

MR. KINNAIRD said, he should support the Second Reading of the Bill, as he maintained that the management of these contracts under the Admiralty was most expensive, and that it was highly desirable, in the interests of public economy, that the change now proposed should be effected without delay.

MR. LAING said, the measure raised no question as to the manner in which new contracts should be made, but merely transferred the supervision of existing contracts to the Post Office, the department to which such matters naturally belonged, as to it all complaints of irregularity in respect to the mails were in the first instance referred. The Board of Admiralty asked to have the transfer made, as they had quite enough of business of a more important kind to attend to. Moreover, the Committee thought it desirable that the Government should proceed on their own responsibility, and he hoped the House, therefore, would read the Bill a second time.

LORD JOHN MANNERS said, that the Post Office originally possessed the functions now proposed to be restored to it, when the system worked so ill that it was thought expedient to substitute for it the supervision of the Admiralty. The alteration now proposed was an important one, and ought not to be adopted until the Committee on packet contracts had made some recommendation.

LORD CLARENCE PAGET said, that the Board of Admiralty was already overburdened with its own proper work in connection with the navy, and ought to be relieved of this extraneous branch of its duties. This business had been thrown upon the Admiralty at a time when the mail packets were vessels of war. But now that the conveyance of the mails was put out to contract and carried on in merchant vessels, there was no reason whatever why the Post Office, with the assistance of the Board of Trade, if necessary, should not discharge this duty.

MR. HOWES said, he wished to observe that the Committee on Packet Contracts thought they were not called upon to express an opinion on this subject, as the Government had undertaken the Bill on their own responsibility. The Committee doubted whether the matter was within the terms of the reference.

VISCOUNT PALMERSTON said, that the Bill did not bear upon the matters referred to the Committee on Packet Contracts. It was clear that whatever arrangements they might recommend would apply equally to the Post Office and Admiralty management. The transfer of these contracts was merely proposed for the convenience of the departments and in order that the public service might be better carried on.

MR. WHITESIDE said, he understood when the Committee was moved for, that it was for the purpose of having the advantage of their opinion.

MR. KINNAIRD said, he did not understand that such was the object.

MR. LYGON said, he would not trouble the House to divide. When the Bill went into Committee, however, he should propose that the Bill be referred to the Select Committee on Packet Contracts.

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

MEDICAL ACTS AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. WHITESIDE said, he rose to move the Second Reading of this Bill, which was intended to restore the University of Dublin the power of granting licences in surgery, which the University possessed 300 years ago, and which was omitted, he believed, by an accidental omission in the late Act for regulating medical degrees.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. CRAUFURD said, he should oppose the Bill, as he objected to any attempt to tinker up the general Act of 1858.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. CARDWELL said, the object of the Bill was to supply a *casus omissus* in the original Bill. He hoped the House would read the Bill a second time.

THE LORD ADVOCATE opposed the Bill, on the ground that it was an unnecessary innovation upon the principle laid down in 1858. It was likely to interfere with the proceedings of the Edinburgh School of Surgery.

MR. WHITESIDE said, he could not understand why Scotch Members should be so much interested in a measure that did not concern them. The original Act was not intended to interfere with the power possessed by any existing body to grant degrees which they at present conferred. It happened, however, that in the schedule appended to the Act the degree of "licentiate in surgery," which was granted by the University of Dublin, was accidentally omitted. The consequence was that several young gentlemen had won appointments as surgeons in the army and other departments by competitive examination, but they could not get a licence from their University.

MR. VANCE said, that last year he was instructed to oppose the Bill, but he was not on the present occasion. He was not aware whether there was any objection to it, but he thought the alteration ought to be confined to Dublin University.

MR. LEFROY said, he should support the Bill, as it applied to no other College in Ireland than that of Dublin.

MR. COWPER said, he did not exactly understand the case made out in favour of the Bill, but he thought it should be referred to the medical council to enable them to petition the House for or against it.

MR. KINNAIRD considered it very unfair to press the Bill to a division at a late hour of the night, after Members had gone away in the expectation that no opposition would be taken.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, February 28, 1860.

MINUTES.] PUBLIC BILLS.—2ª Probate and Administration (India); Court of Chancery.

PLEA OF "NOT GUILTY."—PETITION.—PUNISHMENT OF BRIBERY.

EXPLANATION.

LORD BROUGHAM said, a petition had been entrusted to him from an important body, the Metropolitan and Provincial Law Society, signed by their respected President Mr. Beaumont, praying their Lordships to pass the Bill, which he (Lord Brougham) had introduced, and which had been read a first time. Its object was to substitute for the question, on arraignment, "Are you not guilty, or guilty," the question, "Do you desire to be tried, or do you plead guilty?" The body of solicitors and attorneys who composed the society adduced strong reasons from experience in favour of the measure, and he could refer any one desirous of seeing the facts stated, to read an able and instructive letter of Mr. Beaumont, published last December, and a very important tract of Mr. Osborn, gaol chaplain at Bath, which contained a great body of evidence from the reverend author's correspondence with gaol chaplains, recorders, and other magistrates, showing clearly the mischievous effects of the present method of proceeding. He would take this opportunity of contradicting a statement which had been often made since the last Congress of the National Association of Social Science, and made under an entire mistake of what had passed there. He hardly ever had complained of such misstatements, nor would he now on his own account merely, but in justice to his colleagues of the Association, and in order to prevent the use made of the statement by the adversaries of all effectual measures to extirpate electoral corruption, he felt bound to set this matter right. It had been represented at different times, even since the Congress at Bradford, that he had recommended making bribery felony, and he saw in a respectable paper that morning (*The Morning Post*), wonder expressed that he (Lord Brougham) the reformer of the Criminal Law, and ex-President of its Society, should have fallen into such an error. Now, happily on this there could not possibly be any mistake; for the speech was not one about which different accounts or reports could be given by those who heard it, but it was an address written and delivered by him, being the annual address as President of Council of the Association, and he held in his hand that address as printed in their Transactions. He would read the words of the address as far as related to this subject. After relating his experience of the inefficacy of pecuniary penalties to check slave trading, which his Act of 1811 had effectually abolished, as carried on by British subjects, and he really believed that this reference had occasioned the mistake, but no one would think because slave trading, the most enormous crime, involving all the worst offences, of fraud, pillage, and even murder, was properly declared to be a felony, and punishable as such, that, therefore, the same penalty should be attached to bribery—on the contrary, the address expressly stated that it should be dealt with as a criminal misdemeanour, which it is, and made punishable as such, and that candidates and their agents would no longer be guilty of it when they found that they were liable to imprisonment with hard labour, and that the road from the hustings led not to the House of Commons, but to the treadmill. Not one word was said to recommend treating the offence as a felony. That those guilty of it, both those who took, and still more, they who gave bribes, were guilty in his view, that the poor men whom they bribed, that these were guilty of a most grievous offence, and one which sapped the very foundation of our constitution, was his deliberate opinion at the time he delivered the address, and this opinion had been confirmed by whatever had since passed. He felt quite convinced that the course recommended at the Congress, and to which no one had offered the least objection, must be pursued by those elsewhere and in their Lordships' House, if they were in earnest in their efforts to extirpate bribery. No other means had the least chance of proving effectual. But treating bribery as what it is, an infamous offence, and punishing it as such, would have the happy effect of putting it down.

CRIMINAL OUTRAGES IN IRELAND.

RETURNS MOVED FOR.

THE MARQUESS OF CLANRICARDE said, that in moving for a number of Returns, of which he had given notice, connected with criminal outrages in Ireland, he wished to draw their Lordships' attention to the remarkable impunity with which offences and crimes of the gravest and most atrocious character were committed in certain parts of Ireland. The occurrence of such outrages was the more extraordinary, as that country presented an appearance of general improvement and increased prosperity within the last few years, such as had never before existed within the recollection, he believed, of any of their Lordships. The constituted authorities appeared perfectly unable to cope with the criminal tendencies of assassins in certain districts; and for this the Government—not the present or any particular Administration, but the State generally—were, in his opinion, to blame for not having paid due attention to the matter. The present condition of affairs was equally disgraceful to the people among whom such outrages were committed, and to the authorities of the State under which they could pass unpunished. He did not wish to weary their Lordships with a recital of all the cases of outrage which had occurred during the last few years, many of which must be fresh in their Lordships' recollection; but he might instance the recent attempt to assassinate Mr. Dunn in the streets of Tullamore, and the audacious attack which had been made only a few weeks ago upon a house at Lamplugh. How was it, he would ask, that such crimes could be perpetrated with impunity in a country where there were 12,000 policemen and seventy-two magistrates? These circumstances had not passed without remark from the judicial bench. The Chief Baron, at the Westmeath Assizes, in July, 1858, in referring to the large amount of undetected crime which was known to exist in that quarter, declared his inability to understand how such a state of things could exist if the authorities did their duty, and expressed his opinion that much neglect and want of diligence had been exhibited. The Chief Justice of Ireland, in his charge to the grand jury at Tullamore, June 25, 1859, remarked with regret that the cases of unpunished crime and outrage which had occurred in the county since the last assizes were sixfold in comparison with those in which the offenders were made amenable. The police reported that seventeen cases of Whiteboy or agrarian outrage had been committed between the 2nd of March and the 17th of July, in two of which alone the criminals appeared to have been made amenable to the law. The Chief Justice added:—

> "Now, gentlemen, you have, I presume, magistrates and police. I presume they know their duty. I understand that the whole county has been proclaimed, and therefore extraordinary powers have been vested in the persons who are intrusted with the preservation of the peace. I do not know the purpose for which a police force is organized if it be not to prevent crime and outrage; very possibly no force may be able entirely to prevent the commission of crime; but at least the duty belongs to them of detecting and apprehending offenders and all who have disturbed the peace of your county. I am quite willing to presume that the persons to whom this duty has been delegated have attempted to perform it; but, with respect to the results, I regret to say they have been just the same as if the duty had not been performed at all. I hope that the purpose for which police constables have been organized and the usefulness of the office have not been merged in the *éclat* and renown to which, for some purpose or other, they may very laudably aspire, namely, the charm of a military body; but, unquestionably, the primary duty of the police constable is that of an officer for preserving the peace of the county, and—when he cannot preserve—of discovering, hunting out, tracing, and bringing to justice the offenders and disturbers of the peace. The offenders, in almost all instances, are perfectly well known; and how it happens that the police should be unable to get some tidings of, or find out some clue to the detection of these offenders, is to me a matter of wonder."

The cause of this was the inefficiency of the police for the purposes for which they were originally constituted. He would read to the House a few statistics which would prove conclusively that crime was on the increase in the localities referred to, while convictions were less frequent than in past years. He held in his hand a return of the number of persons committed and convicted in Ireland for three years, up to the conclusion of 1858. In 1856, 2,063 persons were committed, 1,024 were convicted, and 1,039 were acquitted. In 1857, 2,153 were committed, 1,036 convicted, and 1,117 acquitted. In 1858 the number of persons committed was 2,058, and the number convicted only 895, leaving no less than 1,163 acquittals. He did not wish to throw any disparagement on the character of the Irish constabulary, who were, for their numbers, one of the best conducted bodies of men in the world. They were honest, sober, attentive, and the fault was not with them, but with those who had made them no longer a constabulary force, but practically soldiers. That they were as excellent a body of light infantry as could be found, he did not doubt; but they were taken from their duties as police, and they were thereby rendered incapable of doing the work of constables. What was the origin of this force, and what were they entitled upon their formation? They were first organized by the late Sir Robert Peel in 1814, who certainly never meant them to be a military force. The title of the Bill under which they were constituted was, "A Bill to provide for the better execution of the laws in Ireland, by appointing superintending magistrates and additional constables in counties in certain cases." When the last Act regulating this force was under discussion in 1836, the Duke of Wellington took the objection that unless care were taken the constabulary would become a military force in the hands of the Lord Lieutenant. The Prime Minister thereupon replied, that it was intended all through that they should be constables. Under the management, however, to which the police had been subjected they had become a military force, the first recognition of which was that when the Queen visited Ireland this force marched past her Majesty at a grand review in the Phœnix-park, Dublin, as part of the military force of Ireland. The whole of their drill and instruction was military, and was such as not only to give them no opportunities of discharging their duties as constables, but to prevent their efficiency as such. When a policeman joined the force he was brought up to Dublin for drill. No doubt the police ought to be drilled to a certain extent, to enable them to meet bodies more numerous than themselves; but these men were dressed and accoutred as soldiers, and were drilled as soldiers. The first duty of a policeman, it might be thought, was to make himself acquainted with every person in his parish and to go about among them. But the men were so confined to barracks as to prevent as much as possible any intercourse with the public. In point of fact if any constable were known to have any connexion or intercourse with the people, so far from being considered a useful man who was likely to detect criminals, he was regarded as a dangerous person, whose sympathies were with the people; it was thought that he was not to be depended upon, and he was removed from the scenes and persons who were familiar to him to a new district, and sometimes dismissed the force altogether. He did not think that the object of establishing a police force was simply to institute a sort of domestic military, altogether separate and cut off from the people, but these men were armed, and dressed, and kept in barracks just as if they were soldiers of the Royal army. This was a matter that Parliament had not yet considered; but it was one which ought to be dealt with without delay. Then there was a body of detectives, whose sole duty it was to detect crime; and when there were any disturbances or extraordinary crimes in the provinces these men were sent from the metropolis to parts of the country of which they knew no more than the London police would, and their appearance in a locality usually had the effect of exciting jealousy among the regular force; but such a system was necessary, because the local police being a sort of military body, were useless for the purposes of a detective police. There was an instance of a murder being committed on the borders of Clare and Galway, and one of these detectives was sent down. He appeared dressed like a gentleman, and instead of moving about in a judicious way in a different character among the peasantry to obtain information, he so demeaned himself that it became immediately known who he was. The consequence was that he could obtain no information whatever. But to make the absurdity greater, when about a year afterwards another grave offence committed in the same neighbourhood, the very same man, of course well-known to the people, was sent down to make inquiries. It was an important feature in this matter that so far from crime being prevalent in Ireland, so far from the people generally being disorderly, there was not on the face of the earth a population among whom there was so little general crime and immorality. He ventured to say that if returns of the amount of crime of all kinds were made, the statistics would reflect the highest honour on the Irish people. What he complained of was that where crime did exist the constituted authorities of the country were totally unable to deal with it, and that where it did not exist it was entirely due to the good conduct of the people themselves. He would say a word or two with respect to the stipendiary magistrates. When the Act of 1836 passed through Parliament there was a good deal of discussion about the appointment of this class of magistrates, and it was then contended that they were selected as men more likely to be able to deal with the crime of the country than the resident magistrates. But they were in a very anomalous and strange position, and their standing in reference to the resident magistrates was very ill-defined. The gentry of the country did not know in what light to regard them, and the consequence was, a very natural clashing of the duties of the two bodies. One effect of this appointment had been that the constabulary no longer looked upon the resident magistracy with the respect which they ought to do. In proof this he might cite the reply of a constable to a resident magistrate, a Member of the other House, when he found fault with some part of his conduct,—"I have given satisfaction to my superior officer, and that is enough for me." The truth was that the stipendiary magistrates had superseded the local magistracy, and this reacted on the constabulary. It was a grave constitutional question whether this large constabulary force ought to be continued as an armed body; whether, in short, they were to be constables or soldiers. The force consisted of 12,184 men, with 316 horses, and they were all appointed by and under the control of the Lord Lieutenant. The cost, including the stipendiary magistrates, was upwards of £653,256, of which no less than £639,391 was chargeable on the Consolidated Fund, and £13,865 on counties and cities in Ireland. He believed that no *corps d'élite* in Europe formed a more admirable body of men than the 12,000 members of the Irish constabulary force. They were told to be soldiers, and they were excellent soldiers; and he felt persuaded that if they were told be constables they would be excellent constables. He did not object to their being armed and drilled, but he did object to their being taken away from the proper performance of their duties as a constabulary force, and converted into soldiers. The noble Marquess concluded by moving for a

"Return of the Number of Offences against the Person reported to the Government by the Police in Ireland, and the Number of Individuals tried, the Number acquitted, and the Number committed for such Crimes, in each Year from the 1st January, 1850, to the 1st January, 1860: Also,

"Return of the Number of Cases in which the Irish Government offered Rewards for the Apprehension of Criminals in each of the abovementioned Years, specifying the Number of Cases in which any such Reward was claimed and paid: Also,

"Return of the Number of Outrages reported in each of the last Seven Years in the Counties of Meath, Westmeath, and King's County, and the Number of Persons tried, with the Number of Convictions or Acquittals in those Years: Also,

"Return of the Amount of the Police stationed in those Counties in each of those Years, and of the Number of Stipendiary Magistrates: And also,

"Return of the Total Amount of the Constabulary Force in Ireland and of the Number of Stipendiary Magistrates, in each of the Years 1830, 1840, 1850, 1855, and 1859."

THE DUKE OF SOMERSET said, that with the alteration of a very few words there would be no objection to producing the Returns moved for by the noble Marquess. He proposed that the words "for such crimes" in the first Return should be omitted, inasmuch as it would be impossible to conform to them without entailing a vast amount of unnecessary labour and loss of time. He would also recommend that the different Returns should be made out for the term of ten years, instead of for the varying intervals indicated in the Motion. He must, however, ask their Lordships not to be led away by the noble Marquess's speech, to the tenor of which there were grave objections. He (the Duke of Somerset) thought the Irish constabulary, for the time it had existed, had been a most useful force; and that anything that tended to reduce its efficiency would be regarded as a serious evil to Ireland. It was not enough to say that crimes had been committed, and that the persons who had committed them had escaped detection and punishment. In order to form a proper estimate of the value of the Irish police force, which might now be regarded as an institution of the country, it was necessary to look back to their services for a series of years; and, if their Lordships did that, they would be convinced that upon the whole those services had tended greatly to diminish crime. The nature of crime in Ireland as compared with that of England, and the manifest difference in the facilities for its detection in the two countries, were also to be borne in mind. In Ireland the mass of the population were disposed to protect the perpetration of the most common class of outrages; and their Lordships must recollect that a detective force was not all that was wanted to bring persons who had committed crime to trial and conviction; there must also be witnesses, and the great difficulty was to obtain witnesses. Crime in Ireland was of a peculiar character. It was generally crime against the person, and resulted from two causes —either from questions connected with land or with religion. Taking offences against the person, he would show their Lordships—looking back over a series of years—that crime had greatly diminished. In 1850 the offences specially reported to the Inspector General were 10,600; in 1851 they were reduced to 9,000; in 1855 to 4,000; in 1858 to 3,400; and in 1859 they amounted to 3,600. There had, therefore, been a great decrease in that class of crimes in ten years. Again, taking cases of homicide, in 1850 they amounted to 139; in 1858 they were reduced to 103; and in 1859 to 88. Of serious assaults, endangering life, there were, in 1850, 748; and since that time they had been reduced in some years and had increased in others. They were, therefore, unhappily, about as numerous now as they were ten years ago; but they arose in nearly every instance out of disputes connected with the tenure of land, and they were limited to a small portion of the country. In 1850 there were 7,000 cases of sheep and cattle stealing, and in 1858, 1,100. So that in that class of crime there had been a remarkable diminution. And so he could go through the whole category of crime, and show that under the constabulary which the noble Marquess condemned, because it had not tended to diminish crime, in reality crime had greatly diminished, and especially that of homicide. Cases of the unlawful administration of an oath, which was formerly a common crime, had also greatly diminished, as had those of illicit distillation and sending threatening notices. Illicit distillation was formerly sought to be put down by a special revenue police. That force had been done away, and partly amalgamated with the constabulary; and he (the Duke of Somerset) was informed by authorities connected with the revenue that illicit distillation had been more repressed by the constabulary than it had been before. The noble Marquess did not wish the Irish constabulary force to be soldiers; but as he understood the noble Marquess, he did not object to the constabulary being subjected to a certain amount of drill, inasmuch as that was necessary and valuable in the case of men who might be called on to act in bodies; but he did not clearly apprehend the exact amount of condemnation which the noble Marquess meant to bestow on the constabulary force. The detection of crime in Ireland materially depended on obtaining the necessary witnesses. But that was next to impossible, and crime would still continue so long as there prevailed among the people a determination not to support the law, but to uphold instead a hidden law of their own, controlling and overriding the law of the land. The noble Marquess objected to the constabulary being employed as detectives, because he said they set about their business in a very clumsy manner. That might be so, but he (the Duke of Somerset) had been informed that on one occasion, when a detective had been sent over to Ireland from England with a view to the discovery of the perpetrator of a crime in Dublin, he found the constabulary force had such superior means of obtaining information that he left the matter in their hands. He did not think the condemnation passed upon the police force of Ireland by the noble Marquess was a just one, and in agreeing to the Motion he wished it to be understood that he dissented from the opinion upon which it had been made. He should propose to amend the Motion by omitting from the first Return the words "for such crimes," and in the third substituting "ten" years for "seven."

THE MARQUESS OF LONDONDERRY thought that the constabulary should be placed more under the control of the local magistrates. At present they received their orders from head quarters, and they seemed to feel a good deal of jealousy about being interfered with by the local authorities.

EARL GREY thought it very likely that there existed too great a desire on the part of the chief of the force to turn the constabulary into a body of smart soldiers. But he agreed with the noble Duke that the failure in bringing criminals to justice in Ireland arose not from that cause, but from the sympathy manifested by the mass of the population with the perpetrators of agrarian outrages. The noble Marquess complained that the men were kept always in their uniform ; but that was likewise the case with the London force, with the exception of a certain number of men, who were allowed to appear in plain clothes on special occasions. The real cause of the impunity of crime was the reluctance of the population to appear against the perpetrators of offences. In fact, in some districts, the whole population sympathised with the criminal rather than with the police. In his opinion it would be necessary to carry further a principle they had already recognized by an Act passed in the year 1847, by which the Irish Government were enabled to station a body of police in any particular place at the expense of the district. That was a return to the old law of our Saxon ancestors, who made each district responsible for all the offences committed within it; and by that law peace and good order had at last been established. What he should recommend would be to lay a fine upon every district in which offences of a certain description were committed, to be levied not upon the owners of the property, but upon the occupiers, unless the offenders were brought to justice. Something must be done, for the bad spirit which they had hoped had been put down was reviving; and if they allowed that spirit to interfere with the schemes for the improvement of property which were beginning to be adopted, there was an end to all their hopes for the advancement of the country in wealth, in prosperity, and in civilization.

THE MARQUESS OF WESTMEATH said, he believed the returns which the noble Duke (the Duke of Somerset) had quoted, for the purpose of showing that crime had of late diminished in Ireland were calculated to mislead their Lordships. Since the month of July, 1858, there had been twelve murders committed in the county of Westmeath, and there had been only one conviction in these twelve cases, and that had only been a conviction for manslaughter. Three other persons, indeed, remained for trial at the next assizes. How then could it be said that there had of late been a diminution of crime in Ireland ? The ribbon system was one of awful terror, and it was no wonder that under its operation witnesses were prevented from affording their aid to secure the ends of justice. He did not believe that anything like that system existed in any other country in Europe. He was persuaded that nothing but military law would be capable of dealing with that evil. He did not say that he would recommend the introduction of military law into Ireland ; but he said that the evil was one that could only be dealt with by extraordinary means. Something should be done, for the country could not be left in the state in which it was at present placed.

THE DUKE OF NEWCASTLE said, he thought it was too much the habit, in discussions of this nature, for noble Lords to quote the instances of their own exceptional localities, as showing the character of the whole country. When the noble Marquess, who spoke last, said that crime and outrage had increased, and were increasing, he gave utterance to a statement which was not borne out by the returns that had been made with regard to the country generally, however true it might be with regard to his own particular county. His noble Friend on the cross benches (Earl Grey) seemed to think that agrarian outrages had of late been on the increase, but he could assure his noble Friend that that was not the case. In proof that crime was generally decreasing he might mention that in 1851 there were twelve homicides of an agrarian character, while last year there were only four ; that, in 1851 there 133 serious assaults endangering life, and last year only nineteen. These facts must be satisfactory to their Lordships, and it certainly was unfair towards a country in which such progress had been made to infer that generally speaking there was now the same extent of crime as obtained when he was Secretary for Ireland and for some years subsequently. It was said that the police in Ireland assumed a somewhat military character. That, no doubt, was an evil to be guarded against ; but no one would wish to reduce the Irish constabulary to the purely civilian character of the police in this country. He admitted, however, that the force ought not to be so purely military as to greatly impair its usefulness in detecting crime, and in aiding the law by the production of witnesses. It was true that there was often a lack of witnesses that enabled many criminals to escape, and doubtless a good constable could often bring forward a witness where an inefficient one would fail. A complaint had been made that the constabulary did not attend to the orders of the local magistrates. Now, of course, it was impossible for him to test exactly the justice of that complaint; but where a body had been organized under an efficient head it was absolutely necessary that they should take their orders from their own officers, and not from individual magistrates. He did not affirm that they should not be under the orders of the magistracy generally; but infinite confusion would result if each magistrate were able to give independent orders, and the constabulary would never know whom they were to obey. In England the same rule prevailed. It was the duty of the police to take orders from their Superintendents; and though this sometimes led to complaints, he was convinced that the more they were kept under the control of their own officers the better.

THE MARQUESS OF WESTMEATH said, he had not the slightest intention of making an attack on the Government, but simply to state what he knew to be the fact. If the law were powerful enough to give the people protection they would not want witnesses; but unfortunately it was not so.

THE MARQUESS OF CLANRICARDE said, he had never intended to deny that there had been an immense decrease of crime in Ireland, which now was one of the most tranquil countries in Europe. As to England, she would come very badly off in comparison with the sister country. The homicides in England vastly exceeded those in Ireland, and horrible crimes were committed here which in Ireland were totally unknown. What he complained of was that the Irish police were unable to detect the crime which did exist there. According to the argument of the noble Duke, soldiers would do very well as a constabulary force in Ireland; but he (the Marquess of Clanricarde) maintained that soldiers could not be constables. There was at present great difficulty in procuring evidence; he admitted that; but the local constables, who had more liberty of action, and who knew the country and had greater intercourse with the population used to get evidence, and would do so again. Some time ago a murder was committed in Queen's County, according to rumour, by a man named Delany. This person absconded, and the police with all their exertions could not ascertain whither he had gone. Now, if there had been such a body of constables as used to exist, he believed it would have been impossible for Delany to have escaped. He did not object to the alterations proposed in the Returns.

Motion as amended *agreed to.*

Returns *ordered.*

EMIGRATION FROM INDIA—THE FRENCH COLONIES.

QUESTION.

LORD HARRIS, after some prefatory remarks, which were inaudible, asked Her Majesty's Government, according to his notice,—

"1. Whether in a Treaty which, it is reported, is about to be ratified with France, and by which the Government of that Country will be authorized to appoint Emigration Agents at the Presidency or other Seaport Towns of India for the Purpose of obtaining Agricultural Labourers for the French Colonies, Care has been taken to ensure that the Laws, Rules, and Regulations respecting Emigrants from India to British Colonies at present existing, or as they may hereafter be modified, shall be fully enforced; and if so, by what means?

"2. Whether Power has been retained to the Government of India temporarily to stop such Emigration should there be reason to suppose that the above Conditions had not been complied with?

"3. Whether Provision has been made to ascertain by means of British Agents the Number of Natives of India (being Subjects of Her Majesty) actually resident in the French Colonies, with a view to learning their Condition and the Means afforded to them of returning to their Native Land?"

LORD WODEHOUSE said, he was glad the noble Lord had given him this opportunity of explaining how the matter stood because many persons connected with India were under a misapprehension as to what had been done and the nature of the experiment proposed to be made. The treaty was not yet signed, but the subject had been under the careful consideration not only of the office with which he was connected, but also of the Colonial Office and the Indian Government. The noble Lord was right in supposing that anxious consideration had been given to the establishment of rules and regulations to protect the emigrants from being oppressed, and to insure to them all the advantages to which they were entitled. He should like, before answering the noble Lord's Questions, to mention how this project of convention originated; for it was necessary to the due appreciation of the treaty to understand how the Government became engaged in the negotiations. They commenced before the late Government came into office, they had been continued under the noble Earl the late Secretary of State, and under the present Secretary of State for Foreign Affairs, and were at length likely to be brought to a conclusion. The object of the scheme was to do away, through its means, with that French system of exportation of Blacks from Africa which was well known to their Lordships. There was but one opinion as to that system, for, whatever regulations the French Government might lay down for the exportation of Blacks to their colonies, and whatever advantages the Blacks might enjoy when they arrived there, still it was inevitable that such a system of emigration must be attended with the continuance of the atrocious practice of man-hunting in Africa. Her Majesty's Government had continually remonstrated with the French Government against the prosecution of that scheme; but the French Government very naturally replied (not admitting the scheme to be of the character imputed, that their colonies were in urgent want of labourers, while the English colonies had a constant supply from India, and they said, "Give us the same advantages, and we will put an end to emigration from Africa." It was therefore thought by successive Governments of Her Majesty a matter of importance to consider whether facilities could not be given to the French Government to obtain labourers from India. That was the origin of the negotiations. He would now proceed to answer the questions of the noble Lord. In the first place, the noble Lord asked what precautions had been taken to see that the regulations prescribed for the collection and care of emigrants to our own colonies were also observed in reference to emigrants to French colonies. As regarded British ports, precisely the same regulations would be observed. As regarded French ports in India there was a difference, because they were not in the territory of Her Majesty; but it was provided that there should be consular agents at those ports (if they did not already exist there) who would have the power to see that the emigrants were placed on board under regulations which had been agreed upon between the two Governments, and that the rules which had been established for their conveyance should be carried into effect—that proper lists were delivered of all emigrants, and that contracts were delivered to them. He thought that such stringent rules were laid down that it was impossible the regulations should not be observed; believing, as he did, without the least doubt, that the French authorities would carry them out with strict faith. He had omitted to mention that the appointment of the French agents employed in the collection of emigrants would be subject to the control of the British Government, from whom they would receive an authority equivalent to the *exequatur* given to a Foreign Consul. It was very well known that a considerable number of emigrants had already found their way to the French colony of Réunion. He understood, of 65,000 labourers now in that colony, 49,000 were Indians, and a very large portion subjects of Her Majesty. He understood, further, that these 49,000 were likely very soon to return to India, as their contracts had nearly expired, and so certain was it that a large number would leave, that the colony of Réunion was in great distress lest the supply of labour should entirely fail. It was of great importance in conducting emigration, especially an emigration passing through the tropics, that there should be strict regulations as to medical attendance and as to the number carried. The French regulations were not by any means as satisfactory as our own in that respect, although it appeared that in practice there had not been much sickness on board French emigrant vessels. But it had been agreed that the French regulations should be assimilated to ours, and in consequence there would be some changes, but fit and proper changes, in the English regulations. The regulations would then be substantially the same for emigrants transported either in French or English ships conveyed either to French or English colonies. With regard to the regulations respecting the condition of the emigrants in the French colonies, the matter had been very carefully examined, and it was found that the regulations in Martinique were of a satisfactory nature; and it was, therefore, provided in the treaty that the regulations in Martinique and no other should be put in force in all the French colonies. The principal stipulations in the contracts were, that they should not be for more than five years; that, at the end of the five years, a free passage should be allowed at the expense of the French Government to their own homes;—that was also the usual stipulations as to their families; and it was arranged that there should be a proper proportion of women to men. These stipulations were of the same character as had been found completely successful in our own colonies. The noble Lord was anxious to know what measures were taken to see that these provisions were carried out. Consuls would be appointed for the purpose, where there were not already British Consuls, in the colonies to which the emigration took place. The Consuls would be required to obtain all particulars which might be useful to the Government, as to the number of emigrants, the number of deaths on the voyage, the number of deaths during the term of the contracts, and the changes of masters which might be made during the time the emigrants were working in the colony; and it was also provided that the emigrants should have access at all times to the Consul, so that if they had any complaints, those complaints might be made known. The other question was, whether there was a provision in the treaty enabling the Indian Government to put a stop at any time to this emigration. Practically if such a po er were retained, the treaty would be of little use, because it was obvious that if the planters were liable at any moment to have the emigration suddenly stopped, they could not calculate upon a constant supply of labour, and it might happen that the Indian Government might stop it upon information which turned out not to warrant such a step. The only practical mode was to limit the operation of the treaty; and it was intended that the treaty should be in force at first for 3½ years—for two years, and 1½ year's notice—and afterwards be liable to be terminated by 1½ year's notice. It was absolutely necessary that the notice should be rather long, or the planters might be embarrassed by a sudden cessation in the supply of labour. The noble Lord had referred to the position of *exequatur* in Réunion, and had inquired whether Her Majesty's Government were in possession of undoubted information on this point. The Government had received some information with regard to Réunion—not so ample as might have been given, but as far as it went it did not lead them to think that the labourers were ill-treated. At the same time, as there was so much emigration to French colonies, without any treaty, it was important it should be recognized by treaty, that they might be able to see that the subjects of the Queen were properly treated in French colonies. They might rely upon it that it would be the interest of the French planters and Government to see that the emigration was satisfactory to the English Government; because if it were not, the treaty would not be renewed, and the advantage of a constant supply of labour would be lost. He admitted that this was an experiment to be vigilantly guarded and carefully watched; but if it were found to put a stop to what was called emigration from Africa, and to establish emigration to the French colonies the same as to our own, it would accomplish an object which was worth some risk, and that there was some risk he did not wish to deny.

THE EARL OF DERBY said, the noble Lord had stated what were the causes which had led to this treaty very clearly. As far as he (the Earl of Derby) could make out the provisions were almost precisely the same as those of a treaty which had been in the course of negotiation by the late Government. The subject, however, was one which needed carefully to be watched; but he thought the Government would be justified in entering into the treaty, when it was accompanied by proper precautions. The noble Lord stated that one object of the treaty was to supply the deficiency of labour in the French colonies caused by the discontinuance of African immigration; he (the Earl of Derby) did not collect whether there was any stipulation in the treaty as to the discontinuance of that immigration.

LORD WODEHOUSE said, that was obviously the cardinal point upon which the whole treaty turned. The provision was not to be found in the treaty itself, but it was the subject of a distinct agreement with the French Government in such a manner that he had not the least apprehension that we should be deprived of the advantages which we expected. There was some difficulty in making it a provision in the treaty that other emigration should cease, as that was a matter of French internal and municipal regulation. But the subject was under the most anxious consideration of Her Majesty's Government, and they would see that the treaty was not concluded until the point was sufficiently guarded.

THE EARL OF ELLENBOROUGH said, he now heard for the first time, and with regret, that there was any intention of forming a treaty with France on the basis described by the noble Lord, and earnestly hoped that a reconsideration of all the circumstances of the case would induce the Government to abandon it. No one could be more anxious to guard the emigrants in the Mauritius than the noble Earl who had just spoken, with whom all the measures for their protection originated; and at present every precaution was taken to provide for the comfort and protection of the emigrants from India to the Mauritius, both during the voyage and on their arrival in the colony. But it was practically impossible to provide in any treaty for the adequate protection of our subjects in a French colony. No matter what provisions were made in the treaty, their fulfilment would ultimately depend not only on the good faith of the French Government, but also on the loyalty and honesty of the persons who were to carry out the orders of that Government in the colony. What protection had they moreover that the law in the French colonies would not be changed? It had been said that the object of the arrangement was to induce the French to desist from the practice of taking the blacks from the coast of Africa, nominally as labourers but practically as slaves; but with all his sympathy for the Africans, he was not prepared to relieve them by the sacrifice of our own subjects in India. He would never consent to subject our own people, who ought to be our constant care, to the very miseries from which we desired to free the blacks of Africa. He did not believe the treaty, if concluded, could be carried into effect without the assistance of the Legislative Council of India, and he had no doubt that body possessed sufficient independence of spirit to bestow upon the Natives that protection which Her Majesty's Government were apparently not disposed to afford. Her Majesty had no power to compel the Government of India either to pass a new or to alter an old law; and it must, therefore, rest with the Government of India to consider whether they could obey the directions of the home Government with safety to the State and to the interests of the people committed to their charge. As the law now stood, the Indian Government could, without further legislation, refuse to permit the embarcation of emigrants in any ship; and he hoped they would retain that power in their hands. The home Government could not deprive them of that power, except by a measure sanctioned by Parliament, which he hoped and trusted would never be agreed to. He repeated his conviction that it would be humanly impossible to insure the same protection to the emigrants in a French as in our own colony. It could only be attempted by constant interference, which must necessarily lead to contention between the two countries. He trusted that the feeling which the proposition of this treaty would excite in India would be such as to compel the Government to bring the subject before Parliament in the shape of a Bill, and he was confident that if they did, it would be rejected.

EARL GREY agreed with the noble Earl who had just spoken, that if the proposed agreement were carried out care must be taken to guard against the danger of abuse. He believed that the present system of Coolie emigration from India to the Mauritius had conferred a benefit upon both emigrants and colonists. The enormous increase in the production of sugar in the Mauritius was entirely due to the well-regulated system of bringing emigrants to that colony; and that it was advantageous to the Coolies themselves was proved by the large sums of money they were able to carry back to India, and their satisfaction with the treatment they received was such that it was no uncommon thing for them to bring their friends and relatives from India to join them in the colony. This plan of emigration did good to India in another way, because when the emigrants returned they brought with them a knowledge of a better system of agriculture, and improved modes of labour, which they would not fail gradually to introduce upon their own soil, and habits of perseverance and industry which have a beneficial effect on the inhabitants of their own countries. He was ready to admit that we had not the means of enforcing the same protection to the emigrants in a French colony that we had in one of our own; but he thought that the powers which we possessed of terminating the treaty at eighteen months' notice was a sufficient answer to the noble Earl's objections, because the knowledge that that power would be exercised would render the French colonists very careful how they did anything to excite our indignation, and induce us to put it into operation. The appointment of agents on the spot, the presence of English Consuls in the French colonies, to whom the emigrants were secured access, was also another security for the good treatment of the emigrants; and, on the whole, he felt the system was one that ought to be fairly tried. He might mention that he had reason to believe, from persons who had visited the interior of the French colonies, that the labourers, when they arrived there, were, on the whole, well treated. He would approve of the plan only on one condition. Her Majesty's Government ought to insist, before a single labourer went to the French colonies from India, that most atrocious system of opening places for the reception of slaves on the coast of Africa, under the direct authority of the French Government, should be at once abandoned. The more he heard of the working of this system the more he was convinced of its atrocity. The French Government opened what they called "depôts of industry" on the African coast. They bought the slaves who were brought down to them. For the purpose of supplying these depôts, slave-hunts were instituted, and industrious populations in the interior were liable to be kidnapped, and hundreds and thousands were killed in wars in order to bring a few hundreds to the French depôts. The French Government were at this moment the great slave-traders of Africa, and Her Majesty's Government would desert their duty if they did not take care that, before the French Government were allowed to obtain the advantages given under this treaty, the most complete security should be taken for the abandonment of this most atrocious system.

THE EARL OF CARNARVON thought that there were one or two points on which it was most important they should have explanation. He wished to know whether there was any stringent stipulations for the re-conveyance of the Coolies back to their own country; for if there were not the result would be exceedingly unfortunate. His noble Friend used an expression which created great apprehension in his mind. He alluded to the amount of space on board the ship which conveyed the Coolies. In the case of an English ship it was one emigrant to two tons, but in French ships it was two emigrants to two tons. He understood that the matter was under consideration, but he was afraid that our regulations were to be relaxed to meet the French. The contracts with the Coolies were said to be of five years' duration; he wished to know whether they would be absolute contracts, or whether power would be given to the Coolies after three years' service, to change their masters. He thought that the Government would not be doing its duty if it did not throw around the Coolies every possible protection in their power.

THE DUKE OF NEWCASTLE said, that the noble Earl who had condemned this treaty (the Earl of Ellenborough), stated that he now heard of it for the first time; he (the Duke of Newcastle) was not, therefore, surprised at the views which the noble Earl had expressed, for when he, too, first heard of it his impressions were very unfavourable, and he had not sufficiently appreciated its advantages. The noble Earl stated that although the law in the French colonies might be perfectly good at the present moment, it was in the power of France to alter that law, and to render it less favourable to the Coolies. But the possibility of any such alteration was obviated by the treaty. It was ascertained that the law of Martinique was as favourable to the Coolies as the law in the British colonies, and the treaty contained a provision that the laws of the other French colonies should be in this respect assimilated to that of Martinique. It was therefore impossible for the French Government, without violating the treaty and committing a breach of faith, to alter the law in a manner unfavourable to the Coolies. The noble Earl also declared that he was not ready to sacrifice the subjects of Great Britain in India, in order to save the blacks in Africa. He was astonished to hear this opinion, in which he heartily concurred, put forward as an objection, because although the treaty arose out of the attempt on the part of France to revive the slave trade on the coast of Africa, yet it must not be forgotten that there existed a state of things in the French colonies which might justify the treaty apart from what had taken place on the African coast. In the Island of Réunion, out of 69,000 labourers not less than 49,000 were Coolies. The noble Earl, therefore, should not forget that the French had the power of introducing British subjects into their colonies without our permission, and that at present we had no power of interfering for their protection through our Consuls. But by the Treaty we obtained a better position for them, or at least as good as for emigrants to our own colonies. Pains had been taken to ascertain the condition and state of the law regarding labourers in two of the French colonies—Martinique and Réunion—and the reports thus obtained were certainly favourable as to the treatment of the labourers. The great difficulty, no doubt, lay in the colonies themselves. As regarded the depôts in India, and the transmission of the Coolies across the seas, the English Government had sufficient means of securing that the treatment of the Coolies who emigrated to French colonies should be identical with that of the emigrants to British colonies. Under the treaty provision was taken that the Coolies should not only have free access to our

Consuls, but that the French authorities should be obliged to give ample returns to our Consuls of the number of Coolies in each colony, the time of their service, the mortality among them, and a very considerable number of details which gave a fair, if not entire, security for the treatment of these emigrants. His noble Friend opposite (Earl Grey) said, he assented to the treaty on one condition—namely, that the emigration from Africa now carried on under the French Government should entirely cease. That condition was not introduced into the treaty, as they were met when they proposed it by the argument that it would be an indignity to France to interfere with its municipal law; but if there was faith in men they were entitled to assume on promises made apart from the treaty that emigration, so far as regarded the East Coast of Africa, would cease immediately; but that as regarded the West Coast, in consequence of an existing contract, it would not cease till about a year from this time. His noble Friend who spoke last asked whether security had been taken for return passages to the Coolies. His reply was that an express provision was made in the treaty to that effect. His noble Friend also asked whether the five years' contract with the Coolies was identical with our own, and whether there was a limitation of three years. In respect to this he might state that on some minor points there were slight differences in the French contract from our own, but these were all compensated for by corresponding concessions. His impression was that the period of five years in the French contract was absolute. With regard to the space allowed to each Coolie in the French vessels, it would not be so great as had hitherto been allowed in our emigration ships. Our Emigration Commissioners had for the last two years been considering whether, in the case of ships conveying emigrants to our own colonies, some diminution of the space now given—which was twelve superficial feet for each adult, and six feet between decks—should not take place; and in the case of the French ships some diminution had, therefore, been admitted from our present standard. This was not a concession to the French against the convictions of Her Majesty's Government, but one that flowed from the suggestion of our own Emigration Commissioners. He could assure their Lordships that everything had been done that was deemed necessary to insure the comfort of the Coolies, and that the operations of the whole project would be watched with the most careful attention. The treaty, it was arranged, might be terminated on a notice being given of eighteen months.

THE EARL OF ELLENBOROUGH called the attention of the noble Earl to the practical effect which giving notice of the termination of the treaty would have upon the Coolies. It was clear that after the treaty terminated the Coolies in a French colony would cease to have the protection which it extended to them; and it might happen that many Coolies who had entered into the five years' contract would have to spend some years of the period without the security they had counted upon enjoying.

House adjourned at Eight o'clock,
till To-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 28, 1860.

MR. POPE HENNESSY AND THE COMMITTEE OF SELECTION.

COLONEL WILSON PATTEN *reported* from the Committee of Selection,—

> "That on the 17th of February instant they appointed a Committee on Group No. 1 of Railway Bills, and gave to each Member sufficient notice of his appointment, and transmitted to each Member a blank form of the Declaration required, with a request that he would forthwith return it, with his signature attached.
>
> "That Mr. John Pope Hennessy was one of the Members so appointed, but that they have not received from him either the aforesaid Declaration, or any excuse in lieu thereof.
>
> "The Committee of Selection have therefore, in conformity with the 91st Standing Order, to report the name of Mr. John Pope Hennessy to the House."

The Committee of Selection had a very invidious duty to perform in nominating Members to serve on private Committees, and they took every means in their power to ascertain at what period of the Session it was most convenient for Members to serve. This had been done in reference to all the Members who had been nominated to serve on the Select Committee on Group No. 1 of Railway Bills. The Committee had met that morning, and one of the Members not being present, the Committee could not proceed to business, the consequence of which was that the parties had been put to an expense of at least £300. He was sorry to say that this was a case of considerable aggravation. The Messenger who carried the summons had placed it in the hands of the hon. Member for King's County himself; and two or three messages had been sent to him since to see that the Orders of the House were complied with. It was not until that morning, when there was no possibility of getting over the difficulty, that the hon. Gentleman was not present, the Committee had in consequence to be broken up, and the expenses were thrown away. No doubt the hon. Gentleman was a young Member of the House, but at the same time it was absolutely necessary that hon. Members should make themselves acquainted with the rules of the House, in order to prevent the inconvenience and expense which was incurred by such neglect.

Motion made, and Question proposed, "That Mr. John Pope Hennessy do attend the Committee on Group No. 1 of Railway Bills forthwith."

Mr. RIDLEY, as one of the Members of the Committee, begged to say that he had had a calculation of the expenses to which the parties would be put by the non-attendance of the hon. Member placed in his hand, from which it appeared that the expenses of Counsel, Agents, and Engineers, would be £266, of other witnesses £54, making £320; besides other expenses, which would bring up the sum to at least £400.

Mr. E. P. BOUVERIE said, he thought the course proposed to be pursued was most inadequate. It was really too bad, considering the pains which the hon. and gallant Member (Colonel Wilson Patten) took to consult the convenience of Members, that any hon. Gentleman who had really received due notice of his nomination, should put parties to such expense by neglecting to attend. Some further reparation did certainly seem necessary to be made on the first blush of the case, and he had expected to hear the hon. and gallant Member move that the absentee be ordered to attend in his place in the House immediately. Nothing short of that course ought to be pursued, and he would therefore move—"That Mr. John Pope Hennessy be ordered to attend this House in his place."

Amendment proposed, to leave out the words "the Committee on Group No. 1 of Railway Bills," in order to insert the words "this House in his place," instead thereof.

Colonel WILSON PATTEN said, he understood the hon. Gentleman had just gone to Ireland, and it could not therefore make any difference whether he were ordered to attend in his place in the Committee or in the House.

Question "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *inserted.*

Main Question, as amended, put, and *agreed to.*

Ordered,

"That Mr. John Pope Hennessy do attend this House in his place forthwith."

Ordered,

"That the Committee on Group No. 1 of Railway Bills have leave to sit and proceed to business To-morrow, at Eleven of the clock, notwithstanding the Declaration required by the 94th Standing Order has not been signed by Mr. John Pope Hennessy, one of the Members of such Committee."

COLLECTION OF TAXES.

QUESTION.

In reply to Mr. T. Duncombe,

The CHANCELLOR of the EXCHEQUER stated that Her Majesty's Government had no intention of proposing a measure for the universal and compulsory transfer of the collection of any of the Queen's Taxes to Government Officers. But in particular parts of the country a desire appeared to exist on the part of the local authorities to have the power of devolving the collection on the Queen's Officers; and a Bill, therefore, would probably be introduced in the course of the present Session to authorize this voluntary transfer in cases in which it was considered desirable. With regard to the order in which the Resolutions would be proposed in the Committee, it was intended that the Resolution on the Spirit Duties should be postponed till the last of the Resolutions having reference to the Treaty with France. Next to the Resolutions on the Wine Duties, he would move that referring to manufactured goods.

Mr. T. DUNCOMBE stated that he would amend the Resolution of which he had given notice on the Spirit Duties. Instead of moving that the Duty on Foreign Spirits be raised to 10*s.* per gallon, he would propose that it be fixed at 9*s.* instead of 8*s.* 6*d.*

POSTAL RATES.

QUESTION.

MR. DAWSON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he is prepared to consider the propriety of commencing the scale for the transmission of printed matter at a Halfpenny Stamp for the first two ounces in weight.

THE CHANCELLOR OF THE EXCHEQUER said, the question of the hon. Member was rather ambiguous in its wording. If it were intended to ask him whether he had considered the subject, he would reply that he had done so repeatedly and at great length; but if it were sought to know what his intentions were on the point, he thought it would be better to reserve his answer until he could state all the reasons which had led him to the decision at which he had arrived.

ANNEXATION OF SAVOY TO FRANCE.

QUESTION.

MR. MONCKTON MILNES said, he wished to ask the hon. and learned Member for Bridgwater (Mr. Kinglake), Whether the willingness which Her Majesty's Government had shown to lay on the table certain papers connected with the question of Savoy would not alter his view as to the propriety of bringing forward that evening the Motion of which he had given notice, and which, in the absence of those papers, could be only supported by matters of rumour.

SIR ROBERT PEEL said, he did not think there was any ground for adjourning this question. He would appeal to both sides of the House if it were right that the hon. and learned Member for Bridgwater, in the course which he proposed to take, should be subjected to the pressure that had been put upon him. He should be sorry to see his hon. Friend (Mr. Milnes) defeated on two consecutive nights, but on this occasion he certainly did not represent the feelings or the wishes of the House. A week ago the noble Lord the Secretary for Foreign Affairs had requested the hon. and learned Member for Bridgwater to adjourn the Motion, and, on a subsequent occasion, when a question was asked, he said he would defer his answer till that evening, when there would be a full opportunity of discussing the subject. With regard to the rumours alluded to by the hon. Gentleman, he was sorry to say he believed they were facts. The question of the annexation of Savoy had been discussed in the other House of Parliament in the absence of any papers on the subject; and if they were to make their non-production a ground for postponing the Motion, the public would begin to believe that the House of Commons had absolved themselves from discussing questions of public policy altogether, and had relinquished them to the other House. He conceived that the present was the proper time for entering into the discussion, and he should have thought that the Government would rejoice at the opportunity of entering into those explanations and affording those assurances which would place their conduct in a fair and intelligible light before the public. Owing, probably, to want of information the conduct of the Government had been canvassed in no very favourable manner; but by the result of the discussion the merits of the case must be disclosed, and he was convinced that if the conduct of the Government had been straightforward and manly, the House of Commons would confirm the view which they had taken, and the result would be rather to strengthen their hands than otherwise.

MR. SPEAKER: As the hon. Baronet has not concluded with a Motion his observations have been irregular.

SIR ROBERT PEEL: I beg to conclude by moving the adjournment of the House.

LORD JOHN RUSSELL: In answer to the appeal made to me by the hon. Baronet who has just sat down, I have to state that I certainly shall not renew the application which I made to my hon. and learned Friend to postpone this Motion, either on account of injury to the public service or of any public inconvenience which would ensue from the discussion of such a Motion. But there certainly is this consideration, which I think has a great deal to do with the fair discussion of the subject, that the papers are not before the House; and although when my hon. and learned Friend formerly proposed to enter into this question I was not in a position to produce them, if the hon. Gentleman were now to move for the production of copies or extracts from the correspondence which has taken place between Her Majesty's Government and that of the Emperor of the French on this subject, I should have no difficulty in complying with that Motion. And if, as stated by the hon. Baronet, the question is to be whether the Government has behaved well or ill, and has sustained the character of the country, I do think the House would be in a much better position to act if the papers were before them. It will also be in the recollection of hon. Members who were present last night that the House, having been engaged for some hours in the consideration of questions arising out of the Commercial Treaty, and of articles of Customs relating to them, was of opinion that it would be desirable to proceed tonight with other propositions in relation to that subject. That does seem to me a reason for postponing the discussion on public grounds until after the papers have been produced. There was a hon. and gallant Gentleman (Captain Leicester Vernon) who had precedence of my hon. and learned Friend, and it must be admitted that the question raised by his Motion was one of great importance, and one which I dare say many persons are anxious to see determined; but he very fairly postponed it in order that the business to which I have alluded might be proceeded with. Of course it is for the hon. and learned Gentleman himself to decide whether he will proceed with his Motion.

MR. KINGLAKE said, he would at once admit that if the object of his Motion were to convey any real or implied censure on Her Majesty's Government, it would be most unbecoming in the House to proceed without those papers which were about to be produced, and which would disclose the true nature of the negotiations in which Her Majesty's Ministers had been engaged. But as their absence was the only ground advanced in support of the appeal made to him by the hon. Member for Pontefract, he must say that, according to the information which he had received, time was of vital moment in this matter. If the noble Lord had been able to make any statement which would have the effect of assuring him that on a future day the House would stand in exactly the same position as at present, he might have been induced to delay his Motion; but in the absence of such an assurance, however painful it might be to him personally, he conceived that he ought to persevere in his Motion.

Motion put and *negatived.*

Lord John Russell

ANNEXATION OF SAVOY AND NICE TO FRANCE.

PAPERS MOVED FOR.

MR. KINGLAKE said, he then rose to move for the production of the Correspondence between Her Majesty's Government and the Governments of France and Sardinia in respect to the proposal for annexing Savoy and Nice to the empire of France. He wished to call the attention of the House to this rumoured annexation; but he would endeavour from the outset to confine himself strictly to the subject in hand —not that there were not many neighbouring topics of great interest and importance, but because, by so limiting himself to the question, he should best achieve the main object of his Motion, which was an expression of opinion on the part of the House, almost, if not entirely, unanimous. The rumour of an annexation had arisen in a strange manner, and he had found extreme difficulty in discovering its origin. Here were two countries side by side, the sovereigns of both living, as far as we know, on terms of amity and friendship; they were comrades and allies in the Italian war, and he was not aware of any grounds on which the one should be supposed to be seeking to despoil the other. Yet suddenly it became known or believed that a portion of the provinces of Sardinia were by some process or other to be transferred to France. In the autumn of last year he had received a communication from Paris, which was very short and pithy. It was in these words:—"Savoy and Nice are to be annexed by universal suffrage." He had not, therefore, been taken by surprise, and the House would see by and by how it was he was not much startled by this announcement. The rumour spread abroad and gathered strength, and in the early part of the present year the impression that these provinces were to be severed from the territory of Sardinia became so general that the loyal subjects of Sardinia, both in Savoy and Nice, began to think it time to express their fidelity to the King of Sardinia. They accordingly met in large numbers in Chambery, brought out their ancient banners, and in a firm but respectful manner asserted the unaltered loyalty with which they clung to the ancient house of Savoy. A similar demonstration took place in the county, or, more strictly speaking, in the city of Nice. He should have thought if any public act could be more than another justifiable, it would be this act of loyal subjects of their king meeting together, not for the purpose of raising a disturbance or expressing discontent, but to exhibit their loyalty, not to an exiled king, but their reigning Sovereign. These loyal demonstrations on the part of the people of Savoy soon called forth angry denunciations from the organs of the Parisian press supposed to speak with more or less precision the views of the Imperial Government. The *Patrie* said:—

> "Two measures cannot be applied to Savoy and to Italy. . . . . We have a right to demand a cessation of this intolerable state of affairs, and equal justice for all. People will then see that the real inspirations of Savoy and Nice are for France."

In the time of the old French Revolution *moderatisme* was made a crime; but he had never before heard it charged as a crime against a people, that they had clung with loyalty to the actual ruler under whom they lived. These menaces, if he might so call them, issuing from the official or semi-official press, produced a great deal of alarm. It was in some degree mitigated, but not altogether allayed, by the following curious statement made by the *Constitutionnel*, in that part of the paper which indicated that the writer expressed the views of the Imperial Government:—

> "The report going the round of the journals relative to the annexation of Savoy and Nice to France is but the result of a presentiment of public opinion, and a statement based on the logic of facts. The press has been struck by the attraction felt by the population of Savoy towards France, and by the justice of a measure which, at the moment when Piedmont is to be singularly aggrandized, would give France a geographical frontier. But this unanimous tendency of the press remains completely without official impulse. What Savoy wishes for, what France desires, does not appear doubtful; but what the Government will and can do remains hidden under the veil of diplomacy. Those who assert that the affair is settled are no better informed than those who say that it will not take place. The Emperor is the scrupulous defender of the essential conditions which insure and guarantee the European equilibrium, and will certainly not allow them to be altered, either to his own detriment or that of others."

This article left the question altogether in doubt. On the 7th of February a discussion took place in that House on the question; and it then became known, from the statement of a Minister of the Crown, that the annexation of these two provinces to France had been the subject of negotiation. As to the principles on which this annexation was founded, they were of so general a nature that it was difficult to say to what country they might not be applied. It was said for instance that the people of Savoy spoke the language of France. Where was that principle to stop? If the consent of Europe to the annexation was sought on account of the sympathies of the people of Savoy with France, the people had themselves given a most distinct answer to that proposition. They have evinced a strong determination to remain subjects of the King of Sardinia. He would not trouble the House with reading the touching declarations published at Chambery; one was addressed to the people of England, the other to the King of Sardinia; but the House might learn from those declarations with what feeling the people of Savoy were animated. On the other hand the objections on European grounds against the scheme were of the most stringent character. In the first place, the northern portion of Savoy—that was to say, that portion of it that consisted of Chablais, Faucigny, and Genevois—was not, in the full and complete sense of the term, part of the kingdom of Sardinia; the fact being that for all European purposes those provinces belonged to Switzerland, and that the great Powers at the settlement of 1815 had guaranteed the neutrality of the whole of those provinces with the same completeness and anxiety with which they had guaranteed to Europe the neutrality and integrity of Switzerland herself. If, then, the northern part of Savoy were to become a portion of the territory of France, what, he should like to know, would become of the neutrality which had been thus guaranteed? Would not France, were she to become possessed of this department of Mont Blanc, as he believed it was intended to be called, be in a position to march her troops across it with a directness which was not at present the case; would she not for military purposes envelop Switzerland, and would not the security which Europe sought to obtain by the neutrality of Switzerland, under these circumstances be almost completely at an end? For his own part, he was prepared to contend that if there were one circumstance to which more than another it was due that this happy part of the world had not been desolated by conquest, it was the fact that in a central part of the Continent there existed a mountainous district. Our forefathers had in 1815 so felt the value of that fact that they had in the most solemn manner guaranteed the neutrality and integrity of Switzerland, and he had been rejoiced to hear from the noble Lord the Secretary for Foreign Affairs in that decisive language, of which he was so great a master, a few days ago, that by that guarantee the Government of this country was determined to abide. Now, however, that we had it established that the neutrality of Switzerland was to be maintained, it clearly followed that the frontiers of that country on the side of Savoy ought to be upheld undisturbed, so that the integrity of Switzerland might with the greatest advantage be secured. Let any man cast his eye over the map of that part of Europe to which he referred, and he would see at a glance the danger with which the integrity of Switzerland would be menaced if the contemplated annexation of Savoy to France were to take place. She would, in fact, be jammed in between the fangs, so to speak, of two departments of France, and the maintenance of her neutrality would, he thought, be under such circumstances almost a geographical impossibility. There was, however, even a still more important view of the question which he wished to submit to the House, and one with respect to which, as far as he was aware, very false ideas seemed to be entertained. He had heard it frequently stated that treaties—since those which had been entered into in 1815—had been thought so little of, and had been so frequently violated, that we need not make ourselves very anxious about their exact observance in particular instances. Now, he could understand the way in which an erroneous view of that kind had originated, but he hoped he should be able to satisfy the House that that sort of cynical indifference to the obligations which treaties imposed had at all events no application to the engagements by which we were bound in the case of those provinces which bordered on France. Many of the engagements which had been entered into at the settlement of 1815—such, for instance, as the constitution of the republic of Cracow—might be regarded in the light to which he alluded; for, although each and all the Powers which had been parties to that particular engagement had an undoubted right to remonstrate against its violation, yet they were under no obligation to take any active steps in case such violation took place. The same might be said with respect to the Italian States. There was another class of treaties by which the ownership and enjoyment of her territories was specifically guaranteed to an independent country, as, for instance, was the case of Switzerland. There was, however, a third and a more important class of treaties, under which category came that by which this country had guaranteed, not that Savoy and Nice should be part of Sardinia, or that the Rhenish provinces should always belong to Prussia, but that those provinces verging as they did on the borders of France should not be annexed to the French Empire. That being so, a definitive treaty which had been signed between France and the Allied Powers on the 20th of November, 1815, provided by its first article that the frontiers of France should be the same as they had been in the year 1790, save so far as related to such modifications on one side or the other as were detailed in the article itself. The article then went on to describe the frontiers of France exactly as they stood at the present moment. Now, if the matter had rested at that point, the neutrality of Switzerland would have rested on the same footing as the security of the republic of Cracow or that of many other States of Europe to which no special guarantee applied; but the time was not one in which the four great Powers of Europe were disposed to leave it to the mere whim of other Powers to decide whether they would or would not acquiesce at some future day in an alteration of the frontiers of France; and accordingly, by the use of the most stringent language, and by the most stringent process known to diplomacy, every one of the four great Powers had been made to engage by separate Treaty one with the other that it would maintain in its full force and vigour the particular treaty which he had just mentioned. Another treaty had, therefore, been signed at Paris on the 20th of November, 1815, between this country and Austria, the object of which was declared to be "to fix beforehand, by a solemn treaty, the principles which they (the two Powers concerned) proposed to follow in order to guarantee Europe from the dangers by which she may still be menaced." The first Article of the Treaty was as follows:—

> "The High Contracting Parties reciprocally promise to maintain in its full force and vigour the treaty signed this day with His Most Christian Majesty, and to see that the stipulations of the said treaty, as well as those of the particular conventions which have reference thereto, shall be strictly and faithfully executed in their fullest extent."

A treaty in precisely the same words had been entered into with Russia and Prussia, and it was somewhat curious that, by a protocol which was written nearly at the same time, it was provided that the King of Sardinia should receive out of the common fund under the control of the great Powers a sum of 10,000,000 francs, to be laid out upon the strengthening of the Sardinian fortifications on the French side, so that it appeared they were not satisfied with simply giving him the territories in question in trust, as it were, for the rest of Europe. Now, what he wished the House specially to observe was the effect which the annexation of Nice and Savoy to France would be calculated to have upon that which, he supposed, was dear to every hon. Member at the present moment—our freedom of action. As matters at present stood, it was competent to us to stand aloof from the great Continental struggles, and to come to a calm determination as to whether we should or should not take any part in those contests. If the proposed annexation, however, took place, our freedom of action would have departed for ever, for no sooner would it have been accomplished than the *casus fœderis* would have been complete, and Austria or Russia or Prussia might call upon us separately, and without joint action, to fulfil our treaty engagements. If, therefore, this country were desirous not to be forced against her will into European complications, or not to expose herself to the liability of rendering herself liable to the charge of dishonour for not having abided by her obligations, it was of the deepest importance that Savoy should not be added to the French Empire. He, for one, could not consent to forget that the kingdom of Sardinia was governed in accordance with principles of which we in this country highly approved; while he, at the same time, did not wish to enter into any comparison between our institutions and those of France. It was enough for him to say that, perhaps by prejudice, he was led to prefer those we ourselves enjoyed; and he could not but think that in the present state of Europe it would not be merely a misfortune to Savoy and Nice, but to the whole of Europe, to extend in any degree the influence of French institutions in that direction. Indeed, we could not consent to the annexation of Savoy and Nice without defacing the map of Europe. He desired to say that he did not speak with anything like jealousy of the extension of France in a fair direction. He thought the acquiescence of this country in the vast extension France had made for itself in Algeria was a proof that we had no jealousy of that sort; and no doubt the extension of France in Algeria had added very much to her material means. It had given her a great deal of that military strength she now enjoyed; and he thought the Emperor must feel that, if he was now strong in a military point of view, he owed a very large proportion of his military strength to the foresight and care of those great statesmen who in the time of Louis Philippe so very perseveringly went on with the determination to extend the influence of France in the north of Africa. It had been his fortune to travel in that country, and its was competent for him, as an individual, to come back and endeavour to persuade the people that it was dangerous for France to extend herself in that direction, and that she ought to withdraw from Algeria, which tended to increase her influence and strength in Europe. But he never entertained any idea of that kind, and no such idea was ever entertained in England. His objection to the annexation of Savoy and Nice was not that it would add a certain amount of population and strength to France; his objection was founded on this—that the possession of these territories by France would be the unsettlement of Europe. There was another circumstance which rendered this annexation objectionable, and that was that Sardinia was a settled Government while the empire of France was an institution very newly founded. He confessed he could warmly enter into the feelings of those Savoyards and men of Nice who preferred to belong to a settled Government and did not desire to become the subjects of the French Empire. They willingly admitted the great glory the French Empire was manifesting in the world, but they also respectfully said that in that glory they did not desire to share. It was important to inquire how and when did this scheme of annexation of Savoy and Nice originate. Was it, or was it not, true that the idea of effecting this annexation was entertained before the late war? The Emperor of the French, when he engaged in the last Italian war, obtained the acquiescence of Europe to that enterprise of his by the most solemn assurances that he entertained no scheme of personal ambition, no scheme involving the aggrandisement of France. "The Government of the Emperor," Count Walewski wrote to the Duke of Malakhoff, "being neither influenced by any *arrière pensée,* nor by any ambitious views, has nothing to dissemble, nothing to conceal." On the 27th of April (wrote Earl Cowley to the Earl of Malmesbury),

> "Count Walewski informed me yesterday, that he had written to the Duke of Malakhoff a despatch for communication to Her Majesty's Government, in which he had given assurances that the present attitude of the Imperial Government was dictated by no prospects of conquest or ambition."—[No. 458.]

Count Walewski, approaching still more closely to the very subject of this discussion, addressed the Duke of Malakhoff in these few words:—he said,

> "The passes of the Alps are not in our hands, and it is in the highest degree important to us that the key of them should remain at Turin—at Turin only." . . . .
>
> "His Imperial Majesty, strictly faithful to the words which he pronounced when the French people recalled him to the throne of the chief of his dynasty, is animated by no personal ambition, by no desire of conquest. . . .
>
> "His Majesty has no thought, you may give the most positive assurances to those about you, of separating his views from those of his Allies."

Well, then, in a still more striking and public form, the Emperor gave assurances of the same kind when he was at Milan on the 8th of June. In the Proclamation he addressed to the Italian people, he said,—

> "Your enemies, who are my enemies, have endeavoured to diminish the sympathy which exists throughout all Europe for your cause, by trying to persuade the world that I am carrying on this war only for personal ambition, or to aggrandize the territory of France. If there are men who do not understand their epoch, I am not of the number. In the enlightened state of public opinion which prevails, men are greater by the moral influence which they exercise than by barren conquests, and this moral influence I seek after with pride in endeavouring to emancipate one of the most beautiful parts of Europe."

He must frankly acknowledge that he was not one of those who placed implicit reliance on those representations, for he happened to have in his drawer a paper that led him to suspect that those words had not much more foundation, and deserved no more weight, than the bulletins of a former Emperor. It was no doubt said that men who spoke of this annexation being conceived and contrived before the war, indulged a malignant thought after the time. He was so circumstanced that he should be able to appeal to an hon. Member of that House (Mr. S. FitzGerald), who would tell them, if asked the question, that eleven months ago, in March last, when peace prevailed in Europe, he had felt it his duty to make to Her Majesty's then Government (although he was in opposition to them), a communication to the effect he would read to the House; but, before doing so, he must be permitted to say that he received it under circumstances which fully justified him in making any use of it he chose. He might have come down and read it to the House at once; but it seemed better for the public service that he should communicate it privately to the hon. Gentleman opposite. The House must not, however, ask him to give the name of the gentleman from whom he received the communication. All he could say was that, speaking on his honour, he received it from a source which made him firmly believe in its truth; and he would have the support of the hon. Gentleman opposite when he said this was no new thought or idea, but a communication he made to him eleven months ago. He repeated that at a time when Europe was at peace, when the war in Italy had not begun, he received a communication which was in these words:—

> "On the evening before the marriage with the Princess Clotilde a paper was signed by the Emperor of the French, which was called a *pacte de famille,* not a treaty or convention, promising aid, offensive and defensive, to Sardinia; the King, on his side, promising Savoy and Nice, in return for whatever possessions he may gain in Lombardy. The paper was signed by Walewski."

The Earl of Malmesbury seemed to have desired the Earl Cowley to ask a question on the subject, but he used the word "treaty," and asked whether a treaty did not exist, instead of the *pacte de famille.* Earl Cowley replied on the 1st of May, 1859:—

> "Count Walewski having given me an opportunity, I said to him this afternoon, but without putting any question to him on the subject, I thought it right to let him know that Her Majesty's Government had been informed that a treaty had been signed on the 17th of January last between France and Sardinia, by which the latter agreed to cede Savoy to France provided she was put in possession of Lombardy. Count Walewski replied that all he could assure me was that, up to this moment, there was no treaty whatever between France and Sardinia. . . . He made no allusion to the territorial question."—[No. 507.]

No disclaimer was made for a long time, and in the month of July, when the noble Secretary for Foreign Affairs (Lord John Russell) announced to the House the conclusion of the Peace of Villafranca, he had also the happiness of being able to announce, on the authority of the statement of Count Walewski, that there was no intention of annexing Savoy and Nice. He said:—

> "I am happy to be able to inform the House that the Emperor of the French has made no demand of that kind, and that there is every reason to suppose that he does not intend to make any addition whatever to the territory of France. This is most gratifying, because any addition to the territory of France, however insignificant, following on the war, could not fail to rouse the suspicions and jealousies of Europe."—[3 *Hansard,* cliv. 1052.]

Now, the existence of that arrangement seemed to have been pretty well concealed until he himself gave his first notice of Motion in this matter. Into that notice of Motion he introduced the words *pacte de famille.* It then, perhaps, became known that this was a matter which could not any longer be concealed from Europe, and Earl Granville, speaking in another place, on the 7th of February for the first time disclosed—not, of course, in complete language, but in language which very well shadowed out the truth—the existence of something like the arrangement to which he had referred. Earl Granville said:—

> "We have been told by the Imperial Government that there is no question at present of the annexation of Savoy; that one of a great many points discussed before the war was the annexation of Savoy, under certain contingencies, but that those contingencies not having occurred there is at this moment no question of annexation. The French Government adds, at the same time, that, in the event of Sardinia, with the addition of Lombardy and other provinces, becoming a powerful Italian State, they will feel themselves at liberty to consider what conditions they should attach to the sanction they might give to such an arrangement."

Well, the matter, apparantly, now stood thus:—There was no doubt that before the war an arrangement was entered into that, in exchange for Lombardy, the Emperor of the French should become possessed of Savoy and the county of Nice. But the Emperor of the French having failed to conquer all Lombardy, according to the original programme, the contingency failed, and for a time France and Sardinia both acquiesced in the proposition that the circumstances under which Savoy and Nice were to be surrendered to France had not occurred. But later in the autumn, when it became obvious that the provisions of the Treaty of Villafranca were of such a kind that they could not and would not be carried into effect, the Central States of Italy began to provide for themselves and indicated an intention to become annexed to the kingdom of Sardinia. Then the Emperor of the French apparently reverted to his former proposal, and seemed to say that if Sardinia was to be aggrandized, though not in the way originally contemplated, then virtually, though not actually and in terms, there was that between himself and the King of Sardinia which would entitle him to insist on the *pacte de famille.* We had, happily, since been told that this annexation would not be carried into effect by the Emperor of the French without consulting the great Powers of Europe. The noble Lord the Foreign Secretary stated in that House:—

> "Her Majesty's Ambassador in France, having addressed the Emperor on this subject, was assured that the Emperor of the French would not proceed to a final decision on this matter of Savoy without consulting the great Powers of Europe."

Now, if he were told by a plain man that he would not do a particular thing without consulting some other person, he might, perhaps, infer that he meant something more than the strict literal force of his words would imply, and that he would not only consult that third person, but would to some extent be governed by the advice he might receive. But when it was found that, contemporaneously with the assurance of the Emperor that he would consult the great Powers of Europe he asserted that a portion of Savoy was necessary to the Empire of France, one was led to fear that this consultation would rather be an indication on the part of France of what she meant to do, than a real question and inquiry from her as to what the other Powers of Europe thought right. When the inquiry, which, if he was not misinformed, would soon come from the Foreign Office of Paris, arrived, and the four great Powers were consulted on this subject in the way which he heard was now intended, he trusted that the answer of England would be so closely similar to the answer of every other Government that all Europe would know that the four great Powers were of one mind. It was often said it was well that this country should be allied with France or with some other state. The truth was that alliances did not depend on proximity, nor upon caprice. The one thing on which our alliances should depend must be a community of interest. Did we or did we not desire the same thing as any other power of Europe? He believed that England anxiously desired peace. Then it followed that the Allies of England must be those who also desired peace. Would the Emperor of the French persist in this scheme? Whatever might be the natural moderation or the good sense of that ruler, he was armed with a power which had annexed to it certain conditions. That power had annexed to it this fatal condition, that he must use it. And it was gravely to be doubted whether he would be able to resist the evil counsels which might prompt him to execute this project. If he did not resist, them we should at all events have so provided that he would no longer have it in his power to proceed privily or by stealth. All Europe would know that this act, if it was to be done, would be done in open violation of treaty; and we should then come to understand our epoch, and to perceive that the rights of nations were made to depend, not altogether upon the justice of their cause, but also upon their strength. The hon. Member concluded by moving an Address for Copies of the Correspondence which has taken place between Her Majesty's Government and the Governments of the Emperor of the French and the King of Sardinia in respect to the proposal for annexing Savoy and Nice to the Empire of France.

Sir ROBERT PEEL said, he had great pleasure in seconding the Motion of his hon. and learned Friend. He felt so deeply the importance of the subject they were now called on to discuss that he could not refrain, before entering on the observations he had to make, from tendering his thanks to his hon. and learned Friend not only for the very able and lucid manner in which he had brought the question before the House, but also for the opportunity he has afforded us of eliciting some opinions from the Government; and he presumed the Government are gratified at the opportunity which this discussion supplies of giving such explanations and assurances as may be calculated to place their conduct in this matter in a clear and intelligible light before the public, for, as they are well aware, their conduct in the matter, without some explanation from them, is liable to be canvassed, and indeed, probably from inadequate means of information, had been generally canvassed in the country, in no very favourable light. The question of Savoy not only affected the whole of Italy, but was of vast and vital importance to Europe. It not merely concerned the territorial limits or the geographical frontiers of Sardinia and France—not merely involved the independence of Switzerland, as regarded the three neutralized provinces of Chablais, Faucigny, and Genevois, but it touched the whole European comity of nations, inasmuch as it was the first attempt to make an inroad upon that charter of European tenure which was the basis of the existing territorial arrangements. It was an attempt, therefore, which either must be checked at once with a vigorous hand, or must be sanctioned by the consent of the other Powers; or else, if carried out without the consent of those Powers, it would infallibly lead to European convulsion. The Motion was brought forward in no spirit of hostility to the present Government. Up to this point he believed that Her Majesty's Government, following the policy pursued by their predecessors in a troublous and hazardous time, had been desirous of maintaining those friendly relations with other States which every Government of this country, irrespective of its politics, must seek to maintain. The Earl of Aberdeen, a veteran and distinguished statesman of perhaps, a bygone generation, had affirmed that the foreign policy of England had been more or less identical for the last thirty years—that was to say, that each succeeding Minister for Foreign Affairs had been obliged to adhere, in the main, to the policy of his predecessor. They all knew what was the policy of the Earl of Malmesbury in regard to Italy. That noble Earl had declared—and the country would, doubtless, be prepared to endorse his statement—that his own exertions, and those of the Earl of Derby's Government, saved Europe from a general war last year. The Earl of Malmesbury had also declared as publicly that the same exertions were instrumental in confining the struggle between Austria on the one side, and France and Sardinia on the other, within the limits of Northern Italy. The present advisers of the Crown, with a clear insight into the drift of affairs, had, no doubt, also been desirous to abstain from involving this country in the disputes of other nations who were our allies and friends. How came it then, that after having wisely determined on that course on the 4th of February, Earl Cowley communicated to M. Thouvenel a project of the English Cabinet for the definitive settlement of the Italian question? The heads of that scheme were, that Venetia should remain under the Austrian rule; that the inhabitants of the Central States of Italy should be again invited to decide upon their own constitution, and that if they pronounced for annexation with Savoy that Power should be authorized to accomplish their wishes; and lastly, that France should withdraw her troops from Rome and other parts of Italy. He believed that the French Minister had given for an answer that he was not ready on the moment to give a reply; but surely when he (Sir R. Peel) heard that foreign Governments were now giving or refusing their adhesion to what they called the English proposals, he was justified in asking whether we were abandoning that independent course of action which the Government of this country had hitherto wisely pursued. What had we to do with asking France to allow Tuscany to be united to Sardinia? Why, what was the answer which France gave to our request? She replied, "Let Tuscany be united to Sardinia, but I, France, will then take Savoy." His hon. and learned Friend had said that this question of the annexation of Savoy had been agreed on long ago. It might be so. But it was patent to every one that when Her Majesty's Government proposed to France that Sardinia should be at liberty to appropriate Tuscany, France had replied with the annexation of Savoy to France. Her Majesty's Government no doubt wished to give some practical effect to their Administration, and he greatly approved the exertions which they had recently made to extend and improve the commercial relations of this country; but it was remarkable that the day on which the Commercial Treaty was signed was the very day on which the Emperor of the French first mentioned the annexation of Savoy to Her Majesty's Government. It looked very much as if this Commercial Treaty had a very important political bearing. He did not assert that it had such a bearing, but it certainly looked something like it. They had heard a great deal lately about the conciliatory spirit of the Emperor of the French, and he (Sir R. Peel) was as anxious as any one to preserve our friendly relations with France; but what he wanted to know was, what was the cause of this sudden civility on the part of France. Was the Treaty a proof of the moderation of the Emperor, of his wish to disprove the libellous charges which had been so plentifully heaped upon him? Was the Treaty a proof of his desire to open fresh channels of communication with this country, or was it merely a sop to enable France to carry out with undiminished vigour her schemes of aggression and aggrandisement? The increase of intercourse with France was a matter of the greatest importance to this country, the channels where wealth and prosperity flowed with such increased vigour under the improved system of our commercial policy; but he hoped the House would boldly say, and that the Government would avail themselves of that opportunity of stating, that the conclusion of the Commercial Treaty with France had no reference whatever to the political condition of Italy, nor would it be allowed in any way to bind the counsels of this country as regarded the future policy of France. He had lately read the very voluminous blue-book on the affairs of Italy which had been presented to the House, and he was proud to see that the noble Lord the Secretary of State for Foreign Affairs had conducted these negotiations with a dignity and a propriety worthy of the country, of his own character, and of the office over which he presided. The noble Lord must, however, remember that the friendly assurances of France were not always to be relied upon as an infallible proof of her sincerity. There was one notable instance which had made a great impression on the minds of statesmen of the day wherein it occurred. That country never made more earnest professions of friendship and amity to England than when she was about to join America in her struggle for independence. He did not mean of course, to draw any parallel between the professions of France at that time and those which she was making now; but it was remarkable that at the very time that she was giving us these friendly assurances she talked about correcting her geographical frontiers. Correcting the geographical frontiers of France! That was a most serious matter, and who was to decide upon it except the great Powers who had put their seals to the instrument which fixed those frontiers at the limit which existed in 1792? The extracts from the French newspapers which had been read by his hon. and learned Friend were very remarkable, especially as the press in France was not, as in this country, a noble engine for the circulation and communication of ideas, but was confined to the expression of the authorized intentions and objects of the Government. The *Patrie* of the 2nd of February, 1860, had the impertinence to say,—"The Sardinian authorities are everywhere encouraging the movement against the separation of Savoy." If the Emperor of the French wanted to take Ireland it was probable that our authorities would endeavour to prevent him.

> "The Sardinian authorities are everywhere encouraging the movement against the separation of Savoy by putting down the almost unanimous wish of the inhabitants who are asking for annexation with France."

He should shortly have occasion to show that, so far from unanimously desiring to be annexed to France, the people of Savoy were unanimous in their desire either to remain subject to the present dynasty, or else, if possible, with the consent of the great Powers, to be annexed to Switzerland. The paper, however, went on to say—

> "The people of Savoy have the same right as the people of Italy to declare their opinion in perfect security and complete independence."

The idea of a French newspaper making such an assertion when no less than nineteen of its contemporaries had been already, within the last few months, suppressed for declaring their opinions in what they thought security and independence! The article concluded.

> "Their wishes are of so energetic a character that they have been manifested in spite of all obstacles and all difficulties. We have a right to demand the cessation of this intolerable state of things and equal justice for all."

The French ambassador in this country expressed himself excessively annoyed at that article, and he said that in a day or two there would be a soothing one in the *Constitutionnel.* This was the soothing article which appeared in that journal:—

> "The report going the round of the journals relative to the annexation of Savoy and Nice to France is but the result of a presentiment of public opinion. The press has been struck by the attraction felt by the population of Savoy towards France, and by the justice of a measure which at this moment, when Piedmont is to be singularly aggrandized, would give France a geographical frontier. What Savoy wishes for, what France desires, does not appear doubtful."

That was a bold and hardy assertion, when he should be able to bring forward infallible proof that not only was the contrary the case, but that there was among the people of Savoy a stern determination on no account whatever to sacrifice what they called their national feeling to the political expediency of any party in France. His hon. and learned Friend had said that this question of the annexation of Savoy was not a new one, but that the agreement between France and Sardinia was signed on the occasion of the marriage of the Princess Clotilde with Prince Napoleon. Some treaty had, certainly, been signed on that occasion, although Her Majesty's Government were disposed to doubt it. The fact was, that this treaty was a *pacte de famille.* The Emperor, however, had well concealed his intentions until the day on which the Commercial Treaty was signed. Count Walewski, who was always flourishing beautiful phrases, said, "France draws the sword not to govern but to free," and the Emperor himself, in his proclamation to the Italians at Milan, on the 8th of June, 1859, declared,—

> "Vos ennemis, qui sont les miens, ont tenté de diminuer la sympathie universelle qu'il y avait en Europe pour votre cause, en faisant croire que je ne faisais la guerre que par ambition personnelle ou pour agrandir le territoire de la France."

We might be inclined to place implicit confidence in what he said, but there was that unfortunate *pacte de famille,* and of all things which were hateful it was such an instrument as that. The last *pacte de famille* which produced any great convulsion in Europe was one concluded at Paris so far back as the year 1761 between Louis XV. and the King of Spain, and signed by the Duc de Choiseul and the Marquis de Grimaldi. Another such *pacte* was made between the first Napoleon and his brothers, but that more resembled an arrangement between a general and his lieutenants than one between sovereigns who stood on a perfect equality. But the *pacte de famille* of 1761 was of a different character. It consisted of 28 Articles. There was a reciprocal guarantee of mutual obligations, and, to use the words of Article 4, *Qui attaque une Couronne attaque l'autre.* Perhaps, however, the most important Article was the 21st, which stipulated that the Treaty was to be regarded *comme un pacte de famille, et nulle autre Puissance ne pourra être invitée ni admise à y accéder.* Such was the kind of *pacte* which had been formed between France and Sardinia, and he believed that no arrangements could be more dangerous to Europe. It demanded therefore the closest attention from Her Majesty's Government. Whence, he would ask, had the Savoy question originated, and how had it come on the *tapis* at that moment? It had a close and direct connection undoubtedly with that great Italian struggle which had been going on for the last twelve months. In consequence of the annexation of Lombardy to Piedmont, France had demanded the cession of Savoy. This had rendered the condition of Savoy one of great uncertainty, and that of Switzerland one of restless anxiety. The independence of Switzerland depended upon its neutrality, and its neutrality would be destroyed by the annexation of any part of Savoy to France. Now, the neutrality of Switzerland was guaranteed by the Act of Congress which was proclaimed on the 20th of November, 1815, signed by eight Powers, the principal directing influences being those of England and of Russia, and which declared the neutrality of Switzerland as being "dans l'intêret de toute l'Europe," and Prince Metternich himself had declared "that the Powers regarded the perpetual neutrality of Switzerland as the only guarantee of her independence." So essential had the independence and neutrality of Switzerland been considered, that during the last forty years no foreign foe had ever ventured to put his foot upon Swiss territory, which had been allowed to rest in peace amid all the convulsions in which other countries had been plunged. Moreover, with the view of confirming the neutrality and strengthening the independence of Switzerland, the Powers gave to Switzerland, in addition to a geographical frontier, a military frontier on the side of Savoy. Chablais was that part of Savoy which immediately abutted on the Lake of Geneva, then came Faucigny, and beyond that Genevois. These three provinces were neutralized and rendered almost independent of Savoy. It was laid down that in the event of war no foreign troops should pass through those territories, which, on the contrary, were to be occupied by Swiss troops. Nothing, in fact, could be stronger than the desire of the Powers to establish both the independence and the neutrality of Switzerland upon a firm basis. The very existence of the Helvetic Confederation was bound up in the maintenance of its neutrality, and the moment France disturbed the existing treaty-arrangements by the annexation of Savoy the independence and neutrality of Switzerland would be virtually at an end. What would be the inevitable consequence? There were at present about 20,000 French and 20,000 Savoyards residing in Geneva. But if Geneva were surrounded by French territory and inhabited as would probably then be the case with 20,000 Frenchmen, what would be the position of that magnificent but diminutive Canton with 40,000 within the walls of its chief city. Again if France annexed Savoy, she would secure the possession of the Simplon, which would bring her into direct communication with Italy, and Germany would undoubtedly demand to be put in the same possession by the cession of the St. Gothard Pass. Thus endless complications of the gravest character would arise, and the probability was, that if the Powers now consented to the annexation of Savoy, France would in a short time claim the Rhenish provinces. He would entreat the House and the Government to put a check to such proceedings at once. The past was full of warning. In 1792 France annexed Savoy; in 1798 she annexed Geneva; in 1802 the Valais; and those three provinces remained integral parts of the Republic and the First Empire until 1814. Surely, instructed by experience, the Powers of Europe would not allow France to begin a new career of ambition and spoliation by the annexation of Savoy. He trusted they would pay some respect to what was called national feeling. *La Patrie* had declared that the Savoyards were all in favour of annexation to France. Nothing could be further from the truth. He knew that the feelings of the people were absolutely antagonistic to any connection with France. He had been asked—he admitted he might prove but a comparatively weak and inefficient champion—but he had been asked to advocate the interests of the Swiss people in this matter, and in the absence of any better champion he had undertaken the task. In former years he had resided in that country in charge of Her Majesty's Mission from 1846 to 1850, embracing a period of great political excitement, and through the favour of the noble Lord the Member for Tiverton he had had the advantage of becoming acquainted with the leading statesmen and most influential inhabitants of that country. He had a letter from one of the most distinguished statesmen in Switzerland, who frequently honoured him with his correspondence, one paragraph from which he would read to the House. It was dated on the 4th February, and stated—

> "We have learnt that the treaty for the annexation of Savoy to France has been signed by Sardinia and France, and that no exceptional mention was made of those neutralized provinces which touch the Swiss frontier."

The neutralized provinces referred to were Chablais and Faucigny and part of Genevois, which were included in the system of neutrality by which the Powers in 1815 guaranteed the independence of Switzerland, and which were neutralized with the view of giving the Swiss Confederation a stronger natural boundary. The writer continued:—

> "Moreover, if we are well informed, there are well-grounded reasons for apprehending that France intends to repudiate the neutrality of these provinces, sanctioned not only by the Treaties of 1815, but also by all previous treaties between Switzerland and the House of Savoy. These treaties went even further than a guarantee of neutrality, for the House of Savoy engaged never to detach these provinces of Chablais and Faucigny otherwise than to Switzerland. On the faith of these engagements we had hoped that, in the event of the cession of Savoy to France, reservation would be made for the incorporation into the Swiss Confederation of Chablais, Faucigny, and a portion of the Upper Genevois, which are essential to the maintenance of Swiss neutrality on that side, and command the Simplon. These provinces represent a population of about 150,000 souls, who, in the event of the cession of Savoy to France, earnestly desire to be incorporated into Switzerland."

That was the opinion of a gentleman who occupied a high position in Switzerland, and who had been intimately connected with the politics of France and Sardinia. He knew that the Swiss people desired above all things the maintenance of the *status quo*. Such was also the feeling of the people of Chablais and Faucigny, but if a change must be made they would prefer to be incorporated into the Helvetic Confederation. They were attached to the House of Savoy, which they knew to be sprung from their mountain region, and they were anxious to remain as heretofore united under the sway of this ancient family, which had shone with such *éclat* in the history of Europe. Up to the 10th of February last, petitions, or rather declarations, had been circulated in those communes, signed by more than 920 of the principal inhabitants, thus stating what they desired:—

> "Dans le cas inattendu d'une séparation de la Savoie, le Faucigny et le Chablais ne voudraient pas être Français, mais toleraient plutôt leur annexion à la Suisse."

Such a feeling was creditable to those people in the highest degree. But what would be the feelings of the people on the other side of the Alps if they knew that they had acquired liberty by the sacrifice of the liberty of these small but free communities? They were ready to thank the Emperor of the French for the assistance he had rendered them, but when they knew that a part of Europe which had hitherto been free, which had carried the cross of Savoy and the tricolour of Italy through all the recent battlefields, was to be absorbed in France they must feel the deepest regret that the first hour of their deliverance should be the first of slavery to these ancient provinces. He appealed with confidence to the Government. He believed that the House of Commons would support the Government in their desire to do what was right to the people of these provinces. He trusted that the directing policy of the Government would be in accordance with the acknowledged character of the noble Viscount, at its head, and that the noble Viscount acting in concert with the noble Lord the Member for London, would be able to conduct the Foreign Affairs of this country in a moment of critical emergency with conciliation as well as power. Never was such a policy more needed. The eyes of Europe are cast upon this country to see what course she will pursue. Italy is just bursting into liberty, almost realizing the magnificent lines of Byron :—

> "Italy!
> Time, which hath wrong'd thee with ten thousand rents
> Of thine imperial garment, shall deny
> And hath denied to every other sky
> Spirits which soar from ruin. Thy decay
> Is still impregnate with divinity,
> Which gilds it with revivifying ray."

Beautiful words! so expressive of the circumstances of the case at the present moment. It is that revivifying ray which now gilds the horizon of the Peninsula; it is that hope of soaring from ruin which now animates the people of that country. I entreat you not to quench that ray, not to disappoint that hope. I appeal to the noble Lord at the head of the Government. I ask him to stand true to the character he has so long enjoyed, and which happily with undiminished vigour he is still enabled to maintain. I ask him to throw all the weight of his Government into the scale in favour of Italian freedom and independence. I trust that, acting in concert with France—to whom Italy really owes a debt of gratitude—he will be able not only to regulate the future of Italy upon a basis of honourable and independent existence, but also to secure the independence and neutrality of that ancient and magnanimous republic which, amidst the shock of surrounding nations, has stood, and happily still stands, as a beacon of political liberty and the home of the political exile. If the Government do not follow a statesmanlike and honourable policy in this matter they will not meet with the support of this House, but if they can assure the House and can prove that their policy has been not an unnecessary intermeddling with the affairs of other countries, or been formed in subservience to the views of other nations, but has been directed to bringing the legitimate influence of England to secure the independence and freedom of Italy and Switzerland, I take the liberty to tell them that they will secure to themselves not only the sympathy and affection of tens of thousands of people in those countries, but they will be able to count upon that best reward of their services, that best guarantee for the success of their policy, which consists in the confidence and approval of every friend of civil and religious liberty.

SIR GEORGE GREY: Sir, I do not rise for the purpose of expressing dissent on the part of the Government from the observations which have been addressed to the House by the two hon. Gentlemen who have moved and seconded this Motion, not only with remarkable force and eloquence, but in entire unison with the feelings which pervade this House and the country. This question is undoubtedly one of European interest, it is one to which public attention in this country and on the Continent has been much and justly directed, and it is one on which the Government are ready to admit the House has a perfect right to demand full information as to the policy which they have pursued as guardians of the public honour in negotiations with foreign countries. The Government, therefore, give a ready assent to the Motion of the hon. and learned Gentleman for papers, and they are willing to lay on the table, at an early day, all the papers which he desires, with the trifling but usual insertion of the word, "or extracts" after copies, &c. But I cannot help thinking that any protracted discussion would be more satisfactory when the House is in possession of the papers, and when hon. Gentlemen have had the fullest opportunity of seeing the course which the Government has taken in this matter both with regard to France and Sardinia. The hon. and learned Gentleman who made this Motion has expressed a hope that there would be a unanimous expression of opinion on this subject; but, though on the present Motion there is no opportunity afforded of formally recording our opinion, yet I am sure that no hon. Member who rises to address the House will differ from the two hon. Members in the general tenor and purport of the opinions which they have expressed. There is no man in this House, I am sure, who will not join with them in earnestly deprecating the annexation of Savoy, not upon the ground of any specific interest which this country has in that annexation, but because of the consequences to which it would lead, the mistrust it would occasion, and, as the hon. Gentleman has well said, of the unsettlement of Europe which it would create. I cannot but feel that the hon. Baronet who seconded the Motion, if he had read these papers, would not have assumed that certain things were possible with respect to which he desires a disclaimer from us. For instance, he wished us to disclaim that in entering into that Commercial Treaty we had any political object—that we were actuated by subservience to France—that the Treaty had any connection whatever with the annexation of Savoy. That disclaimer I am perfectly prepared to make on the part of the Government in the most explicit terms. Our hands are perfectly free, and when the papers are produced it will be seen that, notwithstanding the Commercial Treaty, the Government have explained to France, in clear and unambiguous terms, the views which they entertain with respect to the annexation of Savoy. One word as to the despatch of my noble Friend near me, to which reference has been made. The hon. Baronet who seconded the Motion objected to the proposals made by my noble Friend the Foreign Secretary for the settlement of Italy as being a departure from the neutrality which this country ought to observe, and as giving, in the proposal to annex Tuscany to Piedmont, a pretence to the Emperor of the French to ask for the annexation of Savoy. When the whole correspondence is on the table, however, the hon. Baronet, as well as the House, will see that the charge of departing from the principle of neutrality is unfounded, and that the despatch in question is in conformity with the policy which the Government have uniformly pursued, which was to leave to the people of Italy the right to choose their own form of government, and the liberty of expressing their opinions on the settlement of their own affairs. The policy of the Government has been uniformly directed to that end. The Government earnestly desire the peace and tranquillity of Europe. But one essential element in the tranquillity of Europe is the contentment and good government of the people of Italy, and those two objects can never be secured unless the people of Italy be allowed the opportunity of expressing their own wishes. It is to secure them this power that the efforts of Her Majesty's Government have been directed. That is a policy which I believe to be strictly in accordance with the intentions of the House and of the country, and I trust the result will prove that it has not been pursued in vain. Although, probably, other Members may desire to express their opinions on this subject, I hope we shall not be led, in the absence of the papers, into any protracted debate on the subject; but with such an expression of opinion as has been already elicited from the House, and as hon. Members may desire further to give, that we shall be allowed to proceed to that business which it was yesterday generally understood would occupy our attention.

Mr. DISRAELI: Although this subject, Sir, has been brought under the consideration of the House in two speeches of singular eloquence and ability, both by the hon. and learned Gentleman and the hon. Baronet (Sir Robert Peel), I think that after the promise made by the right hon. Baronet who last addressed us, it will, on the whole, be more convenient that we should refrain from giving any opinion on the subject generally until the papers have been laid on the table. At the same time I must say that I was not surprised that the hon. and learned Gentleman the Member for Bridgwater should have made this Motion, for although the Chancellor of the Duchy on the part of the Government, has expressed their extreme willingness and prompt readiness to afford all the information in their power, I must be permitted to say that the present quickness in producing papers—which must be very gratifying to those hon. Members who require information—is rather a novel disposition on the part of Her Majesty's Government, and had it been displayed at an earlier period of the Session would have been more satisfactory to the House. Hon. Members may not, perhaps, forget the inquiry which I made on the 2nd of this month with respect to these provinces of Nice and Savoy, and the unsatisfactory reply which I received from the noble Lord; and it was not until the chief Minister of the Crown, in another House of Parliament, had made an admission which seemed afterwards to be regretted, that I was enabled to come to this House and to urge an inquiry upon that admission which it was impossible any longer to meet with silence. What, however, was even then the answer of the noble Lord the Secretary for Foreign Affairs? Why, he told us this—that communications had certainly passed between Her Majesty's Government and the Government of France on the subject of the possible annexation of Savoy to the French Empire, but they were dated so far back, I think, as last July; and certainly the impression conveyed by Her Majesty's Government was that the whole question had died away, that it was not one of that urgent and pressing interest which it is now universally recognized to be. The consequence was that the House was entirely thrown off its guard. An inquiry was made five days afterwards by an hon. Friend of mine who was in possession of authentic information, and it was not until he had produced that information that Her Majesty's Government were prepared to meet the House with the frankness with which I think it is always wise on these subjects for Ministers to treat the House of Commons. I thought it due to myself and others who proposed to inquire into this important matter to make these observations; but I shall scrupulously refrain from entering into the merits of the question. When the papers are in our possession I am sure we shall all feel that no more important documents could be placed in our hands, and they cannot fail to become the subject of grave deliberation.

Mr. MONCKTON MILNES said, he concurred in the belief that another time might better be chosen for this discussion, but he wished to make one observation. He trusted the House, in the absence of authentic information, would be cautious in allowing itself to be led away by mere idle rumours of *pactes de famille*, or any other arrangement whatever; but would wait until the papers were laid before them. Until that was done he hoped they would not attach full credence to the theory of his two hon. Friends, which, though made in the best possible spirit, was, nevertheless based on mere assertions, and implicated not only the good faith and honour of the French Government but also the freedom and integrity of the King of Sardinia, who was represented as abandoning the subjects of his own hereditary possessions. He was informed, on authority as good as any which his hon. and learned

Friend had cited, that the reply given by the Sardinian Government to this proposition of annexation was conveyed in the simple and dignified words—"We cannot bargain away men," or, as it seemed the fashion that evening to express themselves in French, "*Nous ne pouvons pas marchander les hommes.*" The free desires of the people of Savoy in no way tended towards a change in their political position, nor had they any wish to alter their political allegiance, and he did not believe that any change in their position would take place, unless they entirely concurred in the arrangement.

MR. BOWYER said, he was willing to believe what had been stated on the part of the Government by the right hon. Baronet (Sir G. Grey) that the correspondence, when produced, would prove that Her Majesty's Government had all through been opposed to the annexation of Savoy and Nice to France, but he thought official men were apt to attach too much importance to correspondence. What he complained of was that the general policy of the Government, however, in Italy had been marked by an abnegation of those principles of public law by which the relations of countries had hitherto been governed, and on which all civil politics must ultimately depend; and he was convinced that if Her Majesty's Government had not encouraged rebellion, annexation, demonstrations, and schemes of settlement in different countries by upsetting the treaties on which international law had previously been based, nothing would ever have been heard of this proposal for annexing Savoy to France. Few events in the recent history of Italy had given him more concern than the position in which the Sardinian monarchy was placed by the ambitious and unprincipled policy of Count Cavour. On both public and private grounds he felt great respect for and even attachment to the illustrious house of Savoy, and he saw with much pain the humiliating and dangerous position in which the King of Sardinia, the head of that house, was placed. No doubt a considerable increase of territory had been acquired in Lombardy. But it had been acquired by means of an unjust war, and he believed that this apparent aggrandizement would cause the ruin of that ancient and illustrious dynasty. The King of Sardinia had been involved in an unjust quarrel by promises of assistance on the part of France. A time would probably come when France would no longer be prepared to march armies into Italy to support the King of Sardinia; and Austria, backed by Germany, and possibly by Russia, would once more take possession of Lombardy, and perhaps march to Genoa and Turin. They were told that France had gone into Italy from a love of Italian liberty and independence, but the real motives were now apparent, and the tortuous policy which had dictated the whole proceeding. The consummation of the humiliation of the Sardinian Monarch was this project which had been assented to for the separation of the countries of Savoy and Nice from his Crown. He (Mr. Bowyer) remembered another King of Sardinia, bearing the same name as the present monarch—Victor Emmanuel, who with a very small force had gallantly defended the passes of Savoy against a French army for a considerable time. That gallant monarch, he felt sure, would rather have placed his head upon the block than relinquish the ancient inheritance of his house—the place where for nearly eight centuries his ancestors had been buried—and from which the name of their dynasty was derived. It would hereafter be a sarcasm to style them princes of the house of Savoy. In this question of annexation the House might discern an indication and example of the policy which the Emperor of the French was pursuing. A plan was adopted for transferring these provinces to France, and now we learn what the plan was; money was expended, secret agents employed, and public manifestations, or what were called such, in favour of France were made. He thought English statesmen should hear with distrust what was published of these manifestations in other countries. Before he left Rome, he was told by one of the Ministers that a public manifestation in favour of France would soon be made in that city. It did take place; but the thing was perfectly understood, how it was managed and where the money came from. Another strong French manifestation had been managed in Nice. It all indicated an ambitious policy on the part of the French Emperor, to which they ought all to open their eyes. He should rejoice in the good understanding between France and England. It was for the interest of both countries, and the rest of Europe that those countries should be on good terms; but he thought the cultivation of a friendly feeling was a very different thing to the policy of subserviency he had remarked, and with great regret, on the part of Her Majesty's Government. The Emperor of the French knew very well how to manage Her Majesty's Ministers. He knew he had only to talk liberalism to the noble Lord the Secretary for Foreign Affairs about "civil and religious liberty all over the world," and to use other phrases of the same kind, and he could lead him as he pleased. Under this influence, Her Majesty's Government had been induced to sanction an unprincipled policy, a policy of intrigue, of annexation, a policy of everything that could disturb mankind; and which, if carried further, would unsettle the whole of Europe and lead to some great convulsion. He would not go into any discussion of the affairs of Italy; but he would mention one fact that showed the danger of playing into the hands of France. What occurred in Florence? There the Minister accredited by Sardinia to the Grand Duke of Tuscany, M. Boncompagni, who was in constant communication and on intimate terms with the Duke, that Minister, at the instigation of France and Sardinia, conspired to overthrow the Prince to whom he was accredited, and at whose Court he resided. He was made the means of conveying money to the officers of the Tuscan troops; he corrupted the army and brought about the revolution. When it was completed that Minister, accredited to the Court of Tuscany, became the head of the revolutionary Government established on the expulsion of the Grand Duke. He was afterwards appointed a sort of Viceroy over Central Italy. Not one word had been said by Her Majesty's Government in reprobation of such conduct. And by not protesting against such dishonourable proceedings they were abetting a system subversive, not only of all political security, but of the mere principles of honour between man and man, and without which they should all be picking each other's pockets, and cutting each other's throats. After this transaction, the next thing was the landing of French troops at Leghorn to assist the revolutionary party; and by this means the Emperor subverted the Governments of what were called the Dukes, and caused the insurrection in the Romagna. It was done only by a foreign invasion. The Government should have its eyes opened by such a system. The object of the Emperor was by keeping every state in a condition of uncertainty, and by fomenting revolutions, to obtain a paramount power in Italy. He now refused to have Tuscany annexed to Sardinia unless Savoy was annexed to France. He thus showed how false were his professions of disinterestedness when he invaded Italy. He said everything should be done in Italy without foreign intervention; yet he had 50,000 men in Lombardy, and a large military force in other parts of Italy. Wherever there was a movement in Italy, there some connection of the Emperor was found actively promoting it. Thus at Bologna there was Count Pepoli, a relation of the Emperor by marriage, and receiving a pension from him. The Emperor intended to make the Mediterranean a "French lake," and he would succeed in doing it. Yet they always spoke of him as their faithful Ally; but if he were not the master of 600,000 soldiers they would talk of him in a very different tone. The noble Lord at the head of the Government had of late years pursued a system of bullying the weak and truckling to the strong which was discreditable to this country. Violent attacks were made on the Government of the Pope and the King of Naples. The noble Secretary for Foreign Affairs and the noble Viscount had repeatedly spoken of that King with contempt and sarcasm. All this was directed against a Government supposed to be weak. All Governments known to be strong were treated with respect. They heard nothing said of the French deportations to Cayenne, of the French police, of the total destruction of all liberty of thought and speech in France. Nor did they hear anything of the suppression of liberty of thought and speech in Italy, where liberty was supposed to reign. They heard nothing of these things, done by the instigation of the Emperor of the French; but he must always be spoken of with respect; nay, he was eulogized in terms of the most fulsome adulation. He did not say this was not prudent; but he did not think it magnanimous; he did not think it even wise; and of this he was quite sure—it was not English. The people were beginning to open their eyes to this system. He had heard it said that this country had never since 1814 stood higher, so far as regarded her relations with foreign Powers, than she did at the present moment. Yet notwithstanding that statement, we were going to content ourselves with entering a simple protest against the march of French troops into Savoy. He saw nothing dignified in mere protestations which were no more than an admission of impotency. The reason why we pursued a course such as that was, that the Government had placed themselves altogether in the hands of France, partly because they thought the independence of Italy might result from her interference in its affairs, partly because they entertained the expectation that the Emperor of the French might do something against the Pope, and partly also because they felt an interest in the constitutional kingdom of Sardinia, and desired to see its territories extended. But, although the Ministers of England were so completely bound up with France, he did not think her people were so; and he, therefore, hoped we should adopt a policy more consistent with our interests and the welfare of Europe.

MR. WARRE contended that, as the happiest consequences had flowed from the withdrawal of the Austrian troops from the Romagna, so the withdrawal of the French troops from Rome would be likely to be followed by equally beneficial results. He did not, therefore, concur in the peculiar view of the question which the hon. and learned Gentleman who had just spoken advocated, while he was of opinion that the correspondence which the learned Gentlemen had criticized was of a nature to reflect the highest credit upon the noble Lord the Secretary for Foreign Affairs. Again the panegyric bestowed upon the temporal power of the Pope by the hon. and learned Member was utterly devoid of foundation. He did not blame the Holy Father individually, but the system on which his Government was based. It was his firm belief that if the principle of non-intervention were carried out and Central Italy were left to emancipate herself, the freedom of a land whose prosperity the nation at large had so much at heart would, notwithstanding all the complications by which her progress to independence was beset, ultimately be secured.

MR. BAILLIE COCHRANE said, he would suggest that as the discussion had, in deference to the views of the Government, been carried on only within a certain limit, an early day, when the subject might be more fully entered into, should be fixed.

MR. KINNAIRD said, that he hoped that as the speeches which had been delivered that evening on the question before the House were calculated to produce a great effect on the country, the noble Lord the Secretary for Foreign Affairs would inform hon. Members whether he would lay the papers relating to the question on the table of the House at an early day, in order that the discussion might be resumed as soon as possible.

LORD JOHN RUSSELL: There have been certain observations made in the course of the present discussion, and certain questions raised, which I think require some explanation at my hands. I may in the first place state, in reply to my hon. Friend who has just spoken (Mr. Kinnaird), that the papers to which he refers are already in print, and will be produced within a day or two; and while upon this point I may remark that the right hon. Gentleman the Member for Bucks seems to think that I have shown reluctance to give information on this subject to the House. [MR. DISRAELI: I said you refused to produce the papers.] Well, the truth is, that when a question was asked upon this point by the right hon. Gentleman on a former occasion, I replied in accordance with what was the exact state of the facts as they existed at that time. Some days after that question was put to me a discussion with respect to the contemplated annexation of Savoy to France arose in the other House of Parliament, in which my noble Friend the President of the Council took part, and I placed in his hand despatches relating to the question, which I had received on the morning of the day on which the discussion came on, in order that he might be able to explain the position in which this question stood. The right hon. Gentleman will therefore at once perceive that I could not produce the papers for which he asked at the time at which he mentioned the subject in this House. I may say generally, with respect to the production of papers, that I think there are certain rules to which we ought to adhere. When in our correspondence with a Foreign Government we have stated the views of Her Majesty's Government it is not desirable to lay the despatch containing those views before the House, until the Foreign Government to which it is addressed has had time to receive and to return an answer to it, if it should deem it right to do so. I, it is true, addressed a despatch to Earl Cowley, to be submitted to M. Thouvenel, which has not been answered, but we have no difficulty in producing it, because it might have been answered before now if it had been deemed desirable to reply to it. I may now observe that I listened with great pleasure to the speeches of my hon. Friends who proposed and seconded the present Motion. I must at the same time say, with respect to that family compact to which one of my hon. Friends alluded, that we have no diplomatic information to the effect that such a treaty as he describes was entered into before the war broke out between France and Sardinia; and I believe both have repeatedly denied that any such treaty exists. That the question which is involved in this discussion has been and is still agitated I cannot deny; and I may perhaps now proceed to refer to some of the remarks which fell from the hon. Baronet the Member for Tamworth (Sir R. Peel) with respect to it. He said very fairly, alluding to the condition of Chablais and Faucigny, that the Powers of Europe guaranteed the neutrality of those territories; that if they pass into the possession of France that guarantee will have been of no effect, and he expressed a hope that no such arrangement will be made. Now, I think if the subject were confined to that part of Savoy which borders on the Lake of Geneva, it would not be a matter of difficulty to obtain from France the cession of that territory to Switzerland. We did not however look to that object. What we wished was to preserve the whole of Savoy, and we did not discuss the particular question to which the hon. Baronet alluded, and on which, no doubt, Switzerland looks with intense anxiety. Another subject to which the hon. Baronet alluded was the four points to which Her Majesty's Government proposed for the settlement of the affairs of Italy. I beg the hon. Baronet to consider what was the state of affairs just immediately previous to the proposal of a Congress. The Austrian Government had declared that if a single Sardinian soldier should go into Central Italy they would at once march their troops to oppose them. On the other hand, the Emperor of France declared to the Austrian Ambassador at Paris, that the moment a single Austrian soldier crossed the Po, the French army would be marched to oppose them. Consider how critical, how dangerous to the peace of Europe, such a state of things must necessarily be. The remedy was to open the Congress. It was said this extremely critical and dangerous state of things cannot last much longer, because the Congress is about to meet, and will provide a remedy. But then it was agreed by France, in communication with Austria, that the Congress should be indefinitely postponed, and at the same time none of these declarations were withdrawn. There was the same danger, if occasion arose, that Sardinian troops might be marched by order of the King of Sardinia, of Austrian troops being marched to resist them, and of a French army being marched to resist the Austrians. Was it not natural for a Power anxious for the peace of Europe, that dreaded the renewal of the war, to make propositions which they thought might prevent the renewal of such a calamity? We did make those propositions. The first was, that neither France nor Austria should intervene in the settlement of the affairs of Central Italy without the consent of the other European Powers. We did not, it is true, obtain the assent of Austria to that proposition, but this we did obtain—a declaration, made both at Vienna and in London, that the Austrian Government wished no more to interfere in the affairs of Italy beyond their own frontier; that we might rely on it, although Austria would not give up claims she thought just, although she would not give up treaties which bound her to maintain the rights of certain Sovereigns, yet she had no wish or intention to maintain those treaties by force of arms. This alone we looked upon as a great gain and a great security for the maintenance of the peace of Europe. Then we went further in the fourth proposition, and said that if the States of Central Italy determined upon any form of government for themselves we should object to any attempt by force of arms to overthrow that Government, and if the Government they selected should be in favour of annexation to Sardinia, we should not object to that arrangement. This was in conformity with the whole principles we contended for from June to January—namely, that the Italian people themselves should decide with regard to their own government. The hon. and learned Member for Dundalk (Mr. Bowyer), I am happy to see, has been able to speak his mind to-night. It must have been very painful to him, charged as he was with the whole sentiments of the Pope and the Cardinal, not to have been able to express his views before this time. We have now heard those opinions—we have now heard what the hon. Gentleman thinks of the "manifestations" of public opinion in Central Italy. He seems to think that those "manifestations" are not of much value. There are, no doubt, "manifestations" of no value, but there are also "manifestations" caused by bad government and which are apt to be symptoms of revolution. The hon. Gentleman has perhaps heard of a "manifestation" that took place once on Hounslow Heath. There was an adviser of the Sovereign in those days who was asked by the King what it meant. Such an adviser as the hon. Gentleman said it was nothing ; it was only the soldiers shouting for the acquittal of the seven Bishops ; but the King knew very well what that was ; he knew very well what a "manifestation" meant, and he saw the danger which threatened his throne on that occasion. It is dangerous for Sovereigns to rely on such advisers as the hon. Gentleman, who seems to think that discontent is to be appeased and revolution prevented by merely telling Princes to go on with their Government exactly as it is. We have heard of Princes who had violated the fundamental compact under which they sat on the throne, and who withdrew from their dominions ; and such appears to be the case of the Grand Duke of Tuscany—a case very similar to that which on one occasion happened in this country. Sir, with regard to this immediate question, I have one thing further to say. Whatever the more violent newspapers of France may say, although there has been a great deal of excited opinion in France in favour of the annexation of Savoy, I cannot but think that is a course which the Emperor in his wisdom will long hesitate before he finally determines to adopt it. I cannot but see—every one must see—that it would produce distrust for two reasons. The one is that such a policy would be in contradiction to the proclamation—that magnificent proclamation, I must call it, even at the risk of being accused of flattery—which the Emperor addressed to the Italian people of Milan ; and the other reason it would create distrust is this — other encroachments of France have begun in small beginnings only on one side of the country, and yet have been afterwards carried by her armies to the territorial disturbance of Europe. I am afraid if Savoy be annexed to France, although there may be a meeting at Chambery in its favour, even although the Powers of Europe might give a reluctant assent, it would be the precursor of a long period of distrust and apprehension. I believe that it would not tend to the strength of France. A country such as France—inhabited by a race so warlike, and at the same time possessing within itself such vast resources—with such wealth, such union, does not depend for its security, its independence, or even its power, upon the question whether its frontier is advanced somewhat nearer to the top of the Alps, or somewhat nearer to the banks of the Rhine. It depends on its own resources, on the spirit of its people, upon the unconquerable spirit of independence which rules in that people, upon its warlike qualities, which from time to time have been called forth, and perhaps never more than last year excited the admiration of every nation in Europe. Such is the security of France. We have known what has happened to France in our days. In 1792, before she acquired Savoy, when her people was in a state of disunion and apparent anarchy, when she was attacked by a formidable league extending from Turin on the one side to Berlin on the other, she was able by her own innate strength and the careful military disposition of her forces to repel the invader and even to conquer the very territories from which she had been attacked. The tide of conquest which then began rolled on until at length her frontier extended from Hamburg on the north to Rome on the south. Was she then more secure? On the contrary, three years after her frontier had been so extended her enemies entered the capital of her dominions. It is, therefore, I say, not the right policy for France—it is not the secure policy for France, to attempt to extend her frontier. Her present ruler, without emulating those brilliant conquests which his uncle made, has, as is well known, established his throne by the sagacity and prudence of his character. Having watched that character—seeing the mistrust likely to be excited, seeing the apprehension and even the hostility that would arise if the Emperor persevered in this project, I cannot but hope that the project will be abandoned, to the general satisfaction of Europe.

Motion *agreed to.*

Address for "Copies or Extracts of the Correspondence which has taken place between Her Majesty's Government and the Governments of the Emperor of the French and the King of Sardinia, in respect to the proposal for annexing Savoy and Nice to the Empire of France."

CUSTOMS ACTS.

REPORT.

MR. MASSEY brought up the Report of Committee on the Customs Acts.

MR. DISRAELI said, he wished to ask when it was the intention of the Chancellor of the Exchequer to give an explanation on the subject of the additional Article of the Treaty which had been laid upon the table that evening.

THE CHANCELLOR OF THE EXCHEQUER said, he would do so in Committee. He wished them to move, in accordance with the understanding come to on the previous evening, the Amendment of the Resolution adopted in Committee by substituting for the "31st March, 1861," the words "31st December, 1860." The resolution had reference to the duties to be charged on wines, for a given time from the present in lieu of the duties and drawbacks of Customs now charged or allowed. As the Resolution originally stood it imposed the 3*s.* duty "until March, 1861, inclusive."

First Resolution read 2°, and amended, by leaving out, in line 4, "March 1861," and inserting "December 1860," instead thereof; and by leaving out, in line 10, "March 1861," and inserting "December 1860," instead thereof.

Resolution, as amended, *agreed to.*

Subsequent Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. MASSEY, Mr. CHANCELLOR of the EXCHEQUER, and Mr. LAING.

CUSTOMS ACTS.—COMMITTEE.

House in Committee, according to Order; Mr. MASSEY in the Chair.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER said, that in rising to move the third Resolution, he wished, in the first instance, to make the explanation for which the right hon. Member for Buckinghamshire had very reasonably and properly called with respect to the nature of the additional Article laid on the table that day as an appendix to the Commercial Treaty with France. The object of that Article was very simple, and was fully explained in its recital. The Treaty proceeded on the principle that in cases where a commodity was liable to Excise duty in England, the same commodity, when imported from abroad, should be liable to a Customs' duty equal to the Excise duty chargeable upon it when produced at home, and likewise comprehending an allowance for any money charges that might be entailed on the home-producer by the operation of the Excise regulation. He would not then enter at length on an explanation of the point that arose, but would simply state the fact. Upon a strict investigation it appeared that the differential duty of 2*d.* established in our law between colonial and home manufactured spirits, which *primâ facie* constituted the proper allowance to be made to the British distiller on account of the cost to which he was put by the indirect operation of the Excise regulations, did not, however, amount to a full compensation for those regulations. It, therefore, became necessary to make some provision for putting the British distiller on a footing as nearly as possible of equality with the Foreign distiller, now that he was about to be subjected to a general, and perhaps a sharp competition. The state of the case was accordingly made known to the French Government, who met it in a spirit of the utmost liberality, agreeing with the greatest readiness that the general principle of the Treaty, which recognized compensation for Excise regulations as well as for Excise duty, should be applied to this particular case with greater accuracy than in the body of the Treaty as it stood. On that account the change had been made in the scale of duties upon spirits, which he should explain more specifically when they came to vote on the Resolution relating to that subject. The additional Article of the Treaty reciting the grounds of the proceeding, likewise recited that the duty on French brandies and other spirits should be raised to a point beyond that indicated in the body of the Treaty, and of course, also, to the point indicated in the amended Resolution now on the table. He should then move the third of his amended Resolutions,—

,,That the duties of Customs chargeable upon the goods, wares, and merchandise, herein after mentioned, imported into Great Britain and Ireland, shall cease and determine, namely, 'Agates, or Cornelians, set.' "

SIR EDWARD GROGAN said, that as far as the explanation of the Chancellor of the Exchequer went, it was satisfactory, but he had hoped it would go a little further, and would have indicated a desire to do still more justice to the spirit trade.

MR. MASSEY said, he would remind the hon. Member that the question now before the Committee was upon the Resolution, which related to agates, cornelians, &c., and had nothing to do with the spirit duties.

MR. NEWDEGATE said, that he wished to repeat his inquiry whether the article of the Treaty now before them was not applicable to the admission of the produce of the whole world, as well as to the admission of that of France? On a former occasion the right hon. Gentleman the Chancellor of the Exchequer had, in answer to his question, informed the House that the article was applicable to the admission of French produce only, and not to the admission of the produce of all the world. However, he (Mr. Newdegate) had referred to competent authority on the subject, and had by that authority been assured that, as the Treaty stood, Her Majesty would remain under an obligation to the Emperor of the French to admit the commodities mentioned in its schedules free of duty, whether they were the produce of France or of any other part of the world, the Emperor of the French admitting in return only the produce of the United Kingdom, not including even the Colonies. Now, it appeared to him that that was an absurd position, for if it was the desire of the British Government to admit the produce of all parts of the world, why had they put themselves under an obligation to the Emperor of the French in order to do that which they might have done without his assistance? The Emperor of the French was not in a position to stipulate on the part of all the world; and if he assumed the right to do so it would be very wrong of Her Majesty's Government to admit any such right on his part. Indeed it was a manifest absurdity; and it appeared to him that the matter should be re-considered by both Governments. Supposing that Parliament consented to the provisions of the Treaty, what would be the position of the Emperor of the French! He might say to the other nations of the world—to the Zollverein, to Spain, or Austria—"Do not trouble yourselves to negotiate with England: she is bound by treaty obligations to me not in any case to exclude your produce for the next ten years, even if you exclude from your markets every article of her produce and manufactures." It was but Christian charity to suppose that that was an oversight on the part of the negotiators. For ten years, however, if the Treaty stood, England would not be able to obtain a release from her obligations; and, therefore, if that House was anything more than a mere record-office they would not accept such a stipulation.

The CHANCELLOR of the EXCHEQUER said that the hon. Gentleman seemed to think that by the first words of the 5th Article of the Treaty Her Majesty had contracted an engagement with France to abolish the duty on the importation of certain articles, not only when they were imported from France, but also from any other country. In fact, to name one country by way of illustration, that Her Majesty would be bound to receive any of the articles mentioned in the Treaty on the terms therein specified, if they came from Japan. [An hon. MEMBER: Or from Austria.] The Government were advised that that was not the real effect and construction of the Treaty. In the answer which he had given to the hon. Gentleman on a former evening he had stated what they were advised would be its true effect and construction. It was undoubtedly true that in the fifth and other Articles it was not stipulated that the commodities, the duties upon which were to be abolished or reduced, should be the produce of the dominions of His Majesty the Emperor of the French; but the words were general, and it was a canon both of law and good sense that where general words were used they should be construed with reference to the declared scope and purpose of the instrument. That was in this case set forth in the preamble, where it was declared that the high contracting parties "are equally animated with the desire to draw closer the ties of friendship which unite their two peoples, and the wish to improve and extend the relations of commerce between their respective dominions;" and the doctrine upon which the Government had proceeded was, that this preamble indicating clearly the intention of the instrument—which was indeed plain in every line—it was not open to any one to hold a construction so exaggerated and unsupported as that of the hon. Gentleman. He admitted that his construction involved an absurdity, and it was another received doctrine that a construction which involved an absurdity should never be put upon any instrument unless it was required by the words of the instrument. In this case no such necessity arose. The words of the fifth Article must be read with the words of the preamble, which showed plainly that this Treaty referred exclusively to commerce between the respective dominions of the two high contracting parties, and left no room for the construction proposed by the hon. Gentleman.

MR. NEWDEGATE said, he could assure the Committee that he had not brought this matter forward without having previously consulted high legal authority on the construction of the whole Treaty, to ascertain not only the effect of the words to which he more particularly referred, but also to ascertain whether there were other words in any other part of the document which would be held to mitigate the absurdity of which he had spoken, and he was advised that there were not. He hoped the Attorney General would, by favouring the Committee with his opinion, be able to relieve him from the impression on his mind.

The ATTORNEY GENERAL said, that he understood the difficulty arose this way. The 5th Article of the Treaty was, "Her Britannic Majesty engages to recommend to Parliament to enable Her to abolish the duties on the following articles." The hon. Gentleman (Mr. Newdegate) thought this amounted to an engagement, not only with France, but with every nation in Europe. Were it not for the circumstance that a high legal authority had given an adverse opinion, he (the Attorney General) would not have found any difficulty in the clause. The Treaty was a contract between the two nations alone. France did not contract on behalf of all the nations in Europe, neither did Great Britain bind any other nation in Europe. It would be a great absurdity for France or for Great Britain to contract on behalf of the great Powers of Europe, without any engagement with them to do so. The result was that the Treaty as a contract could not bind any other Power in Europe; its obligations rested with the two Powers alone. The Treaty was between two parties—they were the *domini*—they could alone release, alter, or discharge, that contract. The key to the construction of the Treaty was plainly enough given in the preamble, in which the motive which animated the two high contracting parties was declared to be a desire to promote the mutual interests of the two countries and draw closer the ties of friendship between them.

Mr. AYRTON said, he would submit that although the commerce of England with other nations than France was not affected by the Treaty, yet France had obtained by it the right of introducing into England the articles produced by those countries mentioned at fixed rates. The objection stated went only to this, that if we wished to obstruct the introduction of the manufactures of other countries, we could only do so directly, as indirectly such manufactures might be introduced into this country through France.

Mr. J. L. RICARDO said, he did not think it at all likely that France would be the indirect means, for instance, of bringing Spanish wines into our markets to compete with her own. The French people would have good reason to laugh at so silly a discussion upon so great a subject, and he trusted they might be allowed to pass on to the discussion of matters of real importance.

Mr. SELWYN said, he thought that this point was of too much importance to be treated so lightly as hon. Gentlemen opposite seemed disposed to treat it. He himself did not feel satisfied with the explanation of the Attorney General, and thought his hon. Friend the Member for North Warwickshire had good reasons for objecting to the mode in which some of the articles were framed. The hon. and learned Gentleman appeared to have lost sight of the distinction between the 1st and 5th Clauses of the Treaty. His observation amounted to a condemnation of the language of the first Article; because, if all the subsequent Articles were limited by the preamble, the words "from the United Kingdom" in the engagement of the Emperor relative to the importation of goods must be surplusage. Where one found in two articles a marked difference of language it was natural to suppose a difference of meaning intended. He thought the Committee ought to have some more satisfactory explanation from the Government upon the point.

The ATTORNEY GENERAL said, he thanked the hon. and learned Gentleman (Mr. Selwyn) for supplying him with an argument, which, in his answer to the hon. Member for North Warwickshire, he had omitted. There were in this Treaty correlative engagements; and if there were any ambiguity in the expressions used the language of the one would supply the meaning of the other. It was clear the engagement in the fifth Article was a correlative engagement to that contained in the first. England contracted on behalf of her manufactures, and France on behalf of the productions; and the more formal and exact expression used in the one case helped the Committee to determine what was the nature of the correlative engagement in the other—the one being a consideration for the other. Again, there was no better rule of interpretation than this, — that where there was ambiguity in the words the rational interpretation should be adopted rather than the unnatural and absurd? And it would be absurd to say that we, in consequence of what France did in our behalf, should introduce articles to rival and compete with the articles admitted from France.

MR. HOWES said, the Resolution before the Committee referred to "articles to be made free of duty (under treaty);" and the words of it were,

> "That the duties of Customs chargeable upon the goods, wares, and merchandise hereinafter mentioned, imported into Great Britain and Ireland, shall cease and determine."

It did not say from France; and the inference might be that the productions not only of France but of any other part of the world were meant.

THE CHANCELLOR OF THE EXCHEQUER said, that discussions of this kind arose frequently from the fact that hon. Members did not attend to what passed before them. He had already stated that the words "articles to be made free of duty under treaty" were no part of the Resolution. They did not enter into the mouth of the Chairman of Ways and Means at all; he did not put them to the Committee; and he (the Chancellor of the Exchequer) had stated to the Committee more than once that these words were simply put over the Resolution for the convenience and information of hon. Members. They referred to articles to be made free of duty and also to articles under the Treaty; but they were not meant to bear any such construction as the hon. Member (Mr. Howes) had sought to give them.

MR. CRAWFORD said, there were certain silk manufactures carried on in Spain. Supposing a French merchant purchased in France goods that had been manufactured in Spain, he would be clearly entitled to export them to this country under the Treaty; but, supposing an English merchant bought Spanish manufactured goods in this country, he would not be at liberty to export them in France under the Treaty, because they were not articles of British manufacture.

THE CHANCELLOR OF THE EXCHEQUER said, that was a new point, and he should think, though he had not had an opportunity of consulting any authority upon it, that his hon. Friend was right—that, inasmuch as the importation of Spanish manufactures from France might be understood to be a matter pertaining to the commercial intercourse between the two countries, such importation, on a fair and liberal construction of the Treaty, might fairly come within its spirit. That might be so. On the other hand, it was quite clear that the rights of England with respect to exportation to France were limited, by express and perfectly intelligible words, to British productions and manfactures.

MR. J. L. RICARDO said, that the case put by the hon. Member for London would be impracticable, even if his construction of the Treaty were correct, because if Spanish goods passed through the French Custom-house before being sent here, they would have to pay the French Customs duties, as well as any duties levied here. In this way, for instance, Spanish wine would have to pay two duties.

MR. SEYMOUR FITZGERALD said, the first Article of the Treaty only applied to articles of British production and manufacture imported "from the United Kingdom into France." According to the interpretation put upon the Treaty by the hon. and learned Attorney General that Article was correlative to the fifth, and he, therefore, wished to know whether the words of the latter Article were to receive the same interpretation as if the words "from France into the United Kingdom" had been inserted in it; so that as Australian produce were excepted from the importation of British goods into France, Algerian productions would similarly be excepted from the imports into England?

MR. NEWDEGATE said, he thought, from comparing Article 5 with Article 1, that Her Majesty had clearly contracted with the Emperor of the French to admit the produce of all the world. Article 6 made the case still stronger. He believed the difficulty arose from careless wording, and a too slavish adherence to the terms of the letter of the noble Lord the Secretary of State. The Attorney General's only argument was that it could not have been intended to bear the construction which he (Mr. Newdegate) had put upon it. There was no doubt of that, but if Parliament sanctioned it the result would be as he had stated.

MR. W. EWART said, he could not suppose that the Emperor of the French had intended to enter into a contract by which he should open the floodgates for the commerce of all nations. Such a construction was inconsistent with the expressed objects of the Treaty. He wished for information upon one point. It appeared that Spanish goods could not go from England into France, but they could be imported from

France into England. He would refer to Articles 7 and 8, which contained the same extended views with regard to France and more restricted with respect to England.

The ATTORNEY GENERAL said, that he based his interpretation not upon an hypothesis as to intention, but upon the intention as it could be collected from the words of the instrument. Supposing the case which was present to the mind of one hon. Member, that the Emperor of Japan were to send a ship freighted with manufactures and products of Japan to England, and we were to decline to admit it upon the terms of the Treaty, the Emperor of the French would have a ground of complaint of infraction of the Treaty and a *casus belli.* ["No!"] That really was so monstrous a proposition that it did not need contradiction. The nature of the Treaty was a larger contract on the part of France than on the part of England in this particular. All things coming from France were to be imported into this country provided they came within the description contained in Article 5. That was a concession made for the benefit of French colonies. Any production which had found its way into France might be imported in French bottoms into this country. On the other hand, the articles to be imported into France were articles of British produce or British manufacture, our system being much more liberal than theirs. The benefit of the Treaty, however, ensured to France alone, who would have no right to ask for its extension to other nations.

Mr. SEYMOUR FITZGERALD said, the hon. and learned Gentleman had not answered the question. What he wished to know was whether the produce of the French colonies was to be admitted direct from the colonies into this country; and, if so, whether the produce of British colonies would be admitted into France?

Mr. AYRTON observed that the case put by the hon. Member for Warwickshire (Mr. Newdegate) had not been fairly dealt with by the Attorney General. The case was rather, supposing a French subject with a French vessel had bought a cargo of goods in Japan, would he be entitled to the benefit of this clause?

The ATTORNEY GENERAL, in reply to the hon. Member for Horsham (Mr. S. FitzGerald), said, that, if the assumption was correct that the first Article did not extend to British colonial productions, then by the same rule Article 5 would not extend to French colonial productions. He must not, however, be considered as subscribing to that interpretation.

Mr. SEYMOUR FITZGERALD: The property of French colonists coming direct from a French colony?

The ATTORNEY GENERAL repeated that every production coming from France itself would be entitled to admission into this country provided it came in under the description in the Article. With respect to the case of French colonial productions coming direct to the United Kingdom from the colony, if the right hon. Gentleman's construction was correct, they could not enter. But having regard to the preamble of the Treaty, his (the Attorney General's) construction was, British colonial productions, being a production of part of the British dominions, would be admissible into France direct from the colony, and the same rule would apply, of course, to French colonial productions, because the contract was, that the relations of commerce should be extended between the respective dominions of Her Majesty and the Emperor of the French, and that term must include the colonies of each. As to the case put by the hon. Member for the Tower Hamlets (Mr. Ayrton), he would say that if a French ship went to Japan, and there took in a cargo of Japanese commodities, and imported them direct to London, she could not be said to come from any port of the French dominions, and, therefore, was not entitled to the privileges of the Treaty.

Mr. AYRTON said, he would admit that it was not enough in the case he had put that the goods should be imported in a French ship; but suppose they were also imported by French subjects.

The CHANCELLOR of the EXCHEQUER said, there was nothing in the Treaty about French ships or French subjects; the reference was to the dominions and the produce of the two countries. As far as he understood the discussion, there was a disposition to complain that the terms set up in behalf of France were in a certain respect wider than those established on the part of this country, and that this constituted a grave defect in the Treaty. The history of this matter was this:—The intention in the first instance had been to provide for the produce of England and France, irrespective of any question about goods imported from the two countries. As far as he could remember, he believed that the enlargement of the terms on the side of France must have been assented to by the English negotiators at Paris without express reference to the Government at home. He did not hesitate to say, however, that if that were so, the Government were perfectly prepared, as a matter of principle, to stand by the terms of the Treaty as it stood, because they did not instruct the negotiators to introduce into it any limitations whatever, except those which were necessary either to secure equality for our own producers or which were required by the exigencies of our revenue. That was a question of principle, and the Government would have thought it wrong to take their stand upon any other limitations, or to refuse to France any commercial privilege except such as they were compelled to decline from one of those two considerations. But this was hardly a point for discussion now. It entered into the whole spirit of the Treaty; it constituted the essential difference between this and other abortive treaties made with different countries in former days; and at the proper time the Government would be prepared to defend the arrangement in this point of view. For the present, he hoped the Committee would proceed with the business more immediately before them.

MR. SEYMOUR FITZGERALD said, the question was not one of principle. An opinion had been given by the Attorney General as to the interpretation of the Treaty, and he wished to know whether, under the 5th Article, it would be competent for French subjects to introduce the products of French colonies into the United Kingdom direct from those colonies when, in the correlative clause, no such privilege was given to English subjects.

THE ATTORNEY GENERAL said, he found the question was expressly answered by the 18th Article, in which the Emperor of the French contracted, on behalf of one of the colonies of France, that its products should be imported into the United Kingdom direct from that colony. According, therefore, to the well-known maxim *expressio unius est exclusio alterius*, although French colonial products might be imported from France into this country, and British colonial products might be imported from the United Kingdom into France, the only exception in favour of direct importation from a French colony was in the case of Algeria, while direct importation from a British colony into France was prohibited.

MR. BLACKBURN observed that under the 13th Article the *ad valorem* duties were to be converted into specific duties, the medium prices during the six months preceding the date of the Treaty being taken as the bases for such conversion. He wished to ask whether it had not been discovered in Manchester that, prices in the last six months having ruled some 50 per cent higher than on an average of 10 years before, the specific duty would be not 30, but 45 per cent; and whether a deputation had not represented this unexpected result to the right hon. Gentleman.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman was a good deal in advance of him in his knowledge of what was going on at Manchester. He had not heard, and certainly he had great difficulty in believing, that prices had ruled so high there within the last six months as to have advanced 50 per cent on the average of the last ten years. No such deputation had waited upon him, and no representation had been made to him on the subject. It should be remembered that this commutation of the *ad valorem* duties applied to French as well as to English commodities, and the Government had great reason to be satisfied, and more than satisfied, with the fairness of the arrangement made as to the general provisions of the Treaty. No rated duty could be fixed on these articles without the consent of both Governments, and, of course, it would be the duty of the British Government to see that no rated duty should be imposed higher than the duties prescribed by the Treaty.

MR. TURNER remarked, that the hon. Gentleman (Mr. Blackburn) must have a very exaggerated idea of the prosperity of Manchester if he supposed that during the last six months the price of goods had risen 50 per cent. Certainly, the Manchester manufacturers were prosperous, but not to that extent. At the same time, any conversion of *ad valorem* into specific duties, on the bases of prices within the last six months, would establish a very erroneous duty, because there had undoubtedly, during our time, been a considerable advance in prices. He had an objection to Article 13, relative to charges on operations in warehouses as it was his belief that it would operate most injuriously, and in fact it would be almost impossible to carry it out.

MR. BLACKBURN observed, that after all he was not so very far wrong in the observation he had made; for it appeared, from the statement of the hon. Member for Manchester, that the average price there, during the last six months, had been over the average price of the last ten years; and he could assure the Chancellor of the Exchequer that some gentlemen had come up from the Manchester Chamber of Commerce to have an interview with the right hon. Gentleman.

Mr. HALIBURTON said, that with reference to the 18th Article of the Treaty, which specified that the arrangements of the Treaty were applicable to Algeria, both for the exportation of her produce and the importation of British goods, he wished to ask whether the same advantage was to be given to any of the British Colonies as was there given to Algeria?

The ATTORNEY GENERAL said, that whereas we stipulated for the productions of the United Kingdom generally, France stipulated for those of France, and also, by a separate Article, for those of Algeria also. To that extent Algeria was a favoured colony.

Lord JOHN MANNERS said, it would appear that the Government did not originally contemplate any favour being shown to any of the colonies of France, but the negotiators having shown a favour to Algeria the Government did not think it worth while to demand any corresponding favour for the Colonies of Her Majesty.

The CHANCELLOR of the EXCHEQUER said, that the noble Lord was entirely mistaken. The Government gave their entire approval to the 18th Article, because France was in a position to deal for Algeria, but England could not deal for her Colonies in the same manner. The great colony of Canada, for instance, had lately been raising her duties on manufactured goods, to the great dissatisfaction of many persons in England, who considered the duties established as protective duties against British manufactures. How would it have been possible, then, for the British Government to stipulate that certain French articles should be admitted free of duty into Canada? The exclusion of the British Colonies from the Treaty was a practical testimony to the liberty they enjoyed.

Mr. HALIBURTON said, he understood then that England had no power to grant privileges to her own Colonies. The privileges of a colony were not to be considered, because they could not deal on behalf of a colony.

Mr. BLACKBURN asked whether, if a cargo of goods were shipped from Ceylon to Britain, and thence to France, they would come under the same regulations as the produce of England itself?

The CHANCELLOR of the EXCHEQUER said, he must answer that question with some hesitation and reserve, as the question was not approached by the Treaty.

Mr. BLACKBURN said, that admission proved that the words in Article 1, respecting "British manufactures imported from the United Kingdom into France" did not include the produce of the British Colonies.

Mr. DANBY SEYMOUR asked whether Her Majesty's Government contemplated making a supplemental treaty with respect to the British Colonies?

The CHANCELLOR of the EXCHEQUER replied, that was a matter to be decided by the Colonies themselves. At present it was the intention of the Government to go through with what they had in hand before entering on any other question.

"Apples, raw."

Mr. BENTINCK said, he believed that the Treaty was a Gordian knot, which could only be unravelled in one way, and the result, sooner or later, must be an appeal to the sword. The apparently unimportant article now under consideration really raised an important question. The question of apples was one of considerable importance. The whole race of Free-traders—as well the original and consistent Free-traders, like the hon. Member for Birmingham (Mr. Bright), as the recent converts of the doctrine, such as the Chancellor of the Exchequer—had lately taken the line of ignoring the existence of the rural districts altogether in their financial arrangements. It was well that the attention of the inhabitants of the rural districts should be called to this, for unless, like other interests, they combined together for their own protection, they might very soon find the best part of the burden of taxation shifted to their shoulders. Apples, and other articles of that sort cultivated. were mainly produced by men who had but small patches of land—two or three acres—and who had little other produce on which to depend for their subsistence, and he could not understand on what principle the right hon. Gentleman now voluntarily proposed—for he had not heard of any meetings of the apple-growers or the apple consumers to petition for a reduction—to submit them to a competition with the foreign producer.

Mr. RIDLEY said, he had expected a

dissertation upon Norfolk biffins from the hon. Gentleman, but he was surprised at his observations on the Treaty. The hon. Gentleman, however, might depend upon it that, if any differences should arise between the two great nations, parties to this Treaty, which could not be settled except by the sword, the hands of the country would be strengthened, not weakened, by the Treaty.

MR. W. EWART said, he was the Member of a Commission which had discussed the question of removing the duty on apples, and it was then shown that it would be largely for the benefit of the poor. The foreign apples came in at a time when the English were out, and therefore the home-grower would feel but little injury.

"Apples, of and from British Possessions.
Arms as denominated in the Tariff.
Brass, manufactures of.
Brocade of Gold.
——— of Silver
Bronze, manufactures of, or of metal bronzed or lacquered.
Canes, Walking Canes or Sticks, mounted, painted, or otherwise ornamented.
——— Umbrella and Parasol Sticks.
Caoutchouc, manufactures of.
Cherries, raw.
China or Porcelain Ware, Plain, Painted, Gilt, and Ornamented."

MR. J. L. RICARDO said, the mode of levying *ad valorem* duties on these articles had been a subject of great alarm among his constituents in Staffordshire. He, therefore, wished to ask whether the *ad valorem* duties which, under the provisions of Article 13, were to be converted into specific duties, would be calculated upon a medium price taken upon an average of different articles, or upon a medium price taken upon each specific article, inasmuch as plates differed from each other in cost, according to their style of manufacture, almost as much as pictures.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member's question was certainly of great importance, and he would give what explanation he could, but that explanation must be founded upon the language of the Treaty, and upon that only; and, therefore, upon evidence which was as much before the hon. Gentleman as before himself. It might be that, upon a rigid examination of the Treaty, parts would be found requiring explanation; but the Supplementary Convention referred to in Article 13, would not touch any points in which there was likely to be a conflict of opinions or interests. It was emphatically declared in the Treaty that in no case was the duty on the great bulk of British manufactures to exceed 30 per cent *ad valorem*. It was proposed by Article 13 that the *ad valorem* duties should be converted into specific duties by a Supplementary Convention, but if those specific duties were not settled, that *ad valorem* duties should continue to be levied. Where they were agreed upon the fairness of the rated duty it would be passed; and if not, they had the remedy of retaining the *ad valorem* duty. In dealing with the question of rated duties it would be the duty of the English negotiator to satisfy himself that in no one article would the duty imposed exceed the value, and if it amounted to 30 per cent of the rated value, it would be the duty of the English negotiator to refuse it. Everything that had taken place was calculated to show that nothing could be fairer or more straightforward than the views and intentions of the French Government with reference to these duties; and he entertained a very strong impression that there would be but very little difference on the subject between them when the Treaty came to be carried into execution.

MR. ALDERMAN COPELAND said, he wished to call attention to the great difference that existed between the English and French china and porcelain with reference to quality. The French had as many as seven descriptions, while we recognized only three—namely, coarse ware, common china, and porcelain. It was desirable that in any Supplementary Convention these distinctions should be clearly ascertained. If the French Government were disposed to meet the thing in a fair spirit, they would adopt the American system; let the English manufacturer put his price on the commodity, with his invoice certified by the Consul, and take it on the 5 per cent principle. It should also be recollected that the manufacturers in the interior of England had large imposts in the way of inland carriage, and that France imported some 15,000 tons of clay, and a corresponding quantity of stone from this country for her manufactories on the coast of France.

Clocks, as denominated in the Tariff."

"Corks, ready made, and Squared for Rounding, after 31st March, 1862."

Motion made, and Question proposed, "That 'Corks, ready made, and squared for rounding, after the 31st March, 1862,' stand part of the proposed Resolution."

Mr. T. DUNCOMBE said, he rose to propose that the article of cork should be omitted from the Resolutions. He did so in the interest of the cork-cutters of England, who were a small but an important branch of the skilled industry of the country. Those hon. Gentlemen who deprecated interference with the Treaty on the ground that it might give offence to France need be under no alarm in the present instance, as there was nothing in his Amendment which could interfere with the interests of that country. France could not produce sufficient cork-wood for her own consumption, and therefore why it should have been introduced into the Treaty he did not know. In 1842 he had advocated the cause of the cork-cutters in this country, whose interests were nearly destroyed by the reduction of duty at that time. There was this peculiarity in their case, that they relied entirely on the material which came from Spain and part of Portugal. The people of Catalonia, where the best corks were produced, from the moment the duty was abolished, had petitioned their Government not to allow the exportation of the raw material, and the Government consented to their request. The supply, which was not of equally good quality, was then derived from Andalusia and Portugal; but it was well known that since the present Treaty had been published the people of Andalusia in like manner were about to petition against the exportation of the raw material. If the Spanish Government consented to that petition, no raw material could come in here, and these men would be ruined. But if the English Government would secure them a supply of the raw material from Spain, they were ready to compete with any part of the world. Under the new tariff Spanish wines could be imported at the lowest duty. The least they could expect, then, from Spain was that its Government would allow this raw material to be exported. In addition to the duty, a penny was to be levied on every package; this would fall very unequally on the raw and manufactured article. By the duty and the tax together the raw material would be taxed 8*s.* 4*d.* per cent, and the manufactured article only 6½*d.* per cent. The trade could not stand against that. As he had said, they did not object to free trade, provided they could obtain a supply of the raw material; but unless that could be done they would be ruined as well as many other industries, such as floor-cloth, shoe-sole makers, life boats, and other interests, into whose operations the cork manufacture entered. He should move that the words "Corks ready made and squared for rounding" be struck out of the Resolution.

The CHANCELLOR of the EXCHEQUER said, he believed there were some parties interested in maintaining the duty on the partially manufactured article. If that were not the case, he had no objection to removing at once the duty on corks squared for rounding. But that might be discussed hereafter. As to the penny package duty, he was not aware that all cork was imported in bales; but the penny would be a very simple matter of adjustment. The Government did not intend to levy a penny on all packages quite irrespective of value. As far as any restraints existed on the exportation of the raw material from foreign countries the Government would use every exertion to obtain the removal of restrictions; and he thought that the concession from Spain, in consideration of other concessions contained in the Treaty, might in fairness be asked and expected. This was not the first time they had heard of the cork trade in debate. There was no article which, in the legislation of 1842, had excited so great a degree of attention as that of cork wood, and he was quite ready to admit that the waste as between the raw material and the finished article was, perhaps, greater in the case of cork than in that of almost any other commodity. But if those circumstances afforded a sufficient reason why the trade, of whose interests his hon. Friend was the advocate, should be protected, he could only say that we must be prepared to adopt as a permanent rule the principle of Protection. But how, let him ask, stood the facts of the case? Why, the particular trade in question had been greatly enlarged since the principles of free trade had begun to be partially applied. In the years 1841-2-3 we had imported on an average into this country 2,606 tons of cork wood; in 1856-7-8, 5,114 tons, or nearly double that amount; and in 1858, 6,579 tons, or little short of the amount which had been imported when a monopoly existed. Nay more, an increased export trade in corks had since then been established, for whereas in 1841 we had exported only 92 barrels of British-made corks, we had in 1857-8 exported nearly double that amount—or 163 barrels. His hon. Friend, however, contended that the question was one in which France had no interest; but the fact was that France supplied us with three-fourth of the total quantity of cork imported, while Spain and Portugal between them supplied us with only one-seventh. Catalonia, he might add, was not the only country on which we depended for our supply of cork wood; it was grown in France, in the southern provinces of Spain, and in Morocco, in which countries, as far as he was aware, no restraint upon the exportation of the article existed. It would therefore, he thought, under all the circumstances of the case, be most unjust to levy a duty upon the importation of cork from France, who threw no difficulty whatever in the way of the export of the raw material, because it so happened that Spain, in respect to one of her provinces, had prohibited its exportation. Under these circumstances he could not assent to the Motion of the hon. Gentleman. All that he could do for the meritorious persons whose cause his hon. Friend had advocated was to follow the precedent which had been set in cases where the immediate repeal of a duty would too sharply affect a particular duty—that was, postpone the operation of the law for a certain time, which in this case he could not fix at a later date than the 1st of April, 1862.

LORD JOHN MANNERS said, he was glad to perceive that the hon. Member for Finsbury had at last found out that free imports did not, in all cases, mean free trade. He regretted, however, that the hon. Gentleman entertaining the views which he had just submitted to the Committee, should have deemed it to be his duty to vote a few evenings before in favour of the general scheme of the Government. But be that as it might, he (Lord J. Manners) had no hesitation in following the example of so venerable an authority on the subject of free trade as the hon. Member in voting for the retention of so innocuous a duty as that to which this Motion related, bringing in as it did some £7,000 or £8,000 a year to the Exchequer, and which had not been made the subject of complaint from any quarter.

SIR FRANCIS BARING said, he hoped the Committee would consider the question in a spirit of fairness, and without any desire on the part of hon. Members to twit one another with their departure from the principle of free trade. Some time ago he had felt it his duty to deal with the question before the Committee; and the consequence was that a deputation of cork-cutters had waited upon him for the purpose of stating to him their views of the proposed abolition of the duty. He could add that they had discussed the subject with great fairness and intelligence. The fact was that they did not object to free trade; they only asked for free trade. They were ready to compete upon equal terms with the foreign manufacturer; but those terms, they contended, would be denied to them if corks were allowed to be freely imported into this country while the raw material of which they were made was not allowed to be exported from the district in which it was grown in the greatest perfection. That was not free trade, it was protection to the foreigner. The right hon. Gentleman said that there had been an increase in the trade since the reduction of the duty in 1842; but he (Sir F. Baring) would explain to the Committee what it was that had really taken place. In 1842 there was a considerable reduction of the duty upon manufactured corks. Immediately afterwards the Spanish Government prohibited the exportation of the cork wood from Catalonia, where the best material was grown. The result was that the manufacture of best corks in England had ceased. It was true that the manufacture had since that time largely increased in this country, but it was confined to the production of the coarser descriptions of the article. Spain still allowed the coarser material to be exported, and the cork-cutters here, by their industry, had been able to keep up and increase their trade. But he would ask was the present proposal fair—was it common justice to our own people? Was it fair that the manufacturer abroad should have a monopoly of the best kinds of the raw material, and that he should then be allowed to import the manufactured article into the English market free of every duty? The Chancellor of the Exchequer said that they might feel assured the noble Lord the Secretary for Foreign Affairs would use his best exertions to get rid of the prohibition of the export of cork wood from Catalonia. He (Sir F. Baring) supposed that some exertions were used when the prohibitory duty was imposed, but, so far from their having any effect, he believed the Spanish manufacturers were pressing upon the Spanish Government to extend the prohibition to the coarser material. If that were done the unfortunate cork-cutters would be in the old Scriptural position of having to make bricks without straw. They did not wish to interfere with any country from which the raw material was freely exported. [The CHANCELLOR OF THE EXCHEQUER: Hear, hear!] If the right hon. Gentleman would only take off the duty on manufactured corks, the produce and manufacture of the countries where there was no prohibition of the raw material, that would meet the case. He hoped that some consideration would be shown to persons who, in common justice and fairness, were entitled to it.

MR. BENTINCK said, it appeared to him the right hon. Gentleman who had just sat down had put the case in so clear a manner that it did away with the necessity of arguing the subject in any other light. He might mention, however, that he had received many communications from various parts of the country, representing the great hardship which was about to be inflicted on these poor people. The whole Treaty was a system of protection to the foreigner and of free trade for the Englishman, and it applied most grievously to the cork-cutters. They could not rely on the noble Lord's (Lord J. Russell's) influence with the Court of Spain, seeing that he had been led to believe that the Spanish Government would not permanently occupy any portion of the territory of Morocco, which it now appeared would be done. He wished to hear, before the division which he hoped would take place, some reason, other than a blind adherence to a vicious principle, why they should reduce to absolute starvation some thousands of their fellow subjects, including great numbers of women and children.

SIR EDWARD GROGAN said, that he had presented a petition from Dublin signed by persons engaged in the cork trade, in which they stated that if this provision of the Budget were carried out their trade would be abolished. In consequence of the tariff of 1842, the manufacture of the finer article had totally ceased, and it was only in consequence of the reduction of the duty on glass, causing a larger quantity of corks to be used, that the cork-cutters had been able to maintain their trade.

MR. MILNER GIBSON said, the proposal they were going to vote upon was whether they should put a high duty on manufactured cork coming, not from Catalonia, but from where it might. Again, he could not see that if the duty were kept on manufactured corks from Catalonia, it would not afford that benefit to the cork manufacturers which the hon. Member for Finsbury was anxious to afford.

MR. T. DUNCOMBE said, that with permission he would withdraw the Amendment as it now stood, striking out "cork" in the third Resolution, and propose instead the addition of these words after 1862—"the produce of countries from which the export of cork wood is free."

Amendment proposed, after "1862," to add the words "the produce of Countries from which the export of Cork Wood is free."

MR. MILNER GIBSON said, he believed that this would so alter the issue that it would require some consideration how it should be met. They were about to give a great encouragement to the manufacture of corks by increasing the consumption of wine. He should like to know how the proposition of the hon. Member for Finsbury would be reconcilable with our obligations under the favoured nation's clause. He did not know whether we had such a clause in our treaties with Spain. The fact was simply this: the manufacturers of cork in this country wanted to have a protecting duty of 33 per cent, and nothing less than that would satisfy them.

SIR HUGH CAIRNS said, he thought the right hon. Gentleman (Mr. M. Gibson) had just adduced the strongest argument in favour of the Motion of the hon. Member for Finsbury (Mr. T. Duncombe). If the cork trade was about to be extended by the increase of the consumption of wine, that was a reason why they should try to procure a full supply of the raw material. With the greatest pleasure he would support the Amendment of the hon. Gentleman for that reason. He had presented a petition from persons engaged in this trade, and their statement was that they were now obliged to confine themselves entirely to the manufacture of the rougher description of cork, Spain having shut them out from the finer descriptions, and now the Government were proposing to admit the finer material in a manufactured state, which would altogether exclude the British cork-cutters from competition. It was of no use to say that the Foreign Minister would remonstrate and negotiate with Spain. The Government had had the same means of obtaining concessions from Spain as from France, but they had never asked for them; and it was idle now to talk of such negotiations after the steps the Government had taken, and which had given Spain everything she could desire. The time for remonstrance with Spain was passed, and therefore he with the more pleasure supported the Amendment. Indeed, the most effectual remonstrance with Spain would be the adoption of this Amendment, by which she would be excluded from participation in the benefits of this remission, unless she consented to the free export of the raw material.

COLONEL SYKES said, he would support the claim made by the British cork trade.

SIR JAMES FERGUSSON said, that in his opinion the reasons of the right hon Gentleman the President of the Board of Trade were frivolous. He (Sir J. Fergusson) had received strong remonstrances from constituents of his own, complaining of the proposal of the Government. He hoped the hon. Member for Finsbury would not shrink from going to a division in which he should receive his most cordial support. The Government would justly incur odium if they resisted the fair demands of a deserving and industrious class.

MR E. P. BOUVERIE said, he wanted to know was the export trade from abroad free? ["No, no!"] It was free from Andalusia, and other parts of Spain. He did not think his hon. Friend the Member for Finsbury could insist on his proposition, seeing the changes that were taking place. He was opposed to introducing a monopoly in their tariff for the sake of one trade. By so doing they would necessitate certificates of origin, and thus introduce into the Custom-house arrangements the very complication they were so anxious to avoid.

THE CHANCELLOR OF THE EXCHEQUER said, he did not understand that it was the desire of either the hon. Member for Finsbury (Mr. T. Duncombe), or the right hon. Member for Portsmouth (Sir F. Baring), to prevent the Government from fulfilling the Treaty with France as it affected corks; and he was not able to say that the Amendment as it stood would satisfy the conditions of that Treaty. He was not aware of any restriction upon the export of corks from France, and understood it was practically free, but there might possibly be some nominal duty, which would render the Amendment, if carried, an obstacle to the fulfilment of the Treaty. The Resolution before the Committee went further because, acting on the general principle which they believed to be sound, they had not stopped at their engagement as it stood in the Treaty, but they had proposed that universally the import duty should be free irrespective of their engagement with France. Our manufacturers complained that in certain cases there was a prohibition on the export of cork wood to this country. The question whether we ought to take notice of the law of other countries in fixing the regulations of our own tariff was a question of the deepest and most vital importance, and he hoped the Committee would come to no hasty conclusion upon it, and that they would not come to a conclusion with reference to the article of cork without having considered where the principle was to lead them, because, as he understood it, the proposition was that they must inquire into the legislation of every foreign country, and unless they were satisfied with the terms of the legislation, they were not to give that nation the benefit of introducing the article. That was the doctrine at issue. It was a question, however, of such range, entering so largely, not only into the propositions of the Government, but into the whole of the proceedings of the British Parliament for the last eighteen years, that it was essentially necessary the House should have a full opportunity of considering its effects, both as a principle of commercial legislation, and also with regard to the present state of our international engagements. He did not think it was a question that could be fairly raised on the present occasion for the simple reason that nothing could be more inconvenient than that the question of the fulfilment of the French Treaty should be mixed up with the question of the importation of corks from Spain, in one quarter of which the exportation of the raw material was prohibited. Were the House, on a question of this kind, to prevent the Government from fulfilling their engagements with France? He had not objected, as he might have done, to the hon. Member for Finsbury, substituting a second Amendment for his first. Under these circumstances he hoped the hon. Gentleman would permit him to alter his original Motion so as to present to the Committee neither more nor less than was sufficient to fulfil our engagements with France. The Resolution would then be to this effect—That on and after the

31st March, 1862, cork ready made, and squared for rounding, the produce or manufacture of, or imported from, France or Algeria, should be admitted. It would be competent to the hon. Gentleman to move an Amendment on that. With regard to the time of making the second, and more general proposition, that cork should be admitted free of duty after the 31st of March, 1862, it would probably be more convenient to postpone it till another evening. At the same time, if his hon. Friend the Member for Finsbury, wished it, he (the Chancellor of the Exchequer) would not scruple to make the general proposition immediately; but, in the first place, he would propose that Resolution, which would enable them to carry out their engagements to France.

Mr. T. DUNCOMBE said, he must decline to withdraw his Amendment.

The CHAIRMAN: You do not withdraw it?

Mr. T. DUNCOMBE: No.

The CHANCELLOR of the EXCHEQUER: I cannot suppose my hon. Friend understands the case. He found occasion to alter his Amendment. It was in my power to prevent it, but I made no objection whatever. I now propose, not for any purpose of convenience to myself, but for the general convenience, to separate the question of the importation from France under the Treaty and the general question, including the importation from Spain, and request permission to alter the original Resolution.

Mr. T. DUNCOMBE: The right hon. Gentleman says he might have prevented me from altering my Amendment. Why, then, did he not take a vote of the House upon it immediately?

The CHANCELLOR of the EXCHEQUER: I speak to order. The hon. Gentleman has said that I could not have prevented him from altering his Amendment without a vote of the House upon it. Will you, Mr. Massey, state what is the rule of the House upon the point of order?

The CHAIRMAN: I did not understand the hon. Gentleman the Member for Finsbury to propose any Amendment. I understood it was his intention to meet the Resolution by a negative when it was put from the Chair. The hon. Gentleman subsequently desired to modify that intention by an Amendment which I put from the Chair. That Amendment is now before the House.

The Chancellor of the Exchequer

Mr. T. DUNCOMBE said, that the right hon. Gentleman had raised an important constitutional question. Were the Committee at liberty to make alterations and amendments in the tariff; and, if, so, were those alterations fatal to the Treaty? He had asked the right hon. Gentleman a few days ago whether the House of Commons was to have the power of altering the Treaty, but could get no answer to his question. He repeated the question a day or two afterwards in another shape, and then the Chancellor of the Exchequer refused to answer it, because, he said, if he did he could not reply to the right hon. Gentleman (Mr. Disraeli), although that was incorrect. The Chancellor of the Exchequer now asked whether the Committee were about to prevent the Government from fulfilling the conditions of the Treaty? It therefore came to this, that all these discussions were perfectly useless. The people of England had now been told by the Chanceller of the Exchequer that the Resolutions and decisions of the British Parliament must be subservient to the French Treaty. Now, he maintained that the French Treaty should and ought to be subservient to the British Parliament, and with that view he had moved his Amendment. He said they were about to do an injury to industrious traders by taking off the protective duty, without giving them the raw material by which they carried on their trade. The right hon. Gentleman the President of the Board of Trade told the Committee the prohibition of the exportation of cork wood was the work of Catalonia; but who was responsible for that prohibition? The Government of Spain, and it was that Government he wanted to bring to book. Persuasion, they had been told, would be tried by the Secretary of State for Foreign Affairs, but he had more confidence in a vote of that House than in the persuasion of the noble Lord. If the House agreed to his Amendment, France, which had no corks to send us, would induce Spain to let England have the raw material.

Sir HUGH CAIRNS said, he wished to remind the House that the course proposed to be taken by the Chancellor of the Exchequer was that which he last week in solemn terms told them could not be followed. When it was proposed to consider the Treaty before the reductions of duty, the right hon. Gentleman said that if the House went into Committee on the Treaty, and considered the reduction stipulations in the Treaty, they would be considering the reduction on French produce only, whereas by considering the Budget first, the Government would be proposing to reduce the duty upon the produce of every country whatever. Yet now, having got the House into Committee on Customs Acts, the right hon. Gentleman changed his field of battle, and asked the Committee to consider the duty on French produce alone, whereby to-morrow morning they might find French corks bearing a different duty from the corks of other countries.

THE CHANCELLOR OF THE EXCHEQUER said, that the course of which the hon. and learned Gentleman complained commended its own reasonableness. The Government had made certain arrangements with France, and they had now to consider how to ratify those engagements. The Government thought they were paying the greatest respect to the House by assuming that if those engagements were to be ratified it would be in the shape which the House had for years adopted—namely, by recognizing no distinction between produce of the same kind in reference to the country from which it came. They were now met, however, by an objection which raised a peculiar assumption, not known to the legislation of the House of late years —that it was the duty of the House to take cognizance of the state of the law of other countries when it fixed the duties to be levied upon our own produce. As that doctrine had no reference to the Treaty with France, he had asked the hon. Gentleman (Mr. T. Duncombe) to allow him to separate those two questions. Let the House first consider the Motion which submitted the engagement with France, and after that let the hon. Gentleman raise another Motion upon which he might raise the proposition he wished to enforce with reference to Spain. The hon. Gentleman refused him the courtesy of withdrawing his Amendment, as he hoped, under a misapprehension. He proposed now to make the same proposal, but to divide it into two parts, so as to separate that which belonged to the Treaty from that which belonged to general legislation. If, however, the hon. Gentleman would not permit him to amend the Resolution for the convenience of the Committee, he had no alternative but to divide against the hon. Gentleman. If, after the statement he had made, and the willingness he had expressed to give the fairest play and the fullest opportunity of raising the question, the hon. Gentleman persisted in dividing the House, he trusted that he should be supported by the Committee on a division, whatever the opinion of the Committee might be upon the question which the hon. Gentleman wished to raise.

MR. CROSSLEY expressed his opinion that there had been a good deal of dust thrown upon the cork question during the discussion ; but he (Mr. Crossley) said that it simply resolved itself into the question of protection or no protection—protection meaning a favour shown to one man by the robbery of some one else. They had to deal with cork makers and cork users. Which was the more numerous class ? Why should the less numerous be protected at the cost of the more numerous class ? The Protectionists thought they were strong in the House that night, and therefore were making an effort to protect the makers of corks by causing the users of them to pay a larger price than they were worth in the market of the world.

MR. SEYMOUR FITZGERALD said, he did not think that the question was one of protection or no protection. If it were, he confessed he should prefer following the hon. Member for Finsbury as a Free-trader rather than the hon. Member who spoke last or the Chancellor of the Exchequer. He thought the hon. Member for Finsbury was quite as old, as consistent, and as good a Free-trader as any other Member of that House. The point at issue was, whether, when we admitted the manufactured article from abroad, we should also extend that privilege to those who prohibited the exportation of the raw material. No doubt, the Chancellor of the Exchequer's proposals were perfectly intelligible. Their only fault was that they were wholly contradictory. The right hon. Gentleman now wished to take the Resolution with especial reference to the French Treaty. Only half an hour before, when a similar question was raised by the hon. Member for Warwickshire, the right hon. Gentleman said the Treaty was not before the Committee.

MR. CLAY said, he thought that the hon. Member for Finsbury would best serve the cause of the cork-cutters by acceding to the offer of the Chancellor of the Exchequer. He should vote against the admission of corks from Spain while she prohibited the exportation of the raw material, but he could not vote against the admission of corks from France, which made no such prohibition.

MR. HOPE said, his opinion coincided

with that of the hon. Gentleman (Mr. Clay) and he should follow the same course.

Mr. AYRTON said, he wished to ask the Chancellor of the Exchequer whether he proposed to allow a French subject, in a French ship, to bring manufactured corks from Spain into England? If that was the proposal it would defeat the object of the hon. Member for Finsbury, but if it was proposed to prevent the bringing in of corks from Spain, directly or indirectly, upon the same terms as with France, he apprehended that the objection of the hon. Member would be met.

Sir WILLIAM MILES inquired whether the Chancellor of the Exchequer would bring forward the general question with respect to Spain immediately after the other points had been disposed, because, if so, he would earnestly appeal to the hon. Member for Finsbury to withdraw his Motion.

Mr. NEWDEGATE asked the Chancellor of the Exchequer whether it would not be more convenient to adopt at once some terms which would apply to the Resolutions generally the rule he now proposed to apply to the article of cork. If he did distinctly limit the privilege of free importation to the produce of France and French possessions the same difficulty would arise with regard to every article.

The CHANCELLOR of the EXCHEQUER said, he had three questions to answer. With regard to that put by the hon. Member who had last spoken, he had not the least hesitation to state that if at any time a practical inconvenience arose which would involve a difference of principle between the trade with France and the trade with other countries there would be no objection on the part of the Government to adopt the suggestion of the hon. Member for North Warwickshire (Mr. Newdegate); but in the absence of any positive ground for such a course he should not depart from the usual proceeding. The hon. and learned Member for the Tower Hamlets asked whether the Government would limit the legislation under the Treaty to cork the produce of France. He replied in the negative. Our legislation disclaimed these minute inquiries into the origin of goods which even when we had highly protective duties were exceedingly difficult and fertile of fraud, and which, now that we had an open system, it would be impossible to reintroduce. Touching at a port of France was not importation from France, the importation must be *bona fide*. To the third question, he would say that he had already given a positive pledge to go on with the general question immediately; but if hon. Members looked to the clock, he thought this would not be a convenient course to-night. But if it were the general wish of the Committee, he would concede his own opinion and do so. He certainly did not think it would be a convenient course to adopt the proposal of the hon. Member for Finsbury. At the same time he admitted that it was highly desirable that hon. Gentlemen should have an opportunity of considering a proposal so novel; and therefore he distinctly promised to offer no obstacle to its discussion after that portion of the Resolution that bore upon the Treaty was disposed of.

Mr. S. FITZGERALD: What will be your proposal?

The CHANCELLOR of the EXCHEQUER: I propose to add at the end of the Resolution these words, "The produce or manufacture of or imported from France or Algeria." And then, subsequently, "Cork and cork woods without restriction."

Sir HUGH CAIRNS said, he wished to point out that the words "produce or manufacture" might meet the view of the hon. Member for Finsbury, but that the use of the phrase "or imported from" would still admit Spanish corks. All Spain would have to do would be to transfer her corks to some French port, and that would be corks imported from France in the words of the Resolution. He would suggest to the hon. Member for Finsbury to give up his Amendment altogether, rather than to accede to the proposal of the Chancellor of the Exchequer.

Viscount PALMERSTON: I think the objection of the hon. and learned Gentleman to our proposal applies with greater force to that of the hon. Member for Finsbury. For, take the words of my hon. Friend and I defy any fiscal regulation to prevent the evasion of the restrictions which he means to propose. I should like to know, supposing his Motion carried, how we are to prevent corks manufactured in Spain from passing through France into England. My hon. Friend's Motion is, that we should not allow corks to come into this country duty free from any country which forbids the exportation of the raw material. Well, supposing it to be true, as the hon. Member affirms, that Spain does intend to prohibit the exportation of the raw material of corks, what would be more easy than that Spanish corks should come in through France, and then the object of my hon. Friend would be completely defeated. I think that nothing can be more intelligible or fairer than to say that, there being no prohibition in France against the raw material, we should not prohibit the importation of the manufactured article from France to England. But then, having agreed to that provision in the Treaty, the House might go on to consider whether or not it is consistent with our legislation, or whether it is practical, to adopt the proposal of the hon. Member for Finsbury, and say, with regard to Spain or any other country, that unless they allow the free exportation of the raw material, you will not allow the manufactured article to come in duty free. Every one must see the inconvenience that will be produced if, when a cargo of corks arrives in England, we shall be obliged to wait in order to ascertain, either from Andalusia or Catalonia, whether any duties had been levied on the cargo. It is obvious such a regulation would lead to altercations between the Custom-house authorities and the importers; and, besides baffling the ingenuity of the Customs' officers, it would produce the most serious confusion in mercantile transactions.

MR. PULLER said, he would recommend the adoption of words in the fifth Article, similar to those employed in the first Article of the Treaty with reference to English goods—namely, "Articles of British production and manufacture imported from the United Kingdom." By this means they would get rid of the difficulty.

SIR FRANCIS BARING agreed that it would be much better if there were no distinctions with regard to produce. However, that was not the fault of England; and he hoped that the existing prohibitions would not be long maintained. Indeed, he had no doubt that if the House showed itself in earnest, and the noble Lord the Secretary for Foreign Affairs were able to lay before the Spanish Government a Resolution of the House of Commons exempting cork the manufacture of Spain from the benefits of the present Resolution unless they took off the duty on the exportation of cork wood, that the Spanish Government would be induced to do so. On the one side they had the inconvenience which had been pointed out, and on the other the Resolution of the Chancellor of the Exchequer, which would have the effect of ruining some very industrious men, unless they were provided with the raw material. There could be no doubt that the greater part of the cork imported from France now came from Spain. Unless the words "corks the produce of Spain" were added, the Resolution of the Chancellor of the Exchequer, as it stood, would do nothing for the cork-cutters of this country, and, therefore, he thought it would be better to divide and settle the question at once.

MR. CONINGHAM said, that this was a question of free trade or protection. If the Government gave way upon this matter there would be similar discussions upon every other Article; he should therefore support the proposal of the Chancellor of the Exchequer.

MR. T. DUNCOMBE said, he thought that the most convenient course would be for the Committee to divide upon his Amendment, after which the right hon. Gentleman the Chancellor of the Exchequer might, if he pleased, move the addition which he had suggested.

LORD JOHN RUSSELL said, that the simple fact was that the proposal of his right hon. Friend was consistent with the French Treaty, and the Amendment was not. If carried, it would be necessary to have a supplemental treaty.

MR. T. DUNCOMBE replied, that the noble Lord at the head of the Government had informed them that if any alteration were made, a supplementary treaty would be required. Why should they not have it? Indeed, they would require one with regard to spirits, and they could easily include corks. The Emperor was too sensible, too wise, and too just a man not to accede to it.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 118; Noes 191: Majority 73.

THE CHANCELLOR OF THE EXCHEQUER said, that although he was not bound by an offer to which his hon. Friend had agreed, he thought the best course he could now take was to move the insertion of the words which he had expressed his willingness to adopt before the division took place. ["No, no!"] He believed some Gentlemen had voted in the majority who would not have done so if they had thought that the whole question was going to be decided by that vote. He would therefore now propose the insertion of the following words—"The produce or manufacture of, or imported from, France or Algeria."

Amendment made, by adding the words "the produce or manufacture of, or imported from, France or Algeria."

Question, as amended, put, and *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER said, it would be impracticable to proceed to any contested questions at that period of the evening, and perhaps the most convenient course would be that corks other than those imported from France should be dealt with after the Committee had concluded the Resolutions which related to the Treaty.

SIR JOHN PAKINGTON said, he was induced, by the expression "contested questions," to ask how far, in the opinion of the Chancellor of the Exchequer, the Committee was free to deal with any of the Articles of the Treaty. It would appear, from the language held by Members of the Government, that every item to which the Committee was asked to consent was mixed up with the Treaty, and that the Committee was not at liberty to discuss it. That being so, it was a mere idle waste of time to consider the items one by one; at all events, it was desirable that the Committee should have a distinct declaration from the Government whether it was or was not free to reject any of the Articles of the Treaty which it might think impolitic.

Motion made, and Question proposed, "That 'Cotton Manufactures, as denominated in the Tariff,' stand part of the proposed Resolution.

THE CHANCELLOR OF THE EXCHEQUER said, that he would move that part of the Resolution which related to cotton manufactures, not with the intention of raising a debate upon it, but for the purpose of enabling him to answer the question of the right hon. Gentleman the Member for Droitwich (Sir J. Pakington). His right hon. Friend must see that his inquiry turned upon and involved the largest constitutional principles, and that it was not in the power of any Minister or Government to answer it in any form which could carry the slightest authority for the Members of that House. It was the duty of every hon. Member to answer it for himself. The Constitution had committed to the Crown the absolute power of concluding and ratifying treaties and of binding the faith of the country, but it had done so subject to the obligation of applying to Parliament for its sanction in cases where legislation was required, and likewise subject to the general responsibility of Ministers even in cases where legislation was not required. In the present case legislation was required. The contract into which the Crown had entered was an incomplete contract until it was submitted to and sanctioned by both Houses of Parliament. The consideration of high policy and convenience, which might render improper the exercise of even private judgment upon questions of secondary importance when the consequence was to defeat the application of a treaty or to create a necessity for new negotiations, was a matter that would occur to the mind of every reflecting man, but not one upon which he could for a moment presume to interfere between each hon. Member and his own sense of what was right and prudent.

LORD JOHN MANNERS said, he accepted the statement of the Chancellor of the Exchequer as highly satisfactory. At the same time he trusted that when the Committee resumed the discussion of these Resolutions no more would be said of the bounden duty of Parliament to pass the Articles of the Treaty without any alteration whatever.

MR. BALL moved that the Chairman should report progress.

LORD JOHN RUSSELL remarked, that he had not heard any one say that it was the bounden duty of Parliament to pass the Articles of the Treaty without alteration. Parliament had a perfect right to do what it pleased in the matter. It might begin with the wine duties and reject that and every other Article of the Treaty if it thought fit. The question was whether it would be prudent to take any step which might prevent the Treaty being carried into effect, or involve the necessity of fresh negotiations. That question, however, was entirely in the discretion of Parliament; its power to deal with the Treaty was undoubted.

SIR MINTO FARQUHAR maintained that the Treaty had been drawn up in such a manner as to impose upon Parliament the necessity of adopting it word for word as it had been placed upon the table. If such was not the case, why were they told, when they objected to any of the Articles, that they were interfering with what were called the obligations of the Treaty? The discussions of the Committee were not free.

MR. NEWDEGATE asked, whether the words "cotton manufactures" included articles of clothing made up.

THE CHANCELLOR OF THE EXCHEQUER replied that they were. He trusted the hon. Member for Cambridgeshire would withdraw his Motion.

MR. BALL said, he thought the right hon. Gentleman, after answering questions all night, must be physically incapable of proceeding further at that hour.

THE CHANCELLOR OF THE EXCHEQUER said, he could not accept the favour which the hon. Gentleman offered him. The greatest favour the hon. Member could confer upon him would be to allow him to go on with the Resolutions. They might have a chance of taking these Resolutions to-morrow, but probably that would not suit the convenience of Members. He trusted there would be a disposition on other days, except in cases where business of a very urgent nature was involved, to proceed with these Resolutions. He hoped to be able to bring them on again at some period on Thursday evening, provided he could do so at a reasonable hour. He wished to take the sense of the Committee of Ways and Means to-morrow as to the duty of 8*s.* 1*d.* on British spirits, as it was desirable for the convenience of the revenue that effect should be given to that vote immediately after it was delivered.

SIR JOHN PAKINGTON said, if he rightly understood the right hon. Gentleman with regard to the order of proceeding on Thursday it amounted to this, that as soon as any discussion that might arise on the Reform Bill was concluded, the right hon. Gentleman should proceed with his Resolutions, and, as far as hon. Members on that (the Opposition) side of the House was concerned, there would be no objection to that course.

MR. WHITESIDE said, he wished to ask when it was intended to bring in the Irish Reform Bill?

MR. CARDWELL stated that it was his intention to bring forward the Irish Reform Bill on Thursday evening, after his noble Friend the Foreign Secretary had introduced the measure relating to England.

LORD JOHN MANNERS said, he wished to know whether they were to have three Reform Bills on Thursday?

MR. MACAULAY said, he wished to know how far the Committee was free to discuss the propositions of the Chancellor of the Exchequer. Part of the Resolutions now before the Committee stated that the Queen had recommended Parliament to do so and so, and he wished the Government to state how far the House would be free to discuss those propositions. It was also stated that the Emperor of the French was willing, he had no doubt in consequence of what had passed in the House, to modify that part of the Treaty which related to coals. He hoped, therefore, the Government would admit not only the constitutional right of this House to discuss the Treaty, but the willingness of the French Emperor to make any modification of the duties which the House of Commons might suggest.

LORD JOHN RUSSELL said, it was obvious if the Emperor of the French was absolutely bound to make certain relaxations of duty and to remove certain prohibitions, and if the Queen was only bound to recommend to Parliament the abolition of the duties on a great number of articles, and Parliament rejected that recommendation with respect to any considerable number of those articles that that would not be a fulfilment of the engagements of the Treaty on our part. With regard to the Customs' duties, Parliament must consent to them before the requirements of the Treaty were fulfilled. It would be competent for the Emperor of the French to say, if the House of Commons should refuse its sanction to certain articles, that he was free from the engagement. He might, or might not, in that case choose to make another Treaty, or to modify the existing one; but he would be entirely free from the obligations imposed upon him by the present Treaty.

SIR JOHN PAKINGTON said, he must complain that in every previous instance in which he had put a question, bearing on this point, the answers of the Government had been evasive. He would not even except the answer given a short time before by the Chancellor of the Exchequer. He (Sir John Pakington) had not asked any question about constitutional practice, but whether the Committee was free to reject certain items in a list of articles, with respect to which items many hon. Members were of opinion that we were about to throw away revenue, extravagantly and rashly, without any corresponding benefit to any class or interest in the country? The question was, whether the Committee was free or not to discuss the wisdom of certain provisions and to reject any of the articles which they might deem impolitic or unwise?

LORD JOHN RUSSELL said, that was a question, not only for the decision of the Committee, but for the decision of the French Government. The right hon. Gentleman appeared to think it would be foolish to throw away revenue on many of the items in the Treaty. He would not dispute that question with the right hon.

Gentleman. All he (Lord John Russell) contended for was, that if any material items were rejected by Parliament, the engagements on the part of the Queen would not be fulfilled. If such an item as that relating to artificial flowers, for instance, were rejected, he should certainly be surprised if the Emperor of the French were to say that in consequence of that decision he could not go on with the Treaty. But, supposing persons were to say in France, as they did say, that it was entirely a one-sided Treaty, and that it made France the slave of England—there was no doubt that was said—no one could tell to what risk the Treaty might be exposed. Cannon balls might be required to enforce it. It was, therefore, a matter of discretion with Parliament on the one hand and the French Government on the other, but as a matter of discretion the Government certainly did recommend Parliament to sanction the engagements which had been entered into.

Mr. WHITESIDE said, he had understood that the effect of the Treaty would be to unite the two nations; but if cannon balls were required to enforce it, surely the effect would be to separate them. It was a pleasant prospect to contemplate the possibility of such a specific being rendered necessary. The fact appeared to be that, supposing the Treaty to contain 250 Articles, and the House adopted 249, rejecting but one, then the Emperor of the French was at liberty to consider himself relieved of all his obligations respecting it. This was certainly an agreeable kind of arrangement.

Motion made, and Question, "That the Chairman do report Progress,"—put, and *agreed to.*

House *resumed.*

Committee report Progress; to sit again on *Thursday.*

House adjourned at half-after
Twelve o'clock.

HOUSE OF LORDS,

Wednesday, February 29, 1860.

Their Lordships met, and having gone through the Business on the Paper,

House adjourned at a quarter before Four
o'clock, till To-morrow.

HOUSE OF COMMONS,

Wednesday, February 29, 1860.

Minutes.] Public Bills.—2° Spirits (Ireland) Act Amendment.
3° Administering of Poison.

WAYS AND MEANS.—COMMITTEE.

Order for Committee read. House in Committee.

Mr. Massey in the Chair.

The CHANCELLOR of the EXCHEQUER said, he rose to move the following Resolution, namely:—"That, towards raising the supply granted to Her Majesty, in addition to the duty now payable on spirits distilled in the United Kingdom, there shall be charged on every gallon of such spirits at proof which, on or after the 29th of February, shall be distilled or be in the stock of any distiller, or in any duty-free warehouse, er removing to such warehouse the additional duty of one penny." It was not necessary for him to enter into any statement then, because, in point of fact, the duty of 8*s.* 1*d.* upon British spirits had reference to the duty which was about to be fixed on foreign spirits, and to the general arrangements consequent on the adoption of that plan. The most convenient period for considering the effect of this Vote would be when the Government made the proposal with regard to foreign spirits. Of course if that proposal was not adopted, then the present one might be open to modification—the simple object of it being to preserve the revenue from loss by any anticipated delivery from bond in the interval before the Committee had adopted the final Resolution.

Resolved,

"That, towards raising the Supply granted to Her Majesty, in addition to the Duty now payable on Spirits distilled in the United Kingdom, there shall be charged on every gallon of such Spirits at proof which, on or after the 29th of February, 1860, shall be distilled or be in the stock of any distiller, or in any duty-free warehouse, or removing to such warehouse, the additional duty of one penny."

House *resumed.*

Resolution to be reported *To-morrow.*

Committee to sit again on *Friday.*

QUALIFICATION FOR OFFICES ABOLITION BILL.

SECOND READING.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [1st February], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

MR. NEWDEGATE said, when the Bill was last under consideration, he had moved the adjournment of the Debate, because the Measure proposed to alter the present state of the law, under which no person could be excluded from a corporate office on the ground of religious belief. The law in respect to admission to those offices was analogous to the system adopted in regard to the admission of Members to that House. The constitution of this country was Christian, and that fact was expressed by the connection which existed between the Church and the State. The constitution both of the Civil Corporations and of this House recognized that fact by admitting the various sects of Christians according to their denominations, with a distinct provision as to the admission of Jews which constituted an exception from the general rule. He trusted that that principle would never be changed, for upon it was founded the greatness of the country, and the high moral character which it possessed in the eyes of the whole world. By virtue of that principle the meanest subject had the right of appealing to the great code of morality if any injustice were done to him. For the law and the State both being Christian, any violation of Christian morality was inconsistent with the character of both. His reason for objecting to the present Bill was, that it appeared to ignore, or depart from, that principle upon which legislation had hitherto proceeded, and which recognized the fact that the laws of England were based upon Christianity. The Bill seemed to lay the foundation of an internecine war between the various powers of the State, for it proposed to abrogate the declaration taken on admission to corporate functions against the use of the civic power for the purpose of attacking the Church. For those reasons he had moved the adjournment of the Debate when the Bill was moved at a late hour of the night. In the present thin state of the House, however, it would be absurd for him to enter into so great a question. He should, therefore, content himself by expressing his dissent to the passing of the Bill, and his hope that on some future occasion the House would feel disposed to consider more seriously the grave question it involved.

Question put, and *agreed to;*

Bill read 2ª and *committed* for *To-morrow.*

MASTERS AND OPERATIVES BILL.

SECOND READING.

Order for Second Reading read.

MR. MACKINNON, in moving the second reading of this Bill, said, the object he had in view was the establishment of a friendly tribunal, to be called a Council of Conciliation, and to be constituted of an equal number of masters and operatives, to which all disputes between those two classes should be referred. If the Motion which he had made last year had been adopted by the House, all the misery which had resulted from the recent strike would have been spared. Considering the extraordinary privations which had been caused by that strike, he could not help thinking that some measure of this sort was absolutely necessary, and he could scarcely see what objection would be raised against it. In every strike there were four classes who suffered—first, the masters, whose capital and property were sacrificed; next, the workmen, who were ezposed to misery and privation by reason of the loss of their wages; next, the small shopkeepers, whose ordinary class of customers were the working men; and, lastly, the public at large. The Preston strike had entailed a loss of £2,400,000, and it was calculated that the average loss to the community by strikes throughout Great Britain was about £1,000,000 a year. Under these circumstances, it was most extraordinary that Parliament should continue to refuse to provide a remedy for these strikes. He had heard it said that the reason why Parliament refused to legislate was, that it relied on the 5th of George IV., entitled an Act for settling disputes between masters and workmen; but that statute was totally inoperative. There was a mutual dislike, and more strong on the part of the operatives, to refer questions to an unknown set of men, nominated by a justice of the peace. Going before a justice, too, in the opinion of most of the men bore the character of a criminal proceeding, and when resorted to by the workmen not unfrequently ended in their dismissal. If the parties named refused to act, all decision was left to the justice, and many of the cases raised required special knowledge of the particular trade, which a magistrate could not be expected to possess. Mr. Hammill, in his evidence before the Committee, stated that the most disagreeable duty which he had to perform was the disputes between the Spitalfields weavers and their masters. Large bodies of operatives throughout the country had declared in favour of this Bill, and last Saturday a meeting was held in St. Martin's Hall, Long Acre, attended by about 2,000 builders and brickmakers, at which resolutions were passed approving its provisions. The conduct of the workmen during the late strike was, considering their fearful privations, deserving of all praise, and therefore their desires on this subject should meet with the kind consideration of this House. The evidence before the Select Committee of the year before the last proved that the equitable councils of conciliation had worked wonderfully well in France for fifty-four years, and had prevented many disputes there between workmen and employers; and he had it on the anthority of M. Van de Weyer, the Belgian Minister, that the same had been its effect in Belgium. It had been said that the idea of this Bill had been stolen from the French law, but that was not the case. It was taken from the practice of the House of Lords and the House of Commons. When they differed, delegates were appointed to meet in conferences and settle the questions in dispute; and why not give the same privilege to the workmen and their employers? How did strikes arise? The workmen, feeling themselves aggrieved, met together and sent to their employers, perhaps, a violent and impudent message, insisting on the raising of their wages or the shortening of their time of work. The masters had a meeting in their turn; they were excited at the insulting message they had received, and they sent back a point-blank refusal. Then there was a collision between the two classes, and a strike followed. It was impossible that the present system, which perpetuated hostility between the different classes, could be suffered to continue; and it was the duty of the House to pass such a Bill as would restore a feeling of confidence between employers and employed, and to lay the foundation of a future means of accommodation on equitable terms in the event of difficulties unhappily arising. As objections might very possibly be taken to the details of the measure, if the House would give it a second reading, he proposed to refer it to a Select Committee.

Motion made, and Question proposed—"That the Bill be now read a Second Time."

MR. SLANEY, in seconding the Motion for the second reading, said both workmen and masters owed a deep debt of gratitude to the hon. Gentleman by whom the question had been brought forward for the unwearied pains which he had taken in endeavouring to provide a remedy for the great and increasing evils from which the country was suffering. Not merely were the working classes increasing from year to year in numbers and importance, but the different subdivisions of labour and the various degrees of skill required by the new kinds of manufactures which were constantly introduced gave rise to a complexity of interests more or less conflicting, and rendered it absolutely necessary that some mode should be devised whereby disputes could be adjudicated upon in a friendly spirit, and to the satisfaction of both parties. In all cases where controversy arose a great want was felt of some power which could interfere at the outset to prevent dissatisfaction from spreading and gaining a dangerous height. There could be nothing more valuable than some machinery by which workmen, who in moments of excitement were led by mischievous persons to commit acts of which they afterwards repented, and which entailed lasting injury on themselves, their wives, and families, should be induced to adopt the reasonable course of laying their complaints before a friendly council, impartially chosen, which would be the medium of accommodating exorbitant demands on either side, and in whose well-considered decision they would both be disposed to agree. In every part of the country vast buildings were to be found filled with the industrious classes, on whom this council would confer an inestimable boon, in elucidating points which might be in issue and in deciding whether complaints or demands were really founded in justice. Among those in a better position in life vexatious and expensive suits in courts of law were constantly avoided by a reference to arbitration. This Bill was in effect a proposal to extend the benefits resulting from such a course to the industrious poor, with whom the loss even of a few days' work was attended with more serious consequences than were felt by the rich who expended time or money in litigation. If the House rejected the measure, they would in effect be giving scope to angry passions, and encouraging the violent, the hasty, and the uncompromising of both sides, whose pride was interested in keeping up dissensions. On the other hand, by adopting the Bill they would be adding weight to the efforts of the moderate men who, from their practical acquaintance with the subject, were the best fitted for dealing with those difficult and delicate questions which were always involved in trade disputes. As it stood, the measure was merely an enabling Act, and his hon. Friend proposed to refer it to a Special Committee, in order that any provisions to which objection might be taken should be modified. He could not believe the House would refuse its assent to a proposal for the establishment of such a tribunal, when made with the view of lessening those great and growing evils to which the industry of the country had hitherto been subjected, and which, though it might not altogether prevent the occurrence of strikes, would lead, in his opinion, to a great diminution in their most pernicious effects.

MR. WALTER said, it was not his intention to offer any opposition to the second reading of the Bill, because he believed that its provisions were, to say the least, harmless, and because the hon. Member by whom it had been introduced was willing to refer it to a Select Committee. But he must guard against its being supposed that he for a moment acquiesced in the opinion which had been expressed that such a Bill would have the slightest possible effect in preventing the periodical occurrence of strikes, and those serious differences between masters and workmen of which the country had such lamentable experience. The hon. Gentleman seemed to have become involved in some confusion of ideas with respect to the meaning of the word "dispute," for he had given a definition of that term which, he believed, altogether differed from the view that he really intended to convey to the House. In one portion of his speech he had alluded to a certain class of disputes which arose between masters and workmen as to questions of fact. It was easy to perceive that in trades of a complicated character differences of opinion must often arise as to the mode in which a workman had performed his task, which would involve other questions as to the amount or proportion of wages to which he was entitled; and for the consideration of technicalities and difficulties of this nature some council, such as it was proposed under this Bill to frame, might be a very fit tribunal. But the points on which strikes turned were not matters of fact, but questions of opinion, and originated in much deeper passions and feelings than were excited by mere disputes as to the mode in which a contract had been fulfilled. Those occurrences, of which the House had lately heard so much, arose, on the one hand, from a desire on the part of workmen to obtain a larger amount of pay than employers thought proper to give; and, on the other, from an equally natural desire in the minds of employers to keep down wages, and not to submit to what they considered the exorbitant demands of those who were in their service. It was not to be supposed that a measure like the present would have any effect in settling disputes of this serious nature, which in reality involved the question of free trade, and the right of both parties to agree upon their own terms. He therefore hoped that when it got into Committee the hon. Gentleman would endeavour to define those disputes as to which it was supposed the Bill might exercise a beneficial effect, and would not suffer himself to be persuaded that it could really terminate the differences between masters and men which eventuated in strikes. With this reservation he had no objection to the Motion for the second reading.

SIR GEORGE LEWIS said, the hon. Gentleman in former Sessions had not felt it necessary to take a vote upon this measure, but the events of last summer and autumn had probably induced him to think the present a more favourable time for asking the House to entertain the question. But it was precisely because the great builders' strike of last year had excited attention and given rise to anticipations in some quarters that legislation would take place that it peculiarly behoved the House not to give its assent to any measure on this subject, unless it were fully convinced that it would prove effectual as a remedy. If any hon. Member could conscientiously say he believed the propositions contained in the Bill would prevent the evils generated by a "strike," he ought to give his vote in favour of the measure; but otherwise he would probably agree with him that it was better not to raise false expectations and hopes throughout the country, unless the House had power to pass some measure which, in a moment of great excitement or difficulty, would arm either the parties themselves or the Executive Government with the means of carrying out some reasonable agreement. The Bill consisted of two parts. The first clause gave powers to workmen and masters to appoint certain persons to hear and determine cases in dispute between them; but in what respect did this differ from the existing law, which sanctioned the appointment of arbitrators. The clause therefore was either useless or imperfectly expressed. The second portion of the Bill provided that any number of masters and workmen, being independent householders, at a meeting specially convened, might agree to petition Her Majesty for licence to form an equitable council of conciliation, possessing all the powers enjoyed by arbitrators; and, if the licence were granted by Her Majesty or by the Secretary of State for the Home Department, that a council—to consist of not less than two masters and two workmen—should be elected for a year. What object would be achieved by these enabling powers he was at a loss to understand; but if the machinery which it was proposed to create was to have any practical effect, it must be to make the Government to a certain extent responsible for the formation and working of these councils. Application had been made to the Government in the course of last summer to interfere in the dispute between the masters and workmen, and he refused to act in any way as an arbitrator, being perfectly convinced that if he undertook any such office he should have completely failed. The question was rather a trial of strength between the parties, or had reference to minute technical relations of trade, and in either case a Member of the Government was a most unfit person to become a mediator. Believing that the Government ought never to interfere unless it could do so with usefulness and effect, he had refused to do so, and the result convinced him that he had exercised a proper discretion. The same reasons induced him now to think that the Government would be outstepping its office in promoting the formation of these councils, which could only raise expectations that would not be fulfilled. When a strike occurred persons were ordinarily exasperated against each other, and if expectations of accommodation were held out by the Government which were afterwards disappointed, that exasperation would be naturally, and he would add justly, increased. His hon. Friend the Member for Shrewsbury (Mr. Slaney) with that benevolence for which he was distinguished, said, in seconding the Motion, that he wished the disputes between masters and men to be adjudicated on in a friendly spirit and in a manner satisfactory to both parties. When disputes occurred it was the wish of everybody that such a tribunal could be found by which that could be done; but in practice, where parties were envenomed by hostile feeling, he had never yet known any means of bringing them to an immediate agreement with perfect satisfaction to both. He therefore feared, if the House were now to give its assent to the second reading of this Bill, they would be only encouraging false hopes and fostering delusions among those whom they were most desirous of leading into the right way. But if the House believed that any good could arise from inquiring into either the facts or the law of the matter, he should not object the appointment of a Committee, with the understanding that it was to be in no way confined to the objects of the Bill, or contingent on its adoption. If the question went to a division, he should feel it his duty to move that the Bill be read a second time that day six months; but he trusted his hon. Friend would render that course unnecessary by withdrawing his Motion for the second reading.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Lord ROBERT MONTAGU said, the origin of strikes had been described by the hon. Member for Berkshire (Mr. Walter) as a matter of opinion, and by the right hon. Gentleman who had just sat down, as a trial of strength between the two parties; but he would ask the House whether such reasons adequately accounted for a strike like that in Lanark, for example, in the year 1856, when there were 40,000 men on strike, and by which masters, operatives, and shopkeepers suffered to the extent of £300,000 in a month; or for that in Preston in the year 1852 or 1853, where the operatives alone incurred a loss of £520,000. Could such facts as these be caused by mere opinion? If it were a mere trial of strength, it was a battle of giants. During the building strike last year, they heard a great deal from the journal which had the largest circulation in this country about the acts of folly committed by the men; the wives and families of thousands were reduced to destitution, some died, and others actually killed themselves rather than give in. Was it likely that all this suffering was incurred for a mere matter of opinion? Men in general give up their opinions; nay, even desert their principles rather than lose their money; much less would 40,000 men combine to starve for nothing; or see their families perish around them for a mere tournament of strength. Or was it not rather probable that the men felt there was some principle at stake which they thought it necessary to uphold? It was easy to say that one man forced another to stand out, but if the majority believed that they were not right in doing so, they would soon force the minority to yield. Persons said the workmen were led astray by demagogues. But had the persons who hazarded such statements ever gone to see the men who were out on strike? He came to London for the purpose, and went to one of their committee-rooms in the Strand, and more reasonable and moderate men he had never met. They expressed their ideas well—in better English than he had sometimes heard in that House. He had also gone to the Paviors Arms in the neighbourhood of that House, where he had found men equally intelligent and equally reasonable, and he did not hear an angry word or a malicious sentiment till a hot-brained fellow named Potter made his appearance; and he, it is true, cast about his words "like a Fury slinging fire." Strikes arose from a want of sympathy and of proper understanding between the masters and workmen, which gradually engendered a mutual suspicion and estrangement, so that when some trivial circumstance took place, which might be easily settled by arbitration, it acted like a spark and produced an explosion. Some masters, for instance, would affix a notice to their gates intimating that after a certain date the rate of wages would be reduced; and this at once led to a strike; while others consulted their workmen, showed them that the reduction was reasonable, and the matter passed over quietly. The right hon. Gentleman has said that the existing law (namely, the Act of George IV.) is sufficient; but the blue-book issued by the Committee which sat in 1856, showed that nearly all the witnesses who were examined disapproved of the existing state of the law, because the first step to be taken in the event of any dispute was to go before a justice of the peace, which looked like a criminal proceeding. The justice was then to appoint the arbitrator, who was thus chosen after the difference on which he was to decide had arisen; instead of being appointed, as the Bill proposed, once a year, by which means greater impartiality would be secured. The right hon. Gentleman (Sir George Lewis) had called on any Member who conscientiously believed that the Bill would have the effect of preventing strikes to support the Motion for the second reading. He would be that Member; and he was strengthened in his view by the evidence to which he had referred. The eligibility of these councils of arbitration was not a matter of opinion, but one which had been tested by experience. They existed both in Denmark and in Norway, and their operations had been attended with most perfect success; in Belgium they were likewise to be found, and no strikes were ever heard of in the large manufactories of that country. In France they had their *conseils des prud' hommes* to deliberate on cases in which differences arose; and M. Van der Weyer distinctly stated that of the enormous number of cases, amounting to 15,000 or 18,000, which were heard every year, the vast majority were settled in a manner satisfactory to both parties, and but very few were followed by any subsequent litigation. The principle had likewise been voluntarily adopted in this country in various branches of industry; and, indeed, it appeared even better adapted to this country than to others, as foreign countries did not possess, to the same extent, the power of self-government. He was surprised at the opposition of the right hon. Gentleman (Sir George Lewis), for if workmen in Manchester or Leeds living in £6 houses were, by the gift of the franchise, to be enabled to choose their representatives and to have a voice in State affairs, on what principle could he refuse to allow them to select a council for the management of those interests in which they were exclusively concerned? Boards of arbitration had been voluntarily established with perfect success. After the great strike of 1839 among the carpet-weavers in the north of England the masters expressed a wish that the trade should be governed on just and impartial principles, and proposed that a meeting of delegates should be annually held, at which they themselves would attend, and confer with the delegates from the operatives in regard to their mutual interests. After this board of arbitration was established the men two or three times demanded an increase of wages, which was held to be reasonable; and on another occasion, when they had manifested great anxiety to obtain it the board disallowed the claim, and the men acquiesced in the decision. This board entirely obviated all strikes. In Kidderminster, as long as a similar board was in existence, there were no strikes. In Macclesfield the board continued in existence for three years with the most perfect success, and was only dissolved owing to the want of legal power to enforce its decisions. In the Staffordshire Potteries the Courts of Arbitration worked so well and so amicably, that it never even became necessary to appoint the arbitrator provided by the rules. In Stoke-upon-Trent, similar arrangements were equally efficacious in preventing strikes, and most of the masters had now given their adhesion to such a plan. The compositors in London settle the disputes between masters and men in a similar manner. The masters and operatives of the boot-making trade met, after a long dispute in 1853, and their differences were speedily terminated. The shipwrights in Sunderland had such a board, and it met with a similar success. And in Price's Patent Candle Company disputes are avoided by a like conciliatory system between the masters and the employed. The ex-mayor of Nottingham, who was examined before the Committee of 1856, deposed that councils of arbitration, if established by law, would be acceptable, not only to the men, but to the employers, and certainly tend to obviate strikes. M. Chevalier, who was at present the great authority on political economy, viewed the system of equitable councils of conciliation as "one of the noblest creations of the present century." Mr. Mill, a writer on kindred subjects in this country, devoted two entire chapters to this question, in which he expressed himself even more strongly. The right hon. Gentleman the Home Secretary was anxious that this Bill should be withdrawn, and that a Committee should be appointed. He, on the contrary, hoped that the hon. Member would persevere in his Motion, as a Committee had already sat and collected evidence, and had strongly recommended that a tribunal of this character should be established. The present moment, when, if ever, a good feeling might be said to exist between masters and men, ought to be turned to account in preventing a recurrence of those strikes, from which so much evil had resulted. All are loud in decrying strikes, and in enlarging on the evils of such a loss of pay to men, women, and children; on the loss of trade, and loss of profits, and loss by unused capital, machinery, and buildings. All therefore allow that there exists a great evil, which calls for a speedy remedy. Such has now been proposed in the Bill before the House. Many witnesses have testified their approval of such boards of conciliation and arbitration. Similar boards have been tried with success in Denmark, in Norway, in Belgium, and in France. Such boards have accomplished their object wherever voluntarily established in this country. And, besides, the Bill before the House did not bind either class to submit to any new regulations; it was merely permissive in its character. The councils were only to last for a year, at the end of which time, if they proved unavailing, they need not be renewed; but if, as he firmly believed would be the case, it was found that they had done much to prevent strikes, the House would have no difficulty in renewing them for a longer period.

Mr. EDWIN JAMES said, he hoped the House would accede to the very reasonable proposal that the Bill should be read a second time, and then referred to a Select Committee. To the principle of the Bill—the establishment of some system by means of which the disputes between masters and operatives might be satisfactorily arranged—he could see no objection that could be raised; while he was at the same time disposed to think that the machinery which it provided would be found unworkable. He should also observe that, in his opinion, the operation of the Bill, should it pass into a law, would not prevent strikes, although it might put an end to those early animosities and differences between masters and men which so often eventuated in strikes. He was of that opinion because he coincided with the hon. Member for Berks (Mr. Walter) in believing that strikes had their origin in causes far deeper than legislation, such as that to which the House was asked to assent, could remove. During the recent lamentable strike in London the workmen, it appeared to him, had put themselves into a false position by demanding to be paid for labour which they did not perform; but it must, upon the other hand, be admitted that the masters had adopted a retaliatory measure which was equally unjust—he meant the imposition of the document which they required the workman to sign. An arrangement of the dispute had, however, been brought about by the kind interposition of a noble Lord, so that if such a tribunal as that proposed in the Bill had been in existence, it was probable the strike would never have taken place. He trusted that the appeal which—on behalf of hundreds of thousands of men who had passed through a great struggle and endured great privations with the utmost fortitude—was made to the House in the present instance would not be made in vain, and that they would at least affirm the principle, that they did not begrudge the time spent in endeavouring to adjust by some mode the differences between masters and their workmen.

MR. HENLEY remarked, that the Bill presented a difficult question to the House, and great care should be taken in legislating on the subject. The object which the promoters of the Bill had in view was one which it was desirable to accomplish, but he, at the same time, agreed with the hon. and learned Member who had just spoken in thinking that its machinery would be completely useless for that purpose. The definition of terms which it contained was extremely vague, and it would, as a consequence, be impossible to say whether, in the recent building strike in London, the persons to be elected under its provisions should be chosen from among the Irish labourers or some of the other men belonging to the several trades concerned in the strike. He must also observe that the fact which had been stated by the noble Lord the Member for Huntingdonshire (Lord R. Montagu) that voluntary arrangements were in a large number of cases effected between masters and men with a perfectly satisfactory result, inclined him to the opinion that it was undesirable to proceed in any careless and hasty system of legislation in the matter. Another point to which he wished to call the attention of the House was that, if the proposed councils were to be empowered to settle differences, and then, as was intended, the authority to enforce their awards was to be vested in somebody else, great inconvenience would be the result. He, for one, should, as a magistrate, object to have that sort of ministerial authority placed on his shoulders; nor did he think it quite right that he should be called upon to pass sentence of imprisonment in a case which he had not heard, and upon the merits of which another tribunal had decided. The result of acting upon the provisions of the Bill in that respect might be that he would render himself liable to an action for false imprisonment. He should, however, raise no objection to the proposal that the Bill should be referred to a Select Committee; but if, upon the other hand, the Government on their responsibility should maintain that the Bill ought to be thrown out, he should vote with them.

SIR EDWARD COLEBROOKE observed, that while admitting the desirability of some tribunal by which disputes between masters and men might be settled, he did not think the operation of the Bill would be to remove those causes by which a strike was brought about, or to lead to the settlement of the differences which in those cases prevailed. There were, however, other questions—such as the amount of work done—he was ready to admit with which councils of conciliation might satisfactorily deal. He must at the same time say that the machinery which the Bill provided was of the crudest and weakest description possible. He thought it unfair to throw on the Secretary of State the responsibility of negativing a proposal of masters and men for the establishment of such a tribunal in a particular locality; and he doubted whether good would arise from reference of the Bill to a Committee of the whole House, although he was of opinion that benefit might result from a reference of the whole subject to a Select Committee. On the whole, he would suggest to the hon. Member who had brought the measure forward, whether it would not be better at present, in the absence of decided suggestions for remedies of the admitted evils, that the recommendation of the Secretary of State should be complied with.

MR. BLACK maintained that the Bill, if it passed into a law, would, instead of promoting conciliation, lead to the contrary result; inasmuch as the very fact that the operatives knew that there were tribunals to which disputes between themselves and their masters might be referred for settlement might lead them to start objections which, under other circumstances, they never would have contemplated raising. It was true that the great bulk of the operatives were sensible men, but there were among them agitators whose office it appeared to be to excite discontent. He was convinced, therefore, that the Bill would be productive of more harm than good, and he thought that the appointment of a Select Committee to consider the subject would only tend to excite hopes which could not be realized.

MR. POLLARD-URQUHART said, that any measure on the subject must be tentative. He hoped, therefore, the House would consent to the second reading, in order that an attempt might be made in Committee to remedy the defects in detail of the measure. He had read several pamphlets of late on the subject of strikes. They were aware that the amount of wages depended on the ratio of supply and demand; but they seemed to imagine that strikes were the only means of raising wages where the masters desired to keep them unduly low. He thought that courts of reconciliation could be constituted, which would have a beneficial operation; and he hoped the House would allow the Bill to go into Committee.

MAJOR EDWARDS supported the second reading, and advocated the appointment of a Select Committee.

SIR FRANCIS GOLDSMID said, that his vote for the second reading might depend on the answer which the hon. Member should give with regard to the powers of the proposed courts of arbitration. He objected to the power which the Bill apparently gave to one party to compel another to appear before the proposed councils, a power which he believed could not be safely entrusted to a committee of working men.

MR. NEWDEGATE said, he very much doubted whether the law as it stood was not sufficient to meet the object which the Bill proposed to effect. He had had some experience in strikes, and had always found it an easier matter to deal with the men themselves than with their committees. At present, however, there was an uneasy feeling among the working classes, and he should be sorry to see the House close its doors against the complaints of the workmen. There were, moreover, certain matters connected with the details of trade in which it was expedient that the men should have more power of producing evidence before some board than they at present possessed. He must, however, deprecate the passing of the Bill as it stood. In the machinery for electing the councils of conciliation, they did not, in his opinion, go sufficiently amongst the body of the people. The councils, also, ought to have the power of enforcing their decision.

THE SOLICITOR GENERAL said, there were two matters involved in the Bill, first as to what questions were to be submitted to the new councils of arbitration, and next, what would be the power and operation of such tribunals. With regard to the questions that were to be referred to the new tribunal—were all the same as those which could be decided by arbitration under the existing law, with the exception of the question of wages. The statute of *Geo.* IV. strictly excluded all interference with the rate of wages, without the mutual consent of masters and workmen. The question of wages, however, was included in the new Bill. The principal change was in the constitution of the tribunal itself; and he thought the change likely to produce more mischief than good. The machinery of the existing law was very simple, and he had not heard any fair case of complaint against the tribunal of justices, or the powers it exercised. Then, if the existing tribunal was not open to objections, why should Parliament be required to set it aside? The machinery devised by the present Bill was very cumbrous, and was likely to cause a great deal of agitation that did not now exist. It would create a controversy between two classes without any good result to compensate for it. He hoped the House would reject the Bill.

SIR MORTON PETO said, he trusted the House would not adopt the advice of the hon. and learned Gentleman; it would create an impression that they closed their doors against discussion on any question that affected relations between the working classes and their employers. Still, as to the measure itself, he thought it would not promote the object its hon. Mover desired. The noble Lord (Lord R. Montagu) had correctly stated that councils of conciliation existed in Denmark, Norway, and Sweden. He had had to conduct large works in Denmark; there the several trades were regulated by "guilds," and under them there were councils of workmen and masters. But he had found it so impossible to carry on any work, liable to the interference of these guilds, that he always made it a condition precedent, that the guilds should have no power of interference; and he did it quite as much in the interest of the workmen themselves as his own. In Denmark a workman could not remove from one parish to another to get work till he obtained a certificate from the minister and two churchwardens, declaring that he had conducted himself properly in that parish. Such regulations were of a nature that England could never adopt. He thought the existing law was effectual, as the magistrate had the power of appointing arbitrators. If the Bill before them had been law at the time of the recent strike, it would not have prevented or in any way affected it as had been argued, because the half a dozen masters would have been found voting one way, and the six workmen the other, so that the whole reference would have come to a dead lock. He hoped the second reading of the Bill would be postponed, in order to refer it to a Committee with large powers; it would sift the whole question, and its decision would be satisfactory to the country.

MR. MACKINNON said, he wished to express his obligations to the noble Lord (Lord R. Montagu) for his able and interesting speech, and to the hon. Member for the suggestion he had just made; no man had more practical experience of the subject. He would postpone the second reading of the Bill until that day month, and then move that it be referred to a Committee.

MR. FRANK CROSSLEY observed, that the tendency to strikes among the workmen was becoming every year much less in proportion as the master and workmen understood better their mutual relations; and he regarded the Bill as one which would not prevent those collisions that had occurred in times past, and which, in his opinion, might to a great extent have been avoided if the masters had met their workmen in a spirit of calm deliberation.

Amendment and Motion, by leave *withdrawn.* Second Reading *deferred* till *Wednesday*, 28th March.

ADULTERATION OF FOOD OR DRINK BILL.—COMMITTEE.

Order for Committee read,

MR. WISE said, that in the absence of his hon. Friend (Mr. Scholefield) he rose to move that the House go into Committee on this Bill. An inquiry had been ordered three Sessions ago, into the subject of the adulteration of food and drink. The Committee made its Report in 1856, and subsequently the matter was discussed in the House, but nothing had been done. The Committee, however, had established the fact that adulteration was practised wherever it was possible. It had, in truth, become such a science, that other countries, France, Germany, Holland, Spain, the United States, and Belgium had been compelled to take very strong measures to put a stop to this degraded and disgraceful system. Adulteration was in the highest degree an injustice and hardship on the poor; that fact alone should be an inducement to the House to go into Committee. The wealthier classes were able to protect themselves, the poor could not do so. The Report of the Committee proved that by the systematic adulteration of articles of food and drink, the public health was endangered, pecuniary frauds were extensively practised, and the moral character of the country deeply affected. It was no answer to the demand for legislative interference to say that the purchaser might protect himself. Least of all was that an answer in the case of the poor man who had enough to do to earn his bread without spending time in analysing it. He believed that many more persons died actually poisoned, than was generally supposed. Nux vomica and arsenic were common elements in articles consumed by the people. And as there were punishments for the makers of base coin, so ought there to be punishments for those who poisoned the public. The system had hitherto remained unchecked; the maxim had been *caveat emptor;* it was high time it should be *caveat vendor.* The Report of the Committee enumerated :—

> "The leading articles that were more or less commonly adulterated; these are, arrowroot, adulterated with potato and other starches; bread, with potatoes, plaster of Paris, alum, and sulphate of copper; bottled fruits and vegetables with certain salts of copper; coffee with chicory, roasted wheat, beans, and mangel-wurzel; chicory with roasted wheat, carrots, sawdust, and Venetian red; cocoa with arrowroot, potato-flour, sugar, chicory, and some ferruginous red earths; Cayenne with ground rice, mustard husk, &c., coloured with red lead, Venetian red, and turmeric; gin with grains of Paradise, sulphuric acid, and Cayenne; lard with potato-flour, mutton suet, alum, carbonate of soda, and caustic lime; mustard with wheat-flour and turmeric; marmalade with apples or turnips; porter and stout (though sent out in a pure state from the brewers) with water, sugar, treacle, salt, alum, cocculus Indicus, grains of Paradise, nux vomica, and sulphuric acid; pickles and preserves with salts of copper; snuff with various chromates, red lead, lime, and powdered glass; tobacco with water, sugar, rhubarb, and treacle; vinegar with water, sugar, and sulphuric acid; jalap with powered wood; opium with poppy capsules, wheat-flour, powdered wood, and sand; scammony with wheat-flour, chalk, resin, and sand; confectionary with plaster of Paris and other similar ingredients, coloured with various pigments of a highly-poisonous nature, and acid drops, purporting to be compounded of

Jargonelle pear, Ribston pippin, lemon, &c., with essential oils containing prussic acid or other dangerous ingredients. The adulteration of drugs is extensively practised; and when it is borne in mind that the correctness of a medical prescription rests on an assumed standard of strength and purity in the drugs or compounds employed, and how frequently life itself depends upon the efficacy of the medicines prescribed, it is difficult to exaggerate the evils arising from this prevalent fraud. The adulteration of drinks deserves also special notice, because your Committee cannot but conclude that the intoxication so deplorably prevalent is in many cases less due to the natural properties of the drinks themselves, than to the admixture of narcotics or other noxious substances intended to supply the properties lost by dilution. Though adulterations prevail more or less in all districts, it may be assumed, as a rule, that the poorer the district, the greater is the amount of adulteration. Nor have the poor the same power to protect themselves against such frauds as their richer neighbours; they are necessarily limited to such means of purchase as are afforded by the immediate locality in which they reside, and are, moreover, too often bound to one dealer by the facilities of credit which he affords them."

The House would see it was a subject worthy of some consideration; and in Committee they would be able to say whether the clauses of the Bill were adapted to secure the object they must all have in view. One fact alone was almost enough to persuade the House to go into Committee. Dr. Hassall in his evidence described a kind of spurious tea called "Lie Tea"—a very fit name for it, though it was given by the Chinese—used to adulterate other qualities; and it was found that much of what was sold to the poor as tea contained no tea whatever. One sample was brought before the Committee, by which, though it excited a smile, they were much disgusted. Large quantities of tea were mixed with silkworms' dung; it was called and sold as "gunpowder tea." Of course the Committee did not venture to taste it, but they were assured its flavour was very peculiar; yet it found a large market in the poor parts of the metropolis, as the silkworms' dung gave it the appearance of great strength. The only other article he would allude to was wine. The facts not only bore on this question, but at this moment had an interest in respect of another discussion. Dr. Challice in his evidence stated:—

"Wine is an absolute necessary for the poor when they are recovering from sickness; they have no means of getting pure wine; the adulteration of it is fearful. I have seen many instances in which, when I have recommended port wine, and it has been procured at publichouses, instead of acting as a wholesome stimulant and a restorative astringent, it has produced pain, acidity, griping, irritation, and mischief, instead of good. It is a matter of notoriety, I believe, that a composition is sold as a substitute for port wine. I believe the astringency imparted to the liquid is by alum; I believe there to be an infusion of logwood; I believe there to be sloe-juice and sugar; it is a chemical combination entirely different from port wine."

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. VINCENT SCULLY said, he highly approved of the object of the Bill, and would concur in any means that would put an end to the adulteration of food and drink; but after an examination of the provisions of the measure, he had reluctantly arrived at the opinion that it would not secure the object intended; and that no alteration would make it do so. It would do no more than introduce a useful principle, that it was the duty of the Government to interfere to prevent adulteration. In the interests of Ireland he should be glad to support an effective measure; the trade in Irish butter was seriously injured by the importation of foreign butter adulterated with tallow, flour, and water. Beef suet was exported from England for the purpose of adulterating foreign butter, which could be sold in this country at a lower price than the genuine Irish. The consequence has been that the importation of Irish butter had declined from 10,000 casks weekly to 3,030. The Bill provided no means of stopping this adulteration. He would suggest an effectual remedy. Instead of a parish analyst, they should have a competent board of analysts, connected with the Board of Trade, or the Board of Health, who should be empowered to enter any shop, and analyze every commodity for sale. They might take the parish beadle and churchwardens, if it was thought proper, to assist them; but they should have the power of making their visits without notice; their reports to be lodged with the chief of the Board, with marks 1, 2, 3, and 4, according to the ascertained quality of the goods; these numbers to be inserted in the *London Directory* every year, attached to the tradesman's name. In this way shopkeepers would soon find it their interest not only to sell unadulterated articles, but to get as high on the list of excellence as possible. To show that this scheme was not impracticable, he instanced the article of Cork butter, which, it was well known, was classified and branded according to quality No. 1 up to 6; and the various qualities were sold according to the brands, without looking at the butter.

MR. CAVE said, he thought some protection was required for the poor, especially in villages where there was perhaps only one shop they could deal with; yet it was just in such cases that the provisions of this Bill would most likely become inoperative. It was requisite that the purchaser should go before a justice and complain that the article sold was adulterated. He should like to see a poor man enter the shop he had been dealing with after such a complaint. The plan suggested by the hon. Member for Cork county was rather a strong one, but it was carried out at this day in France—a country from which we had taken lessons of late. Officers went all over the country, going into every shop and analyzing every article, with summary power of destroying everything which did not come up to the standard. This was a very effectual process, as he could himself bear testimony. In one town where he had lived there was no milk one morning for breakfast; it turned out, on inquiry, that the milk was found, on application of the lacteometer by the *octroi* authorities, to be very much adulterated, and the cans were emptied into the gutter. There had been many complaints of the milk before, but after that its quality was very much improved. The salaries of the analysts would require to be very large, or they would be apt either on the one hand to be bribed, or to become the instruments of oppression on the other. He should be glad to see the objections he had stated to this Bill removed; but he feared it would be inoperative, so far as protection to the poor was concerned.

MR. JOHN LOCKE said, he thought, although the Bill did not contain all the provisions that might be desired, the first clause was a great improvement on the present law. There was now no power to go before a magistrate and obtain a summary conviction for any of the offences set out in the first clause; it was necessary to adopt the cumbrous machinery of an indictment. There was much force in the objection raised by the hon. Gentleman (Mr. Cave) that the working classes were not anxious to carry tradesmen before the magistrates; but still less were they willing to incur the inconvenience and expense of proceeding by indictment, as they were obliged to do under the present law. He thought the first clause would be rendered more efficacious by a slight change in the phrase "pure and unadulterated." He would substitute "or" for "and;" and in this way they would make provision for cases in which articles were mixed, such as coffee with chicory, which the present law did not meet. The word "warranted" should certainly be struck out, as it would give rise to endless difficulty. This was a question of great importance, but if they passed no other clause of the Bill except the first, even in a modified form, it would be a step in the right direction. He hoped the Bill would be allowed to get into Committee.

MR. PEACOCKE said, that he sincerely hoped some measure would pass on this subject. The Committee, of which he had the honour to be a member, had sat a year and a-half. They saw the great difficulties of the question, and this was not the least, to define what adulteration really was. He hoped in Committee that difficulty might not be found insurmountable.

MR. HARDY said, he had no wish to prevent the Bill getting into Committee, although he had opposed a somewhat similar measure on a former occasion, and would still have objections to urge against some of the provisions contained in this Bill.

LORD FERMOY said, he feared the Bill, if enacted, instead of being found by the poor to be a protection, and used by them to prosecute tradesmen selling adulterated provisions, would eventually be a dangerous weapon in the hands of rival traders against each other. What the hon. Member for Cork county (Mr. V. Scully) said as to the branding of butter, was quite correct; but there was no analogy between Cork butter and adulterated food; and the very fact of a tradesman having got the highest certificate for a cask of butter one day, might be used by him as a cloak to sell a more adulterated article the next. He had no objection to going into Committee, but he foresaw considerable difficulty in carrying out a really good principle.

MR. WALTER observed, that the difficulty suggested as to the mode of enforcing the provisions of this Act, might be got over by a very simple expedient. The principle involved in this Bill appeared to be analogous to that which already existed in the law respecting false weights and measures. The Bill was intended to apply to articles, in respect of quality, securities which the law now provided in respect of measures. He saw no reason why the same machinery should not be used for remedying the grievance complained of in one case as in the other; why the inspector of measures, for instance, should not be the authorized person to procure samples of the different articles of food sold in any shop or in stock, to place them before the analyst, and, if found adulterated in quality, to lay them before the magistrates in the same way as in a case of false weights or measures—without throwing the disagreeable duty on the poor customer or rival tradesmen. The real difficulty, as already suggested, would be to define what adulteration was. His belief was, that there was, perhaps, no single article of food unadulterated, except eggs and meat. Tradesmen had not yet found out the way of getting into eggs, and butcher's meat was, no doubt, sold in a tolerably pure state. But with respect to groceries, everybody knew they were nearly all adulterated, more or less. It might be doubted, however, whether bread, not being made of flour only, might not be considered as adulterated in the eye of the law, and introduce entire confusion into the trade.

Mr. AYRTON expressed a hope that the House would proceed to consider the provisions of the Bill in Committee. He had himself opposed the measure which had been introduced by the hon. Member for Birmingham last Session; but he found that many of the objections he had entertained against that Bill had been removed in the one which was then under their notice. Its provisions were threefold; first it provided that it should be penal to mix with articles of food anything injurious to health. Well, no man could claim a right to sell articles injurious to health, and he could see no objection to that provision. Then there was a clause to the effect that where a tradesman undertook to guarantee articles of food as pure and unadulterated, when they were not so, he should be liable to a penalty. That provision, however, left it to a tradesman to carry on his business as he pleased. If he chose to sell his goods without a guarantee he could do so. As matters at present stood, it was not pretended that London bread, London milk, and London gin, were sold as pure and unadulterated articles. A third peculiarity of this measure was that it established a board of local analysts, instead of having recourse to Government interference. In so doing the Bill did not create a new offence, but gave the people a summary remedy for an existing offence when committed to their prejudice. If the argument as to borough magistrates sitting in judgment on tradesmen were sound, it was quite time to put an end to borough magistrates altogether. Those magistrates heard cases against working men; and why should they not also administer justice where tradesmen were concerned? If subject to the jurisdiction of the bench, why should not the working man also have its protection against the misconduct of those who assumed to be his betters? It might be that the poor would not be able often to enforce this power, but it would be something gained if it were known that they possessed it. Moreover, if rival tradesmen also aided in the punishment of each other's delinquencies, the mischief might be borne for the good that would accompany it; for when rogues fell out honest men might come by their own. It had been an established principle of our jurisprudence from the earliest ages that the local authorities should take cognizance of the sale of food. The corporation of the City of London held an inspection of markets, its officers being authorized to seize and destroy all unwholesome articles. In the present day, every shop in the metropolis was a market overt, and new machinery was required in place of the ancient to put down imposition and fraud.

Mr. CLIVE said, he was by no means opposed to going into Committee; on the contrary, he thought they should have been in Committee an hour ago.

House in Committee.

Clause 1.

Mr. ROEBUCK said, he thought the Bill would be inoperative, inasmuch as in every case of sale in which any article of food or drink with which to the knowledge of the seller any ingredient or material calculated to injure health had been mixed, it would be necessary to prove not only that there was something injurious to life and health in the article sold, but also that the seller knew it to be so; and how was this to be done? In case of alleged adulteration, also, it would be necessary to prove not only that the commodity was adulterated, but that the vender was aware of it. The second part of the clause required that the tradesman should have given a warranty that the article was a pure one; but a mere representation that the article was of a certain character was not a warranty; and it would be unreasonable to expect that a tradesman would give a written engagement that an article was of a certain quality. Take the article of cayenne pepper, which was repeatedly sold as adulterated. It would be necessary first of all to inquire of the tradesman whether he guaranteed the article, then to analyze it; and if anything deleterious was found, to prove that the tradesman knew it was there, and knew it to be injurious. There was a peddling legislation that was more mischievous than leaving things in their original mischief. He believed if this Bill were carried into effect it would create such confusion in London that no shopkeeper would pass a quiet life. Legislation was a difficult art; there was no royal road to this science, and this had never been rendered more evident than by the provisions of this Bill.

MR. CLIVE said, he quite agreed with the hon. and learned Gentleman as to the probability of the first part of this clause being inoperative. They were all aware of the difficulty of proving knowledge on the part of the vender; but still the offence was now cognizable by law, and he saw no objection to allow a summary conviction rather than an indictment. But he was entirely opposed to the second part of the clause which related to the furnishing of a warranty to the purchaser of an article. If that were to be a mere implied warranty it would have no force, as the difficulty of proof would be insuperable; and if an express warranty were meant, no person would give it. The whole question would therefore remain just as at present. He was afraid the first clause would tend to bring into discussion before the magistrates every transaction between man and man; and that it would produce the greatest possible irritation and uneasiness to tradesmen, without affording any protection whatever to the poorer classes, and it would be absurd to expect that an express warranty would be given in cases of that description.

MR. EDWIN JAMES said, he would admit that there was very great difficulty in legislating on questions of sumptuary law. The poorer classes required some protection from the system of adulteration; but the difficulty of providing that protection was demonstrated by the provisions of this Bill. The hon. Member for Cork county (Mr. Scully) had pronounced a eulogium on Irish butter, the produce of the fat fields represented by his hon. Friend; but, first of all, this Bill did not extend to Ireland; and, in the next place, Irish butter only came in here in the form of little pats. There would therefore be great difficulty in instituting the classification recommended by his hon. Friend. The principle of the Bill no doubt was good, and he should be glad if it could be safely carried out, but it appeared to him that the effect of adopting the machinery of this measure would be to give employment to informers, and to give rise to great confusion and annoyance. It would be no easy task to bring home a guilty knowledge to the vender. Suppose the case of French wines imported under the new Treaty; the analyst might detect some article injurious to life or health, the answer of the seller would be that he knew nothing of it—he received it from France or his wine merchant as a pure and wholesome wine; he was not aware of any deleterious quality it possessed, and should not be held responsible. This not being a charge against the manufacturer, but against the seller, the difficulty of proof would be very great. Then as regarded the second part of the clause, there was great difficulty in the warranty. What was a warranty? Not a mere representation. The auctioneer who described a picture as a Canaletti and Reynolds did not warrant the picture to be painted by the artists whom he named. He thought that the word warranty as it stood in the clause was quite unwarrantable, and could not be maintained.

MR. HARDY said, he thought that there was insuperable objection to the early part of the clause. It was not only very difficult to prove the *scienter*, because the tradesmen must be shown to have known not only that something was mixed with a given article, but that that something was injurious and deleterious, but then the *scienter* had to be tried, not in the ordinary way by a jury, but by the magistrates. Such a jurisdiction would be most dangerous, and as the borough justices were often tradesmen themselves the anomaly might be produced of one set of tradesmen sitting in judgment on the knowledge or intentions of their rivals. The animosities and the scandal which such a state of things would engender might be easier conceived than described. Again, the remedy provided by the Bill, such as it was, would be confined to the metropolis and the other towns of England, its machinery being inapplicable to the whole of the rural districts, as well as to Scotland and Ireland generally. Moreover, where nothing was done that was positively injurious to health, why were they to make a different law for the sale of articles of food from that which extended to the sale of calico, cutlery, and similar articles? The State ought not to pretend to protect the buyer by a warranty in the one case more than in the other. Besides, if a shopkeeper sold anything noxious to health he would commit an offence under the measure introduced by the Home Secretary, for sending before a jury persons who had administered to others hurtful things knowingly and, therefore, maliciously. Useless Bills like the present were prejudicial to the progress of sound legislation.

Mr. PEACOCKE said, he believed that much of the objection urged to the clause would be obviated by the omission of the words "knowledge of such persons," and also of the word "warranted." He should, therefore, propose that they be omitted. A person guilty of selling a deleterious article through negligence might be fairly subjected to a fine.

Mr. AYRTON said, that the omission of the words would make the clause wholly inoperative, and the Motion then before the Committee was that Clause 1 be omitted. The Bill was only explanatory of the actual state of the law; and with regard to the technical objection as to the difficulty of proving the *scienter*, that objection would apply equally to the whole common law of England. So, also, the objection brought to the jurisdiction of the country magistrates would equally apply to every other instance in which they were concerned. But it had always been part of the common law of England that the cognizance of the quality of articles offered for food should be submitted to local authority. He hoped the hon. Gentleman would not persevere with his opposition.

Mr. ROEBUCK said, he wished to ask the Under Secretary for the Home Department, whether he approved the clause as originally propounded. There would be no impracticability in convicting a man of selling an article that was injurious to health; the difficulty would be in proving that he knew the article to be of that nature. The objection to the clause, therefore, was not that it would be perfectly impracticable, but that it would be most unjust. Suppose a shopkeeper unwittingly sold a bottle of pickles that had been made unwholesome by sulphate of copper—perhaps even by the putting of a halfpenny into the bottle? They could not say the seller ought to have been more cautious, because the only sufficient precaution he could take would have been to eat the pickles himself. A tradesman was once accused of selling flour mixed with plaster of Paris. The man stoutly denied the charge, but the analyst proved the fact of the admixture. To test the matter further, however, the tradesman then took a bushel of the grain, put it into a mill and ground it, and still the analyst found plaster of Paris in the flour.

Mr. HENLEY said, the clause as it originally stood would be inoperative, but the Amendment would make it mischievous. What authority was to decide —not on what was injurious, but on what was "calculated" to be "injurious" to the health of the particular person buying an article? Fancy a couple of magistrates sitting in judgment on that grave question with the conflicting evidence of half-a-dozen doctors before them. Take the common article of wine. Suppose the analyst, a teetotaller — a quite possible case—found 40 per cent of proof spirit in it, or even more, owing to the doctoring it had undergone after passing through the Excise, there might be great difference of opinion whether that wine was not "calculated to be injurious" to some particular person far gone in some disease. How was the tradesman, when he looked into a man's face, to know whether or not the article was calculated to injure him. The magistrates would be equally puzzled to determine such a question. He thought if the country was to be subjected to such an ordeal as the Bill would create, their desire to remedy what no doubt was a great mischief would be leading them much too far.

Mr. JOHN LOCKE said, the difficulty stated by the right hon. Gentleman (Mr. Henley) was purely imaginary. Indeed he thought the right hon. Gentleman had misunderstood the meaning of the clause. As it at present stood it would not be supposed to apply to the case of an individual in a particular state of health. The object was to prevent the sale of any article with which was mixed some material which was injurious to health, and following the dictates of common sense the clause would necessarily be construed as looking to the influence of the article upon the health of the community generally, and not to what might possibly be injurious to the right hon. Gentleman's ideal sick person. The question of knowledge, as in other similar cases, would have to be decided by inference, and considering that difficulties would arise under this Bill which did not arise under the present law, he thought that the word should be retained in the clause.

Mr. EDWIN JAMES said, he must submit that they were a little splitting hairs in the matter. The wording of the clause would, however, be improved by the substitution of the words in the Nuisances Removal Act "injurious to health" for the words "calculated to injure health." He, therefore would propose that alteration. One of the commonest questions which Courts of law had to decide, even amid very conflicting evidence, was whether a particular thing was or was not detrimental to health. He would further suggest that words should be inserted extending the clause to "the manufacturer for sale" as well as to the seller. The manufacturer had often a more intimate knowledge of the adulteration than the actual seller.

Mr. SCHOLEFIELD said, it was not necessary to mention the manufacturer specially, because, as he manufactured for sale, he would be included in the general category of sellers.

Mr. WISE said, he could not consent to the omission of the words "knowledge of such persons;" because those words meant a knowledge that the articles were sold for what they really were. He would call attention to an Act of the 6 & 7 *Will.* IV. relating to the preparing of flour and the making of bread in the metropolis. By that statute any baker might make bread of wheat, barley, oats, Indian corn, peas, beans, rice, or potatoes, or any of them; but there was an important proviso attached to that provision—namely, that in the case of wheaten flour being mixed with the other articles named, the baker was bound to put a large Roman "M" on each loaf, signifying that it was mixed. That was what he understood to be comprehended in the word "knowledge" in connection with such a matter.

Mr. PEACOCKE said, that fearing that he might endanger the passing of the Bill if he sought to make it more stringent, he would withdraw his first Amendment for expunging the words "the knowledge of such persons."

Amendment, by leave, *withdrawn.*

Mr. CLIVE repeated that he had no objection to the first portion of the clause, which was not likely to be attended with any great effect; but he could not consent to the adoption of that portion of the clause which related to the warranty.

Mr. SCHOLEFIELD said, he wished to amend the clause, in accordance with the suggestion of the hon. and learned Member (Mr. E. James), by inserting the words "injurious to health," instead of the words "calculated to injure health."

Mr. HENLEY said, he thought it rather hard upon the House that the Government, having such a bad opinion as the Under-Secretary of State had just expressed of this legislation, should, nevertheless, permit it to go on. Sanitary questions were a fertile source of contradictory swearing on the part of medical men and other witnesses, and a notable instance of this might be found among the numerous complaints made before magistrates against the keepers of pigsties.

Mr. SCHOLEFIELD said, he hoped the Under-Secretary of State would take the sense of the Committee whether they should go on with the clause or not. If, as that hon. Gentleman thought, the clause would be useless or inoperative, it would be only wasting time to discuss it word by word.

Mr. HANKEY said, he trusted that the Bill would be withdrawn, because it would be quite impossible to act upon it. In innumerable shopwindows in that metropolis they saw "pure unadulterated gin" advertised, and yet everybody knew that the article did not answer the description thus given of it.

Mr. PEACOCKE said, he would remind the Committee that if this clause were rejected the whole Bill would fall to the ground. He thought that the Government ought really to state their intentions. If they objected to the Bill, the fairest course would have been to oppose the second reading. It was remarkable that the name of a Member of the Government (Mr. Villiers) appeared on the back of the Bill.

Mr. CLIVE said, he did not object to the first part of the clause, because he believed it to be inoperative. He would not object, in cases where a conviction under the criminal law could now be obtained before a jury, to give power to magistrates to deal with such cases.

Lord EDWARD HOWARD thought this was especially the time for such a

Bill, when we were about to admit nearly all articles freely into this country. If the Bill were abandoned, it must be taken that all attempts to prevent adulteration in food in this country would fail. If this, the third Bill introduced after the labours during two years of a Committee, were rejected, he could only say, God help the poor.

Mr. ROEBUCK said, he thought the argument of the Under-Secretary of State was a curious one. He would ask him whether he would permit a man to be tried for murder before a magistrate?

Mr. HANKEY said, that with a view to stop the further progress of a measure which he considered impracticable, he would move that the chairman should leave the Chair.

Mr. MONSELL said, he should resist the Motion. Nearly all who had spoken had admitted that the object of the Bill was a desirable one, and the only argument against it was that it was impracticable. He believed that in nearly every other country in Europe some such law prevailed, and he could not see why that which was practicable and useful in Paris and Brussels should be impracticable in London.

Motion *negatived.*

Amendment *agreed to.*

Mr. JOHN LOCKE said, he would then propose to substitute the word "or" for "and," so as to make the clause read, "pure or unadulterated."

Mr. ROEBUCK said, that he could not understand the distinction between pure and unadulterated.

Amendment *agreed to.*

Mr. VINCENT SCULLY proposed to omit the words "to the knowledge of such person" in the clause, so as to prevent persons from sheltering themselves under an assumed ignorance that the article they sold was adulterated.

Mr. HARDY objected to conferring upon two magistrates the power of deciding what amounted to a breach of warranty. Why ought they to distinguish between articles of food and other articles? In ordinary cases a jury was called in to decide between parties, and upon what principle ought they to confer jurisdiction upon magistrates with respect to the articles of food?

Mr. AYRTON replied that no difficulty was found in conferring powers upon magistrates to punish workmen for breach of a civil engagement with their employers. It was only fair, therefore, to give the workmen a turn, and deal out to them the same measure of justice as was dealt out to tradesmen—their employers. Let them, too, have the benefit of the same summary procedure. He thought there was reason to complain of the little assistance which the Government were rendering to the passing of the Bill. The Under-Secretary of State appeared in his place only for the purpose of criticising the Bill and throwing difficulties in its way, when he ought rather to be dedicating the powers of his astute mind to their solution. After the decided opinion on the part of the House last Session, with reference to the objects of this Bill, he thought it would have been becoming in the Government if they had sought to give expression to that opinion.

Lord CLAUD HAMILTON said, he wished to express a hope that the hon. Member for Birmingham would consent to adopt the Amendment of the hon. Member for Cork (Mr. V. Scully.)

Mr. SCHOLEFIELD said, that the words "with the knowledge of such persons" were really introduced for the protection of tradesmen. At the same time, he thought it possible their insertion might render the Bill harmless, and consequently inoperative. On the other hand, as a tradesman would be liable to be punished for a second offence, the plea of ignorance would only avail him once, and therefore he thought the clause had better stand as it was.

Amendment *withdrawn.*

Motion made and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided:* — Ayes 116; Noes 25: Majority 91.

Clause 2.

Mr. EDWIN JAMES suggested that it be postponed, and inasmuch as it implied the adoption of the 3rd and 4th, by which its machinery was to be carried out.

Clause *postponed.*

Clause 3.

Mr. HARDY said, he wanted to know why the operation of the Bill was to be confined to the metropolis and towns while the rural districts were excluded.

Mr. SCHOLEFIELD said, the reason was very plain, that he wished to discourage opposition to the Bill, the Bill being somewhat of an experiment, and for that reason also he had omitted reference to Ireland.

Sir BALDWIN LEIGHTON said, in order that the Bill should be made to extend to the rural districts, he would move the insertion of the words "Courts of Quarter Session in every county" before the words "in Town Councils of every municipal borough."

MR. AYRTON said, the Amendment proposed would not harmonize with the rest of the Bill as it stood.

MR. SCHOLEFIELD said, the words in question might be introduced in the report.

MR. MONSELL thought the Amendment an excellent one.

SIR BALDWIN LEIGHTON said, he would bring up his Amendment on the report.

Amendment, by leave, *withdrawn.*

MR. EDWIN JAMES said, he wished to move a verbal Amendment, in order to raise a question as to the appointment of two analysts for each district, to be paid out of the rates by the vestries. This was extremely objectionable. The analysts would give their certificates *ex-parte.* A poor man who bought 3*d.* worth of ginger would have to pay 2*s.* 6*d.* for a certificate; and, moreover, the tradesman would be thereupon subject to a penalty. Besides, the Bill was merely optional with the borough or town to appoint analysts. Let offences be punished, but let them be punished in a legal and proper manner. Let there be proper evidence, and upon that evidence, but not otherwise, let the magistrates convict.

MR. CLIVE said, that, according to the provisions of the clause as it stood, there was first to be a public analyst; in the next place, the parties could employ analysts themselves; and in the third place, the magistrate could employ a skilled person. God help the magistrate who might have to deal with the conflicting evidence of all the analysts. He thought the clause required alteration.

MR. JOHN LOCKE remarked that he did not think that Clause 2 was open to the various objections cited against it by the hon. and learned Gentleman the Member for Marylebone. Analysts were not forced upon districts which did not care about eating or drinking nasty, unwholesome food. There ought to be some competent person who would give an opinion upon the quality of food. Neither would the proceedings be *ex-parte,* because under the second clause, notice must be given to venders so that they should have every opportunity of meeting the adverse testimony.

MR. SCHOLEFIELD said, he had introduced the clause at the express desire of the Select Committee, who thought that the appointment of analysts was essential to the satisfactory and successful working of the Act.

LORD FERMOY said, that the mode of seeking a remedy under the Bill was very roundabout. The appointment of public analysts would be an inducement to men of that profession to go about looking for business, and that would lead to vexatious proceedings against tradesmen. If, however, they were found to be desirable, they could be appointed afterwards.

MR. MONSELL said, he thought the clause necessary for the protection of the poor, who could not afford to have their food and drink analyzed by private chemists.

MR. VINCENT SCULLY remarked, that he objected, not to analysts, but to the proposed mode of their appointment.

MR. STEUART mentioned that the Highland and Agricultural Society of Scotland had appointed an officer to analyze adulterated manures. He saw no reason why their example should not be followed in the case of food and drink.

MR. AYRTON said, the vestrymen had the matter in their own hands. It was in favour of the tradesmen of the district that the vestries and ratepayers should have the appointment of analysts. The clause was merely permissive.

MR. ROEBUCK asked, for how long was the analyst to be appointed, or was he to become a fixed officer? Should they not fix a term?

MR. SCHOLEFIELD said, he contemplated the appointment of an officer who would be removable at the pleasure of those who had appointed him.

MR. PEACOCKE was not in favour of the appointment of analysts in the manner proposed, as public inspectors were not to be appointed. He did not see how the clauses, as they stood, could be any protection to the poor man.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided :*—Ayes 58, Noes 34: Majority 24.

Clause *agreed to.*

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

ECCLESIASTICAL VESTMENTS BILL.

LEAVE. FIRST READING.

MR. DANBY SEYMOUR said, he rose to move for leave to bring in a Bill to enforce uniformity in the use of ecclesiastical vestments by priests and deacons of the United Church of England and Ireland.

MR. HUNT said, he wished to ask Mr. Speaker whether it was competent for the hon. Gentleman to bring in a Bill of this sort? He thought Bills of this kind ought to emanate from a Committee of the whole House.

MR. SPEAKER stated that the Standing Order which required that Bills relating to religion should he introduced in a Committee of the whole House had been held to refer to religion in its spiritual relations, doctrines, professions, and observances, and not to the temporalities and government of the Church. Accordingly, the Church (Ireland) Temporalities Bill, and many others of a similar kind, had been brought forward for the first time in the House itself, and not in a Committee. The question, however, might certainly be open to some doubt. If the Bill proposed to be introduced by the hon. Member for Poole should be regarded as a measure relating to religious observances, it ought undoubtedly to be originated in a Committee; but on the other hand, if it should be held to be a matter of church government, designed for the purpose of enforcing decency and order, then, in his opinion, a preliminary Committee would not be necessary. That was a question for the consideration of the House, but for the reasons he had stated he should not think himself that the hon. Member for Poole was out of order in proposing to introduce his Bill in the House itself.

MR. A. MILLS said, he hoped the hon. Member would be permitted to lay his Bill on the table. Nobody could be injured by the House being allowed to see it.

MR. COLLINS said, he would oppose the introduction of the Bill.

MR. SPEAKER said, if it were opposed it could not be brought in after a quarter to six o'clock.

Leave given.

Bill to enforce uniformity in the use of Ecclesiastical Vestments by Priests and Deacons of the United Church of England and Ireland, *ordered* to be brought in by Mr. DANBY SEYMOUR and Lord FERMOY.

Bill *presented* and read 1°.

House adjourned at Five Minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 1, 1860.

MINUTES.] PUBLIC BILLS.—1ª Administering of Poison; Attorneys, Solicitors, Proctors, and Certificated Conveyancers.

THE ATTORNEYS AND SOLICITORS (No. 2) BILL.

ATTORNEYS, SOLICITORS, PROCTORS, AND CERTIFICATED CONVEYANCERS BILL.

BILL PRESENTED. FIRST READING.

LORD CHELMSFORD, having *presented* Petitions from the Metropolitan and Provincial Law Association, and John Turner, against the Attorneys and Solicitors Bill, said, the presentation of these two petitions was a fitting introduction to the Bill which he was now about to lay upon the table, and to which he hoped their Lordships would give a first reading. It was not his intention to explain its provisions, but only the circumstances under which he thought it proper that it should be introduced. In the course of last year the Incorporated Law Society prepared a bill which was substantially the same as the one he had now the honour to present. The Society was composed of the most eminent solicitors, and from its members gentlemen were selected by the Judges to assist the Masters in the examination of candidates for admission to the roll. It would appear to be most peculiarly their office to propose any amendment of the law affecting the important body to which they belonged. The Bill which they prepared was sent to the different law societies, to many eminent solicitors, and to the learned Judges of the Courts, and it received the sanction of them all. It was also submitted to his noble and learned Friend on the woolsack, then Lord Chief Justice of the Court of Queen's Bench, and not only did it meet with his entire approbation, but his noble and learned Friend introduced it in their Lordships' House. It passed through its different stages, and went down to the House of Commons, but, owing to some objection by the Board of Inland Revenue—which was, however, now entirely removed—the Session came to an end before the Bill had received the Royal Assent. It was intended to propose the same Bill in the present Session; but some delay was necessary to arrange with the Board of Inland Revenue to simplify the machinery for collecting the duty on certificates. Pending that delay an hon. and learned Member of the other House introduced the Bill to which the petitions referred. It consisted—not of 28, as did the other Bill—but of 13 clauses, 11 of which were selected from the Bill of the Incorporated Law Society, which was sent down to the Commons last Session. The two new clauses were, in his opinion, extremely objectionable. The period of the articles of clerkship was five years, and a person could not be admitted as an attorney unless he had served those five years; but it was proposed in the Bill of the Society to admit gentlemen who had taken degrees at the Universities after a service of three, under articles of five years,—of course subject to the usual examination. One of the new clauses in the Bill petitioned against, proposed to give to persons who had served as clerks for ten years, no matter in what subordinate capacity, the same privilege which was proposed to be given to gentlemen who had taken degrees at the Universities. The other clause was even more objectionable. It was proposed that if the three years' service expired between any of the terms, the person should be entitled to be admitted at the previous term; so that, supposing the three years' service expired on the 31st of October, he would be entitled to be admitted early in the previous June, or after a service of only two years and seven months. He suggested that the second reading of the Bill from the Commons should be deferred until their Lordships' opinion had been ascertained on this Bill, and if that were not acceded to by the noble Lord who had charge of the Bill, he should move as an Amendment that it be read a second time that day six months. The noble and learned Lord concluded by moving the first reading of the Bill proposed by the Incorporated Law Society—"a Bill to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers."

THE LORD CHANCELLOR was understood to express approval of the Bill.

Bill *presented*, and read 1ª.

ANNEXATION OT SAVOY TO FRANCE.

QUESTION.

THE MARQUESS OF NORMANBY said, that the last time he asked for the production of papers relating to the annexation of Savoy, the Government was not disposed to give any further information upon it. Since that time it appeared that a change had come over them. He hoped it was because a better understanding existed between the Governments of France and England. He wished therefore to ask the noble Lord the Under-Secretary of State for Foreign Affairs when they might expect that the papers upon the subject of Savoy would be laid upon the table of that and the other House of Parliament?

LORD WODEHOUSE said, that the papers had been moved for in the other House of Parliament, and would, he expected, be laid before both Houses on that day week.

ACCIDENTS IN THE STREETS.

ADDRESS FOR RETURNS.

THE MARQUESS OF WESTMEATH, in moving an Address for certain returns as to the number of persons killed, or injured by being run over by carriages in the metropolis, referred to the provisions of the Lord Chancellor's Bill for the Consolidation of the Criminal Laws of England and Ireland with regard to accidents on railways, and expressed his surprise that the man who altered a point or put a stone upon a railway for the purpose of causing an accident should not be punished as severely as the man who took away life by any other means. A great number of persons had been killed by accidents in the streets of the metropolis, and any one must see the reckless manner in which one-horse vehicles were driven by irresponsible persons. He wanted to know why all those persons should not be made amenable for furious and wanton driving, as well as the drivers of public carriages. These accidents must be wanton; they could not be accidental, because any person with eyes in his head must see a person who was crossing the street. The Act of Parliament making these persons liable for injury to life or limb proceeded upon the old assumption that the wantonness of the injury was to be proved by the friends and relatives of the person killed or wounded. The *onus probandi*, however, ought, he contended, to lie upon the person who committed the injury, because *primâ facie* no person could plead a justification for deliberately killing a fellow.creature. He moved for a Return of all Cases which have come to the Cognizance of the Metropolitan Police, whereby, since the 1st of January, 1858, up to the present time, any Person has been run over and killed by any Carriage within the District and the Superintendence of the said Force. The like Return as to every Person maimed or otherwise injured by the same Means. Similar Returns from the City of London, and certified by the Police Authorities within the same.

THE LORD CHANCELLOR said, there did not seem to be any objection to the returns asked for by the noble Marquess, and he had no doubt they would yield very useful information. He hoped, however, that the noble Marquess would excuse him from entering into a lengthened explanation of the Bills to which he had referred, which were measures certainly of great importance, but which had been already read a second time by their Lordships, and had been referred to a Select Committee, where every suggestion relative to their improvement would receive its due weight.

Motion *agreed to.*

House adjourned at a quarter before Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 1, 1860.

MINUTES.] PUBLIC BILLS.—1° Representation of the People; Representation of the People (Ireland); Representation of the People (Scotland).

GREAT YARMOUTH ELECTION.

House informed, that the Committee had determined,—

"That Sir Edmund Henry Knowles Lacon, bart., and Sir Henry Josias Stracey, bart., are duly elected Burgesses to serve in this present Parliament for the Borough of Great Yarmouth.

"And the said Determination was ordered to be entered in the Journals of this House."

MR. JOHN POPE HENNESSY.

Mr. SPEAKER acquainted the House that he had received a Telegraphic Message addressed to him by Mr. John Pope Hennessy in Ireland:—Message read, as followeth:—

H. B.
58, Threadneedle Street, March 1, 1860.
John Pope Hennessy,
Cork.
The Right Hon. the
Speaker of the
House of Commons,
London.

The Railway Committee had escaped my recollection. I most respectfully apologize to the House. I hasten to London without delay.

DUBLIN CORPORATION WATER BILL.

SECOND READING.

Order for Second Reading read.

MR. MAGUIRE moved the second reading of the Bill. There were 24,000 houses in Dublin, of which only 12,000 were supplied with water. The corporation had decided by a majority of two to one that it was their duty to furnish the people with a better and more wholesome supply of water, an article of which they had stood much in need for a great number of years.

SIR EDWARD GROGAN said, there was a conflict of opinion in Dublin on this. The corporation had voted in favour of it, and he had received a petition from a number of most respectable firms requesting its postponement. Under these circumstances, he and his colleagues were ready to leave the matter to the decision of the House.

MR. WHITESIDE said, the Bill was a gross job, to which the University of Dublin and many of the most respectable inhabitants were opposed. The Bill proposed to take the water supply from the river Liffey, but the inhabitants of Dublin did not wish to be poisoned. He now understood that the promoters gave up that scheme, and intended to enter into a contract with the canal companies for the supply of water. As the Bill had been framed with the view of taking the supply from the former source, he wished to know from the Chairman of Committees whether it was competent for the promoters to make so essential a change in the Bill. He suggested that the Bill should be postponed till the next Session.

MR. MASSEY said, if the fact was as stated by the right hon. and learned Gentleman, it was so substantial a departure from the provisions that the Bill could not be allowed to proceed further. But as the Bill was one of great public importance, and deeply interesting to the people of Dublin, it would be a hard measure to postpone the scheme till next Session. He ventured, therefore, to suggest that the hon. Gentleman (Mr. Maguire) should ask leave to withdraw the Bill, and then ask leave to introduce another in which the intention of the promoters would be clearly expressed.

MR. M'CANN, as a rate-payer of Dublin, supported the Bill, the great object of which was to provide for the poor of that city an abundant supply of good water.

MR. LEFROY urged the withdrawal of the Bill, on the ground of informality.

MR. CARDWELL said, he did not think the House should reject a measure of such importance on the ground stated. Moreover, he perceived that the Bill gave alternative power to take water either from the Liffey or from the Canal Company. It would be unfair to the Corporation of Dublin to reject their Bill so summarily, and he would therefore suggest that it should be postponed for a week, with a view to its amendment.

MR. BRIGHT protested against the hon. Chairman of Committees being called on to express an opinion upon such a subject, a course which looked somewhat like dictation to the House.

MR. MAGUIRE said, he would withdraw his Motion for the Second Reading of the Bill until that day week.

Second Reading *deferred* till *Thursday* next.

FOREIGN DUTY ON HERRINGS.

QUESTION.

MR. W. MILLER would beg to ask the Secretary of State for Foreign Affairs, Whether (the comparatively moderate rates of Import Duty charged by Belgium, Russia, and Prussia on British Herrings being respectively 1*s*. 6*d*., 2*s*. 10*d*., and 3*s*. per Barrel, worth about 25*s*., encourage a large trade in that article to the Countries chiefly from the Scotch Fishing Stations, but the French Import Duty being 52*s*. 6*d*. per barrel, or prohibitory) any negotiation has taken place, with the view of obtaining a remission or reduction of such Duty on the part of the French Government; and, if so, whether the Correspondence relating thereto may be ordered to be printed?

LORD JOHN RUSSELL said, no correspondence on the subject had taken place between Her Majesty's Government and the French Government.

RUMOURED AUSTRO-RUSSIAN TREATY.

QUESTION.

MR. STEUART said, he wished to put a question to the noble Lord the Secretary of State for Foreign Affairs, in consequence of a paragraph he had seen that morning in a late edition of a leading journal. He wished to know, Whether Her Majesty's Government has received any information of the existence of an Austro-Russian Treaty?

LORD JOHN RUSSELL: Sir, I have to state that Count Rechberg, the Minister for Foreign Affairs at Vienna, has positively denied the existence of any such document.

REPRESENTATION OF THE PEOPLE BILL.

LEAVE. FIRST READING.

LORD JOHN RUSSELL: I rise, Sir, on behalf of Her Majesty's Government to ask leave to bring in a Bill further to amend the laws relating to the representation of the people in England and Wales. But before I enter into the subject it is necessary for me to make a few remarks. I wish to disclaim entirely any intention, by the measure I ask leave to introduce, to frame a new Constitution. I disclaim such a project for two reasons. One reason is that I have no wish to alter the Constitution of this House; the other is that, if any such alteration were sought, I should feel totally unable to propose anything that would stand in the place of the ancient and glorious Constitution of this country. And I have this further to say, that if I propose a Bill to amend the representation of the people, it is not as a confession that the Reform Act of 1832 has failed; it is rather because that Act has succeeded. I do not think that any Act was ever passed by this House that has had more complete success, or with which so few faults have been found as the measure of 1832. And when I compare the present state of this country with what was its state some years before the Reform Act, I cannot but congratulate this House that by that measure so much discontent has been allayed and so much satisfaction been given. I do not allude to our material wealth, or the great increase that has taken place in our prosperity, because that progress may be attributed to other causes. But it is that the people since 1832 have been more generally satisfied with the institutions under which they live. If I compare the year 1820 with the year 1860 I remember that in the former year Lord Castlereagh had introduced measures which he himself designated as measures of severe repression; they were measures intended to restrain the press, to prevent public meetings in the open air, with other restrictions upon the liberty of the people of the same kind. These restrictions were thought necessary by the Government of that day; and I think that, according to the system of Government then pursued, such measures may be considered necessary. But looking at the state of the country in 1860 I find a generally prevailing spirit of loyalty to our institutions—a spirit that wishes to preserve and extend, not to destroy them. Sir, with this preface I proceed to say what we propose to do, in some degree at least, to supply the omissions and remedy the defects of the Reform Act. In doing so, I shall pass on at once to the questions on which I mean to ask the opinion of the House.

Sir, there is one point that has more than once attracted the attention of the House, and on which it has clearly pronounced its decision. It is the franchise in counties. During the progress of the Reform Act through this House it was decided that freehold and leasehold tenures should no longer give the sole title to a county vote; but that an occupation, merely, of the annual value of £50 should also confer on the occupier the right of voting. That was an obvious change in the nature of a county franchise. That claim having been sanctioned by Parliament, those who since that time have looked into the subject, with the view of amending the law, have very naturally said, "If an occupation merely is to give a title to a vote, it should no longer be restricted to a £50 holding; the occupier of a £20 or £10 holding is as fully entitled to a vote, and would form as good a class of electors as the occupier of a value of £50." That view of the question has been more than once adopted; in principle it was adopted by the late Government. Therefore, in the Bill I now introduce we propose to add to the county franchise an occupation franchise of £10 a year. But we propose also to take further securities than were taken in the Bill of last year, that this shall be a *bonâ fide* franchise. It is obvious that under the plan of a £10 holding the land might be covered with small occupations that could not be properly called beneficial holdings. We propose that where land is attached to a dwelling-house no sum shall be required as value in respect of the dwelling-house, but where there shall be on the land any building other than a dwelling-house a sum not less than £5 shall be required as the value on such building. We propose, therefore, that the building not being a dwelling-house should be assessed at the value of not less than £5 per annum. We expect, however, that in the case of a dwelling-house the annual value shall be not less than £10.

I now proceed, Sir, to the consideration of a question which has occasioned far more disputes, which gave rise last year to warm debate in this House, and with respect to which various opinions were expressed—I mean the question of lowering the borough franchise. It appeared to me, I must confess, that the late Mr. Hume had good reason to complain, some time after the Reform Bill of 1832 had come into operation, that a £10 franchise in boroughs drew too arbitrary a line; that a number of persons were in consequence of the line being so drawn deprived of the right of voting who might fairly enjoy the privilege, and that in that respect an injury was done to our system of Parliamentary representation. The longer the time that has elapsed the more distinctly have I perceived that that complaint was founded in justice. It has been said that the franchise in boroughs was in 1832 purposely framed to exclude the working classes from the right of voting; but to that statement I cannot subscribe, although I am ready to admit that it was framed with the view generally of giving weight to the middle classes in this country, whose information and character appeared to us at that time to be such as to entitle them to obtain that vast accession of power which they then received. I own, however, that I think it would be a great evil if we were to continue much longer to exclude from our representative system that large number of the working classes who, by their knowledge, their character, and their other qualifications, are fitted to exercise the franchise freely and independently. It appears to us, then, that the constitution would derive additional strength from the fact that a certain number of those working men best qualified for the privilege were admitted to the franchise, and that they would thereby be induced to set a greater value on the benefits which the constitution confers. I am aware that it is said there has been no agitation on this subject; that we have seen manifested with respect to it nothing of that eagerness which took possession of all classes of men at the period of the Reform Act, and that we ought not, therefore, until something like a successful agitation is set on foot to proceed to extend the franchise. That, Sir, however, is not the sort of political doctrine which I have been taught. I have, on the contrary, been accustomed to regard the well-known maxim of Mr. Burke with respect to early reformation as being both deep and wise. I have not failed to perceive that in those instances in which agitation has been carried to a great length, and in which just demands have been refused—as in the case of the Catholic question—the country has been on the eve of having its peace disturbed and brought almost to the brink of insurrection, because Parliament had obstinately refused the concessions that have been asked. The consequence has been that, when those concessions have at length been made, although they were wise and founded on just principles, yet that, coming somewhat too late, and being as it were watered by delay, we have witnessed the land vexed and troubled by agitation arising out of those very measures the object of which was to pacify. I, for one, am, therefore, of opinion that we ought not to wait in the present instance until agitation arises, and those classes which are excluded from the enjoyment of the franchise combine together to enforce their demands upon the consideration of Parliament. On the contrary, I maintain that, if their petition be just, if their claims be founded on a fair appreciation of their own qualifications, and that it would be likely to contribute to the strength and durability of the constitution to accede to their request, we ought not to hesitate to comply because no agitation of the question prevails. I have no wish to see again the flames of Nottingham and of Bristol blaze forth to warn the House of Commons that it must delay no longer to pass a further measure of Parliamentary reform. I much prefer taking advantage of these quiet and tranquil times, when any proposition on the subject can be fairly and calmly discussed, to submit such a measure to Parliament, to deferring its introduction to a moment of greater excitement, when it might be out of our power to fix, as we might deem expedient, the exact limits by which our proposal ought to be defined, and the exact concessions which ought to be made. In dealing with this great question, then, Sir, we have deemed it better, upon the whole, in order to make our measure as simple as possible, to avoid those proposals which we ourselves made in former years, and which were likewise made last year by our predecessors in office—I allude to the introduction into our representative system of franchises hitherto unknown to the constitution, which my hon. Friend the Member for Birmingham calls "fancy franchises," and which, although many of them might confer the right of voting on persons well qualified to exercise it, yet are almost every one of them liable to abuse and to result in the creation of fictitious votes. The principle on which we propose to proceed, therefore, is to extend still further the £10 franchise which is now enjoyed; to take that franchise generally with its present conditions; to require the payment of rates, as is now the case; but, at the same time, to extend it to a lower degree than that at which it stands. With that view we have made many inquiries, and carefully considered their results.

There is, I may here observe, one question which has been frequently discussed, and which formed the foundation of the provisions of the Bills introduced 1852 and 1854,—I allude to the question whether this should be a rating franchise. In examining that subject we found that great variety in the proportions of the rating franchise to the true value of houses existed. We discovered that there were some instances in which there was a difference of 9 per cent between the gross rental and the rated value of a house, while in many instances there was a difference of 28, and in others of 30 per cent. Now it is obvious that it would not be possible in a Reform Bill to make a change based on that mode of valuation; that, in so doing, you would be subject to the discretion of local authorities, and, as a consequence, either through ignorance, custom, or prejudice, in some boroughs many persons would lose their votes, while in others persons possessing the same amount of property would enjoy the franchise. I have stated the practical difficulty which would be involved in making the change; but, there is another objection to its introduction. In striking the poor law rate the rental of a house is calculated according to its true value, subtracting from it, however, not only the rate charged in point of fact, but also the sum necessary for repairs. Now, in taxing property it is quite right to subtract that sum; for, if a house be valued at £10, and £2 are each year laid out for the purposes of repair, it is obvious that the property is not in reality worth more than £8 per annum to the occupier. The question, however, with respect to the meaning of a £10 "clear yearly value"—the phrase used in the Reform Bill of 1832—came before the Court of Common Pleas, and it was then contended that the "clear yearly value" intended by Parliament was the same as was signified by the "net annual value" under the Poor Law Act, and that the Reform Act should, therefore, be construed after that manner. The Court of Common Pleas, however, decided that in the case of the Reform Act the Legislature had proceeded *diverso intuitu*, and that in that particular case its object was to confer the franchise according to the capacity to pay rent, and not to impose a tax on a man according to the value of his property;—that is to say, that if a man paid £10 a year for his house, it was no matter whether £2 a year were laid out by his landlord for the purposes of repair; that he was the man who paid the £10 a year, and the Legislature declared that the man who paid a rental of £10 a year was entitled to a vote. That being so, we did not think it advisable—indeed, we are of opinion that it would be practically inconvenient, and in point of abstract right unjust, to fix upon a franchise that should be dependent on rating.

Then, the question next came as to what would be the franchise taking the gross annual rental, or, as it is expressed in the Reform Bill, the "clear yearly value," of the premises. The returns at first showed a very great addition which almost any reduction in the franchise would make to the number of the electors. For instance, reducing it to £8 seemed to add an almost overwhelming number; but, when the question came to be tested and examined, it was found that a very great number of these persons, though holding houses of the value of £8 a year, yet in consequence of living at a distance, of not having paid their rates, and from various other causes, were disabled from having a vote; and that the deductions on these grounds were so large as to amount to 27½ per cent. Now, Sir, having arrived at that conclusion, the next question was to consider what would be the numbers added generally in the whole boroughs in England and Wales by taking any particular sum. It appeared that the whole number of electors on the register was 440,790 in the cities and boroughs. A very considerable number of these 440,790 were freemen, or persons having an old scot and lot right of voting, or in the enjoyment of old rights which are expiring. A deduction ought to be made for the number of freemen and others to the extent of 30,765; the remainder, therefore, only 410,005, may be said to have the right of voting as electors on the register by virtue of the ordinary right of voting—the possesion of a £10 qualification. Well, in considering what should be done we found that if we took those who occupied at a gross rental of £9 and over we should get 440,717 electors, being only 30,712 additional voters. If we took those at £8 and over, the number of voters would be 476,004, being an additional number of voters of about 66,000—*i. e.*, 65,999. Sir, it appeared to us, although that is apparently a very considerable lowering of the franchise—namely, not to £8 rated rental, which some persons talk of, but an £8 occupation—that disturbing the arrangements of the Reform Act and introducing a measure which might excite great public expectations, and adding no more than 66,000 to the 440,000 electors now on the register for the cities and boroughs of England and Wales, would not be a satisfactory or a wise proposition. It then became worth while to see what would be the effect of placing the franchise at £7. At £7 and over the total number of voters, subtracting always the 27½ per cent, would be 532,817; giving 122,812 additional voters. Well, but we did not stop at that number. We went down to the £6 rental. We considered what effect would be produced by taking the rental at £6 and over, and we found that the total number of voters for all the cities and boroughs of England and Wales, including the metropolis, and such places as Liverpool, Manchester, Leeds, and Birmingham, at this franchise would be 604,804, making an addition of 194,199 voters; so that if we add the present number of electors—namely, 440,770—we shall have as the total number of voters for the cities and boroughs in England and Wales 634,969. Sir, it appeared to us that in point of number that was no extravagant amount—that when you have already 440,000, including freemen, to add to them somewhere under 200,000, less than 50 per cent of the present number, was no exorbitant addition. With regard, however, to the character of the persons who would be thus admitted, I must say the accounts from different cities and boroughs have been extremely various. In some places the rental is very low; in others it is high; accordingly, in some places therefore the number of electors added to the present number would be very large, in others very small. In the city of London there would be very few indeed. In Plymouth there would be some 200 or 300. In other places—at Liverpool, for instance—there would be a greater number, perhaps 15,000. But then the question is, what is the character of those who would thus be added to the constituency? I remember asking a gentleman now deceased, Mr. Fletcher, who was inspector under the Poor Law Act, to take the trouble of going through the manufacturing districts and inquiring for me what was the general rent the highest-paid of the working classes gave for their houses; and when he came back he said he thought about £7 a year gross rental, or much about the same sum I have mentioned. Now, it is difficult to lay down any rule or fix any particular amount as regards this class; but I think if we add what I have stated to the present number of electors, we should have a great number of the working classes included; and I think it would be a great benefit to our representation and to our constitution to have this class included; and I repeat, I do not think that would be any very extravagant number to add to the whole body of electors.

Well, Sir, I come now to another question—a question of a totally different nature, and one on which I think it behoves this House to consider well as to the changes they make now or may hereafter make. When I had the honour, twenty-nine years ago, of introducing a Bill for the Reform of the Representation of the People, the task was so far easy that the general sense of the country condemned places which were mere mounds or ruins, which no persons inhabited, while such places as Manchester, Leeds, and Birmingham were allowed no representatives in this House. I remember the last effort I made before the Reform Bill was to endeavour to obtain representatives for these three towns, Manchester, Leeds, and Birmingham; and one would scarcely believe, unless he looked back to the proceedings of that day, that a very considerable majority of this House decided against the admission of these great towns to the representation. But when the country once took up the question, the absurdity of the state of things to which I have alluded became evident. There were certain places that continued to have representatives without having the least semblance of population; there were others—among them the great towns which are the chief seats of our staple manufactures—in which Parliamentary representation did not exist. But, Sir, the case at the present day, and the case for future consideration, is a very different one; and I wish to call the attention of this House to what, in my view of this case, are circumstances which must, I think, have the greatest weight in any decision as to what is to be done. There was, more than two centuries ago, before the names of Whig and Tory were ever known, a great dispute between two great parties as to the nature of the functions of the House of Commons. The one party declared and maintained that the persons holding the chief weight in this House should likewise be Ministers of the Crown; that they and those who agreed with them should carry on the business of the House in the name of the Crown, and that thus the connection should be maintained between the Crown and the House of Commons. According to the view of these persons, in the time of Charles I., Mr. Pym was to be Chancellor of the Exchequer. He would have been called what is now styled leader of this House, and would have conducted, in the name of the Sovereign, the business of the country. But there was another party that said this ought not to be the function of the House of Commons. The function of the House of Commons was to check and control the Crown; let the Ministers of the Crown be disqualified for sitting in the House of Commons, and let their measures be discussed by a perfectly independent House of Commons. That dispute continued till the reign of Queen Anne, when the former party finally prevailed. The only remains of the theory of their opponents is to be found in that provision by which the Members of this House, on accepting offices under the Crown, vacate their seats, but are eligible for re-election. In fact, one of these doctrines expired with Bolingbroke, the other triumphed with Sir Robert Walpole; and from that time it has been necessary that this House should not only represent generally the opinion of the people on propositions emanating from the Crown, but it has been necessary that this House should contain within itself persons capable of conducting the business of the country—capable of conducting, as things at present stand, the affairs of a great empire, whether with regard to our colonial dependencies, the affairs of our Exchequer and the taxes to be imposed, or with regard to foreign affairs, representing the Crown, and at the same time having seats in the House of Commons. Now, I very much doubt whether this can be done if you have a representation consisting either of electoral districts or divided solely into counties and great towns. With regard to the counties it is obvious that the greater portion of the country gentlemen who represent them would be unwilling to leave their present occupations in the country or to sacrifice their ease in order to undergo the labours of office and the drudgery which in these times office imposes. With respect, again, to the Members for the great cities and great manufacturing towns, we often find that they are gentlemen who are themselves engaged in business, who can indeed give a certain amount of attention to the business of this House and can be present at all its principal debates, but who would never be induced to risk their prospects in life that they might attain the precarious position, for six months or a year, of Ministers of the Crown. I hold, therefore, that it is quite necessary, having regard to the great business of government, that besides the counties and the larger cities and manufacturing towns, you should have smaller places returning Members to this House. There is another reason which makes it essential that there should be something of this kind in our representation, and it is this, that you have from time to time seen men of the greatest ability, and fitted to render the greatest service to the country, but who, representing a great popular body, incur the momentary displeasure of their constituents, and are thereby deprived of their seats in Parliament. That, Sir, was what happened to Mr. Burke, because he contended for the great principles of liberty both here and in Ireland, as well as in America. The same was the case in more recent times with a man who was famous in this House and who has lately departed from among us, but who will live for ever in his immortal writings—I mean the late Lord Macaulay. I say, then, that if, according to the system which has now been established for a century and a half, you are to have the government of this country carried on this House, it is necessary that you should have more than these two classes of representatives—the Members for the counties and those for the great cities and towns. Nor has there been any plan of reform proposed of late years which would do away with that kind of representation. The measure brought forward by the right hon. Member for Buckinghamshire (Mr. Disraeli) last year made the least change that any one has proposed in this respect; while, perhaps, the proposal of my hon. Friend the Member for Birmingham (Mr. Bright) made the greatest. But it is singular enough that my hon. Friend's proposal left us with between forty and fifty Members for towns having from 8,000 to 15,000 inhabitants, and therefore being towns of a moderate size, such as those to which I have referred. I infer from this, then, that however our plans of reform may differ, all those who have taken part in proposing such plans of late years have been of opinion that there should be a certain number of moderate sized towns which should send Members to Parliament, as well as the other larger constituencies that I have mentioned. Having laid down that, Sir, as a general principle, I am far from intending to discuss whether, as an abstract question, the proposal of the right hon. Gentleman the Member for Bucks or that of my hon. Friend the Member for Birmingham would be the best—best I mean as an abstract principle—but I wish to deal with this question as one which concerns us practically. For my own part I should be quite satisfied with the proposal which we made in 1854. That proposal was that about sixty seats, or rather more, should be taken from the smaller boroughs and transferred chiefly to the larger counties and some to the large towns. There is another question with which I do not shrink from dealing. It is a question which concerns the present state of this House. When the Reform Bill of 1832 was introduced there were many of those boroughs which, as I have said, contained only a ruined wall or a green mound, and there was no difficulty, when Parliament was once disposed to touch those boroughs, in abolishing their franchises. I remember one hon. Gentleman who, much to his honour, when it was proposed that the borough of Ludgershall should be placed in schedule A, got up and said, "I am the patron of Ludgershall, I am the elector of Ludgershall, I am the Member for Ludgershall, and in all three capacities I vote for the disfranchisement of Ludgershall." But the case at the present time is very different. You have no men who can dispose in that way—even if they were willing to do it—of these small boroughs. If a town has but 250 or 300 voters, these 250 or 300 voters will feel as keenly as the electors of much larger places. They and their representatives would join with those Gentlemen, whatever their numbers might be, who are the most Conservative party in this House, and I have no doubt they would be able to defeat any such measure as I proposed to introduce in 1854. Therefore, without meaning to go into the question, which does not immediately concern us, as to how many small boroughs there ought to be, and how far the growing wealth and population of the country require their seats to be sooner or later transferred to other places, I may state that our proposal goes only a certain length beyond the proposal made last year by the right hon. Gentleman opposite. That right hon. Gentleman's proposition was, that fifteen boroughs, now returning two Members each, should henceforth return only one. This I think was to be done by fixing on 6,000 as the limit of population, and taking one Member from each of the boroughs whose population was below that limit. Now we propose to go up to the limit of 7,000 inhabitants, and in the same manner to take away one Member from every borough that falls below that point. It appears to me that it would not be desirable to raise the question of total disfranchisement unless we went to something like the length we proposed to go in 1854. The principle of total disfranchisement is one of very grave importance. It ought not to be adopted without some great and palpable public benefit would accrue from it. I cannot think, therefore, that the abolition of some six, seven, or ten boroughs, leaving eight or ten others of a similar character immediately above them in population, would be a wise or expedient measure. It would evidently create great dissatisfaction among those thus disfranchised, and they would certainly be able to show that other boroughs immediately above them were of much the same description. It is a much milder proposition to say that at the bottom of the scale there are a certain number of boroughs which may still continue to be represented, but which are now overweighted in the representation, and some of their seats should be given to the more populous towns and larger counties. We, therefore, propose that those boroughs, whose names I will read, shall no longer send two Members to Parliament. They are:—Honiton, Thetford, Totnes, Harwich, Evesham, Wells, Richmond, Marlborough, Leominster, Lymington, Ludlow, Andover, Knaresborough, Tewkesbury, and Maldon. Thus far, I believe, the list agrees with the list contained in the Bill of last year. We go on, however, to Ripon, Cirencester, Huntingdon, Chippenham, Bodmin, Dorchester, Marlow, Devizes, Hertford, and Guildford. That gives us twenty-five seats, on the whole, which would have to be disposed of by Parliament. Now, we propose that the following counties should return additional Members—namely, the West Riding of Yorkshire two additional Members. All the rest, which I will read, are to return one additional Member—namely, the southern division of Lancashire, the northern division of Lancashire, the county of Middlesex, the western division of Kent, the southern division of Devonshire, the southern division of Staffordshire, the north riding of Yorkshire, the parts of Lindsey (Lincolnshire), the southern division of Essex, the eastern division of Somerset, the western division of Norfolk, the western division of Cornwall, and the northern division of Essex. It will be seen that we do not propose to divide the West Riding of Yorkshire, and the reason is that there is a great repugnance in that vast riding to have its magnificence at all diminished by a partition. There will thus be fifteen seats given to counties, of which, though some are manufacturing, others are essentially agricultural in their character. Coming to boroughs, we propose that Kensington and Chelsea combined shall form one borough to return two Members to Parliament; that Birkenhead, Staleybridge, and Burnley should in future return one Member each; and that Manchester, Liverpool, Birmingham, and Leeds should henceforth return three Members each instead of two. The House may remember that upon a former occasion I made a proposition which was not very palatable to the House, and which was certainly not popular in the country—namely, that there should be a division of votes; in other words, that where there were three Members each elector should have only two votes. As that proposition was not very popular, although I think it was a fair and just one, I shall not attempt to renew it upon the present occasion. I have observed that where there are three Members and there is a division of parties, one being the majority but the other comprising a very large number of electors, there is a growing tendency, arising from a sense of fairness and justice, that the minority, though it be the weaker party, shall not be altogether excluded from the representation, but that the third Member shall be given to it. That may not be so in times of great party contests. It did not so occur at the time of the great fight between protection and free trade. For a long time, chiefly because of the questions of protection and free trade in which the agricultural counties felt a deep interest, those counties which now possess three Members generally returned gentlemen all belonging to the same political party—the Conservative; but, on looking at the returns made to the last Parliament, I find that, in five out of the seven counties which enjoy the privilege of electing three Members each, two were of one party and one of the other. I regard it as a great benefit to those counties themselves, as well as to the country at large, that there should exist such a disposition not to exclude altogether a very strong minority, but to allow it to have part of the representation. I know it is said that the vote of the third Member, the representative of a minority, neutralizes the vote of one of the other two. That is not altogether true, because in many instances where the questions at issue are not directly party questions all three Members may, and, we find, often do, vote together, although sitting on different sides of the House. I think, therefore, we shall not do wrong in giving three Members to some of the more populous towns, as we have given three Members to some of the larger counties.

Sir, I have stated the distribution of seats which we propose to make with respect to counties and boroughs. But there is another seat at our disposal, and we propose to give it to a learned body which contains within it a sort of representation of those who are excluded from the older Universities—I mean the London University.

Sir, I have already said that we wish to make our measure as simple as possible. We do not propose, in substituting £6 for £10, to change any of the conditions of the franchise except one—namely, that which makes it necessary to pay the assessed taxes. It appears to us that it is sufficient if a householder pays his poor rate, and that it would be a needless restriction to render obligatory the payment of the assessed taxes. The House will also observe that all we propose, with the exception of the twenty-five seats I have mentioned, is in the way of enfranchisement, and enfranchisement with as little novelty as possible. Seeing the objections that have been made and the failures that have occurred in former years, we have sought to confine the attention of Parliament to the question of the franchise, and to such changes as seem absolutely to be required by the number of places which demand and deserve representation, rather than to alter other things which, however objectionable they may be considered, do belong to our ancient customs and our long-established forms of representation. I believe in so doing we are taking the safest and the best course. At all events, we shall enable Parliament to decide upon those questions by themselves, without having its mind disturbed or its time consumed by the discussion of refinements and novelties. Although I have not succeeded in carrying two measures of reform which I have had the honour to introduce of late years, I am by no means discouraged by that fact. For ten years I laboured hard to obtain the assent of Parliament to measures of reform before I introduced the Bill of 1831. I laboured in vain, but that did not prevent the success of the Bill of 1832. I feel sure that if hon. Gentlemen will apply their minds to the present measure, if they will look upon it as a measure bringing, at all events, a considerable portion of the working classes within the temple of the constitution, enabling them to exercise privileges of which they are worthy by their character and acquirements, they will agree with me in thinking that the foundations of the Constitution will be strengthened, and that we shall hereafter rejoice at having passed such a Bill. The noble Lord concluded by moving for leave to bring in a Bill further to amend the Laws relating to the Representation of the People in England and Wales.

Mr. DISRAELI: Will the noble Lord have the goodness to state when he proposes to take the second reading of his Bill?

Lord JOHN RUSSELL: I am not sure, but certainly not within a fortnight from the present time. I will fix the day tomorrow.

Mr. BRIGHT: May I ask the noble Lord whether he has included the four seats which have been so long vacant in his scheme?

Lord JOHN RUSSELL: We have disposed of all the seats which we propose to take away by the present Bill; and, with respect to the four to which the hon. Gentleman has referred, and which have been so long vacant as to be freely at the disposal of Parliament, we think it fair to give them to Scotland and Ireland.

Sir HENRY WILLOUGHBY said, he had the honour of a seat in that House when the noble Lord introduced the Reform Bill of 1831. At that time he felt that there existed a great practical necessity for some change in the representation of the people, and he gave his cordial support to that Bill for the enfranchisement of large towns. He thought it utterly impolitic and unsafe that great towns like Manchester, Sheffield, Birmingham and Leeds, should be unrepresented. But on the present occasion the case was very different. He wished to call the attention of the House for a few moments to a very important question of principle—one on which the House would do well to pause. He had failed to learn from the noble Lord the principle upon which he proposed to seize on half of the rights and privileges of twenty-five towns of this kingdom. The noble Lord had failed to lay down any intelligible principle whatever for this proceeding. It was clear that he might have seized 100 seats as easily as twenty-five. But was it right that the privileges of every town in the kingdom should be placed at the arbitrary will and mercy of the majority of the House of Commons? While a great number of cases in which large places had abused their privileges and which had been brought under the notice of the House and were allowed to pass unpunished, it was now proposed to forfeit one-half the privileges of twenty-five of the smaller towns of England against which no offence had been alleged. The progress of the discussion would show that the noble Lord was creating more anomalies than he was destroying.

MR. HARDY inquired whether the returns on which the noble Lord had founded his statement with respect to borough voters would be laid on the table, and expressed a hope that plenty of time would be allowed hon. Members for the consideration of the subject.

MR. C. P. VILLIERS said, some were already on the table, and the others would be laid on the table in a day or two.

MR. BYNG said, as one of the present representatives of the districts which the noble Lord proposed to create into a borough—he meant the districts of Chelsea and Kensington—he could not refrain from thanking the Government for this measure. He wished, however, to ask the Government whether it was intended to continue the county franchise to those who possessed property within boroughs according to the present system; or whether they had adopted the scheme of the right hon. Gentleman opposite, which took away all county votes for property situate within electoral boroughs.

MR. VANSITTART wished to know, whether the noble Lord had it in contemplation to make any alteration in the boundary limits of the present boroughs.

SIR GEORGE LEWIS said, that the Government did not propose to take the county franchise from the voters referred to by the hon. Member for Middlesex. The question put with respect to the boundaries of boroughs involved an important subject, and raised the ulterior question whether it would be desirable to add to existing boroughs certain other small towns in their neighbourhood. But the Government did not now propose to introduce any provision on the subject.

SIR WILLIAM JOLLIFFE wished to ask a question on which considerable interest was felt, and on which important considerations would hinge. He wished to know whether the property which was to confer the franchise in counties was to consist of land and buildings as in boroughs, and in what proportion of each; and whether the property was to be rated in the same manner.

MR. CAIRD said, that though the noble Lord had given an estimate of the addition that would be made by the Bill to the Borough constituency, yet he had not given the slightest estimate as to the probable addition of voters to the county constituency.

MR. WALPOLE had understood the noble Lord to intimate that the Returns by which he had computed the number of electors to be added to the boroughs had already been presented or would be laid on the table of the House in the course of that evening or to-morrow. The noble Lord also stated that the payment of rates was to form part of the qualification for boroughs as now; but he wished to know whether the payment of rates must be made by the tenant himself, or whether it might be made by any other person on his behalf? With regard to the general scheme proposed, he thought the House seemed to be of opinion that it would be very desirable to postpone any discussion on the matter until the Bill was laid before it; and the only observation he wished now to make was that, the more he reflected on the subject, the more he was convinced that the old distinction between counties and boroughs ought to be maintained, and he thought that the noble Lord would find, if he wished that property should be fairly represented, that it ought to be maintained to a greater extent than the proposed Bill provided.

Mr. AYRTON said, he desired to correct what he thought somewhat erroneous views of the past history of reform since the period of the introduction of the measure which the noble Lord had formerly submitted to the House. At the time when the first Reform Bill was brought under the notice of Parliament a franchise of £10 was a real line of demarcation between the working classes and those who were considered the classes above them. A few years after the measure had been passed, the working men of England considered they had been systematically excluded from participating in the representation of the people. Now, the noble Lord had laid before the House a measure which was to enfranchise some 200,000 people in the boroughs and towns of the country; but he had also stated that the working classes in general paid a rent of at least £7. The House knew full well that the population within the towns might be estimated at about 2,000,000 of inhabitants. Was it possible to suppose, that with so large a population as this, if the measure would really enfranchise the respectable working artizans, no more than 200,000 would be added to the register? He believed the solution of the difficulty was this, that a great number of working men occupied not an entire house but a part of a house. He had expected, therefore, that the noble Lord would have told them what were his views with respect to those who occupied only a part of a house within the limits of a borough. Some explanation on the subject was certainly due to the House, and he was anxious it should be given by the noble Lord. He did not desire to express any opinion upon the Bill generally, but he would ask whether it was expedient to pass a very small measure of reform which would only lay the foundation for considerable excitement and great agitation throughout the country, without affording any efficient means for allaying that agitation.

Major EDWARDS wished to know whether, if this Bill became law, it would be necessary to have recourse to a dissolution of Parliament.

Mr. W. WILLIAMS said, the proposition of the noble Lord would cause great disappointment throughout the country, and complained that there was to be no addition to the Members representing the present Metropolitan boroughs. He contended that the largest of the constituencies to which it was proposed to add one Member was much below any of the metropolitan districts, both in population and property.

Sir JOHN OGILVY said, that the Bill, so far as it related to the re-apportionment of representation, would greatly disappoint the people of Scotland.

Mr. NEWDEGATE said, the noble Lord had omitted to state what addition would be made to the county constituencies by the measure which he had proposed. He had intimated that the county representation would be increased by a certain number of Members, and that information was necessary in order to complete his statement.

Lord ROBERT CECIL inquired, whether, as in the old Reform Bill, there was anything in the present measure respecting polling places.

Sir GEORGE GREY said, there was no provision in the Bill respecting polling places. He did not think his hon. Friend the Member for Petersfield (Sir W. Jolliffe) did not understand the £10 county franchise. Where the occupation consisted jointly of land and buildings, the noble Lord said that the qualification for counties would be of the same character as that for boroughs, namely, a house or building, held separately or jointly with land. If the building were a dwelling-house no question of value would be raised; but if it were not, and were some building other than a dwelling-house, then it was provided that the building should be of a value equal to half of the qualification—that was to say, it would be required that where the building was not a dwelling-house it should be of the clear yearly value of £5. That proposition, he need not say, was intended to prevent a few boards being run up to meet the requirements of the Act in order to create fictitious votes; but in the case of a dwelling-house no such provision would be required. In reply to the hon. Member for Warwickshire (Mr. Newdegate) he had to state that they could not give the same accurate information as to the increase of votes in counties under the Bill as the noble Lord had done with respect to boroughs, and the difficulty arose principally from the circumstance to which he had just referred. They had obtained accurate information with regard to the number of occupiers of a certain amount of rental in boroughs, and they could do the same in respect of counties;

but it was not enough to show the number of persons holding occupations between £10 and £50 in counties. Though that would show the *maximum* number to be added under any circumstances, it would not show the deduction—and it would probably be a large one—which would have to be made as regarded those qualifications where the occupation consisted partly of land and partly building, and where the building was to be of a certain value. The rate books did not supply that particular information. Returns already on the table showed the number of persons occupying under the different classes, and further information would be laid before the House on the subject.

MR. T. DUNCOMBE: Having had the honour of a seat in the Parliament which passed the last Reform Bill, and having heard the noble Lord propose that Bill, I cannot help contrasting his gallant spirit on that occasion with his very subdued tone this evening. I congratulate hon. Gentlemen opposite, because no violence can possibly be done to their feelings by the small measure now proposed. When the old Reform Bill was introduced I remember a highly respectable metropolitan banker rising in his place behind the noble Lord and saying that the scheme actually took away his breath. Nobody's breath has been taken away by the present proposal, though some of us seem to be deprived of our powers of speech. We hear none of the Reformers from Birmingham and elsewhere coming forward with the schemes about which they have been agitating the country, and which certainly go far beyond that of the noble Lord. Twenty-eight years have elapsed since the passing of the Reform Bill, and when the noble Lord abandoned the doctrine of finality to which he so obstinately clung, I think we had reason to expect that a real change—a real extension of the franchise—which would have conferred electoral privileges on the working classes generally. What has happened within the last few years? In 1852 the noble Lord brought in a bad Bill, to which nobody listened. In 1854 he brought in another Bill, which was ten times better than the one he has just submitted. The noble Lord, therefore, is not so good a Reformer now, as he was six years ago. The Bill of 1854 proposed wholly to disfranchise 19 rotten and nomination boroughs, and it also took one Member from 33 other boroughs. We have now a mild measure, by which one Member is taken from 25 boroughs, and not a single word is said about disfranchisement. Calne and other pocket boroughs are not included in the scheme, and yet formerly the noble Lord's principles were that as long as nomination boroughs existed the seeds of a further and a necessary reform would remain sown. Will not nomination boroughs be left after the passing of this Bill? Of course they will, and the noble Lord's object must therefore be to have the question of Reform mooted every Session in this House. We want a lodger franchise. It is totally impossible that a Bill which adds only 200,000 voters to the borough constituencies can satisfy the working classes of this country. What was the promise—I will say the compact—made with these men in 1831-2? They were disappointed then because they were excluded from the franchise; and they were told, "Keep quiet; your time will come, and we shall then give votes to the working classes." Depending on this promise, they rallied round the Reformers of 1831-2 for "the Bill, the whole Bill, and nothing but the Bill," and have been waiting patiently ever since for something to be done in their behalf. But what will this Bill do for them? I remember that Lord Althorp, who was then the leader of this House, being present at a dinner given by Sir Frances Burdett on the introduction of the Reform Bill, said, "To tell you the truth, I think this Bill but a very poor concern; and the only thing which makes me regard it more favourably is that when the Bill was settled by the Cabinet we sent a copy of it to Lord John Russell and Mr. Stanley" (now Lord Derby), who were not then Members of the Cabinet. [Lord JOHN RUSSELL: Nothing of the kind.] Does the noble Lord mean to say he was a Member of the Cabinet? I do not know whether my right hon. Friend (Mr. E. Ellice) was not there, and if so he will remember the circumstance. "The only thing," added Lord Althorp, "which gives me hopes of the Bill is, that when Stanley saw it he wrote to me and said, 'What a pretty kick-up you are going to make in the country!'" And when he heard that, Lord Althorp did think something of the Bill. Mr. Stanley was quite right; there was a pretty kick-up. The Bill was passed under great pressure. We had 100,000 men threatening us from Birmingham; there was a run upon the Bank for gold; there were fires in different parts of the country; a black flag was hoisted from the steeples of the Glasgow churches; and, amid these scenes, the measure was carried. There will be no such kick-up in favour of the present Bill, I'm sure. Then, I should like to know whether the Government intend this Bill to be a "finality" measure, or whether they mean it shall be amended from year to year? There is certainly one great blemish in it. Not one word has been said by the noble Lord about registration. One great complaint now is the difficulty of registration. We want more frequent registration. The noble Lord said the payment of poor-rates is to be the condition of registration, but I say that the payment of no rate or tax ought to be a condition of the enjoyment of the franchise. Why, at present it sometimes takes two years before a man can get in the register; and I say we ought to have a registration every quarter. As to the proposed redistribution of seats it is impossible to call that anything like a reform Bill. Another blemish in this scheme is, that no notice is taken of lodgers. There are men paying £10 or £15 a year rent, but living in lodgings; they have, and are to have, no vote; those men are respectable mechanics, and educated men, who are quite fit for the franchise. The fact is that in the metropolis and in large cities and towns you cannot find such a thing as a £6 house. A house of £20 or £30 is occupied by two or three families, and the head of each of them is entitled to have the franchise. If you do not give it to them, they will be discontented, and agitation will go on from year to year. What the decision of Partiament will be as to this measure I cannot say, but I am sure, whether it be its adoption or rejection, it will be a matter of perfect indifference to the great body of the people.

Mr. SLANEY said, he had supported, in common with his hon. Friend who had just addressed the House, all the provisions of the Reform Bill of 1832; but in following his hon. Friend upon the present occasion he felt bound to express his belief that the measure which the noble Lord had just brought under their consideration would be hailed by the people of England as one of a very beneficial character. The £6 franchise would bring within the limits of our electoral system a large number of industrious people, who would, he felt convinced, use their new right justly. He wished to repeat a question which had been already put by an hon. Gentleman opposite, and that was whether the measure was to lead to an immediate dissolution of Parliament.

Mr. KNIGHTLEY also wished to repeat a question which had been put by another Member—namely, what was the number of persons who were likely to be added to the county constituency under the £10 franchise?

Lord JOHN RUSSELL said, he had to state, in reply to a question which had been put by the right hon. Gentleman the Member for the University of Cambridge, that the Government did not propose any alteration in the existing law with regard to the payment of the poor rate. The tenant would be obliged to pay the poor-rate as at present, and he would have the same facilities of having himself put on the rate-book which he now enjoyed. With regard to another question which had been put by two hon. Members, he had to state that he did not think he would be justified in attempting to define what would be the number of £10 voters in counties. From a return which he held in his hand it appeared that the number of persons in England, rated at between £10 and £50 was 381,000, and that the number of persons in England and Wales so rated was 415,000; but that return included many people who were freeholders rated at £10, and others; and therefore it afforded no accurate test of the number of electors. He had also been asked whether it would be necessary that the passing of that Bill should be immediately followed by a dissolution of Parliament; and in reply to that question he had to state that what the Bill proposed was, that at the November registration the claim to the franchise should be made, and, of course, when the November registration was completed it would be competent to the Crown to dissolve Parliament and to summon a new one at any time that might be thought necessary or convenient.

Mr. BRIGHT said, that in consequence of what had just fallen from the noble Lord, he wished to know whether any change was intended in respect of the Compound Householders Act passed a few years since? That Act gave the franchise to the tenant whose landlord paid the rates, and he wished to know whether it would be applicable to those who would be enfranchised under this Bill.

Lord JOHN RUSSELL: We propose to make no change in relation to this matter.

MR. BRIGHT said, that in municipal boroughs where the landlord paid the rate, the tenant was entitled to vote. He hoped there would be no change, for a departure from the present arrangement in that respect would falsify all the promises of the present measure as far as the working classes were concerned.

MR. ROEBUCK wished to direct the attention of the noble Lord to one point in which he (Mr. Roebuck) must confess that he felt a special interest. Among the towns to which the noble Lord would give an additional representative Leeds was included, while Sheffield was excluded from the list. But if the noble Lord would look to the returns upon the subject he would grant that Sheffield at present possessed a larger constituency than Leeds.

MR. CONINGHAM would not now enter into the details of the Bill, but he could not view without alarm one of its characteristics, which seemed to be the transference of borough Members to the counties. He doubted whether the liberal party had anything to gain by such a transfer. Looking at the enormous expense of a county election, and the class of persons returned from counties, he doubted whether the representation that would result would be more in consonance with the feelings of the liberal side of the House than at present.

Leave *given.*

Bill further to amend the Laws relating to the Representation of the People in England and Wales, *ordered* to be brought in by Lord JOHN RUSSELL, Viscount PALMERSTON, Mr. CHANCELLOR of the EXCHEQUER, and Sir GEORGE LEWIS.

Bill *presented* and read 1°.

REPRESENTATION OF THE PEOPLE (IRELAND) BILL.

LEAVE. FIRST READING.

MR. CARDWELL rose to move for leave to bring in a Bill further to amend the laws relating to the Representation of the People of Ireland, and said: Sir, in moving for leave to introduce the proposals of the Government with respect to Ireland, I shall not enter into any topic which would be likely to give rise to any protracted discussion, and I shall content myself with stating as briefly and as clearly as I can the effect which the change in the existing laws I have to announce on the part of the Government would be likely to have on the constituencies of Ireland; and I shall leave all questions of argument to be dealt with on a future occasion. We propose to adopt the same general rules for the amendment of the representation of the people in that country which my noble Friend has laid down for the attainment of the same object in England; but the House will easily understand that, as the law which regulates the qualification of electors in Ireland is framed on a different model from that which has been adopted in Great Britain, the two schemes must necessarily vary in some of their details. An Act was passed for Ireland in the year 1850, on the subject of the Parliamentary Franchise, which has put an end to many controversies of long standing, and has, I believe, given general satisfaction in its working. Ireland also enjoys the benefit of one uniform, clear, and intelligible system of valuation, which is now rapidly approaching completion, and that valuation we propose shall form the test of the qualification under the new Irish Reform Bill. Ireland has in this respect a great advantage over England which has no such uniform system of valuation. What we propose to do in Ireland is this:—We propose that the present £12 qualification for a vote in the counties in Ireland shall be reduced to £10, and that the £8 Irish borough qualification shall be reduced to £6. The House will naturally be desirous to know what effect that change will produce on those two classes of constituencies. According to the returns of the last registration—returns which will be immediately laid before the House—the county returns in Ireland give a collective constituency of 174,000; and if we add to that number all those persons who are rated at from £10 to £12 the total addition to the county constituency would be 40,126. But if you apply to that list the correction which I believe is right and necessary, and if you make a due allowance for females, minors, double occupations, and absences, the total increase under the proposed change may be calculated at 30,000; making on the whole a county constituency of 204,000. The borough voters at present amount to 30,700, and the addition which the proposed change would make to that number would, at first sight, appear to be 7557; but, making a correction corresponding with that which I have made for the counties, the real addition would amount to only 6655. The total number of the constituent body at present in the counties and boroughs of Ireland is 204,000 and the Bill would raise that number to about 240,000. That is the way in which the franchises of £10 and £6 will operate in extending the county and borough constituencies in Ireland. I now come to a change, perhaps of no great magnitude, which we propose to make with respect to the qualification of freemen in Ireland. At the time of the Reform Bill a different qualification with regard to freemen was adopted in England and Ireland. But we propose that for the future, in the case of freemen qualifying after the passing of this Bill, the English law upon that subject shall operate in Ireland. I will now proceed to state the changes which we intend to introduce in the distribution of the Irish representation. Ireland is a country the population of which is not generally located in large towns; its inhabitants do not, as a general rule, congregate in large towns to anything like the same extent as the people of England and of Scotland. At present 32 Irish counties have 64 seats in this House; 33 Irish boroughs have 39 seats; and 1 Irish university has two seats —making a total of 105 seats. There is not a single borough in Ireland to which the principle of partial disfranchisement will apply under the rule which it is proposed to adopt in England, that no town with a population of less than 7,000 should return two Members. No town in Ireland returning that number of Members has a population much short of 30,000. Wexford, which is the smallest town on the list, has a population, according to the last census, of 29,000. We cannot, therefore, obtain an additional seat in Ireland for populous places by applying to that country the rule we have adopted with respect to England. Neither, on the other hand, do we find in Ireland unrepresented towns of the size of Birkenhead, Staleybridge, and other English towns, which at present return no Members to Parliament. But there are two constituencies in Ireland —one a county and the other a city constituency—which in population, in the value of their property, and in the number of their electors, stand entirely apart from all the other counties and boroughs in that kingdom. These are the constituencies of the great county of Cork, and of the city of Dublin, and we propose that henceforward the county of Cork and the city of Dublin shall each have three Members, the two new seats thus assigned being taken out of the four formerly belonging to boroughs in England, whose right to return Members has recently been abolished by Act of Parliament. The claim of the Queen's University to return a representative naturally arose for consideration when the claim of the London University to such a privilege was allowed; and I should be extremely glad if it had been in my power to ask the House to express its approbation of the Queen's University in Ireland by assigning to it a Representative in this House. I hope the day may come, and that many years will not elapse before it does come, when Parliament will think it right to grant to the Queen's University in Ireland the privilege of returning a Representative to this House. But at present, looking at the small number of years during which that University has been established, and—what is the governing consideration in such a matter—the number of its members, and the probable weight of opinion which its representative would bring with him into this House, I am afraid it would not be considered right that we should make any such proposal as yet. The total number of the graduates now amounts to only 260, some of whom are not residing in Ireland; and, under those circumstances, I think it would be impossible at the present moment that we should seek to give the right of representation to the Queen's University. There is another subject connected with Ireland on which we propose to legislate upon the present occasion. I had the honour of presenting this evening a petition signed by a large proportion of the Peers of Ireland, who complain of the anomalous condition in which they stand under that clause of the Act of Union which defines their legal and constitutional *status*. They ask why, if it is thought right that it should be open to them to represent constituencies in Great Britain, with whom it cannot be expected they should have any great community of sympathy or interest, they should be prevented by express enactment, from representing their Friends and neighbours with whom their interests are specially associated, and whose confidence they are most likely to enjoy? We propose to remove that disqualification. We propose that they shall be enabled to stand towards their friends and neighbours, the constituencies of Ireland, in that relation in which they now stand to the constituencies of England. With regard to matters of a purely administrative character—such as the time occupied in county elections, the number of polling places, and all arrangements for diminishing the expense or the excitement of contested elections — the House is aware that those subjects are regulated by a special Act of Parliament, and not by that which determines the qualifications of electors; and I do not, therefore, mean to deal with them in this measure. What we now propose with regard to Ireland is shortly this: to make the county franchise in that country a £10 franchise, to make the borough franchise a £6 franchise, to give an additional Representative to the great county of Cork, and another to the city of Dublin, out of the seats which have been suppressed in England, and to remove the disqualification which at present renders Irish Peers ineligible as the representatives of Irish constituencies. I trust that by such a measure we shall give satisfaction to the people of Ireland and increase the value and the efficiency of the representation of the people in that part of the United Kingdom.

MR. WHITESIDE said, he was not disposed to complain either of the general provisions of the Bill of the right hon. Gentleman, or of the manner in which he had brought it under the consideration of the House. All he doubted was that there was the necessity for the introduction of any such measure at all. This would be the fifth Reform Bill they had had for Ireland. When the Union was carried 200 seats were abolished and some boroughs bought up. In 1827, Sir Robert Peel thought it right to change the whole country franchise into a £10 freehold franchise. They then had the Reform Bill of 1832, and then the Bill proposed by the Friends of the right hon. Gentleman, which gave a £12 occupation franchise for counties and £8 for boroughs. He thought the right hon. Gentleman had given no reason why that law should be changed now. One thing, he thought, had escaped the attention of the right hon. Gentleman. The county of Cork was divided; there was a west and an east riding each of which had a separate electoral system. He thought the right hon. Member fell into an error in giving a third Member for the whole county, and he supposed that he meant to give the additional Member to the west riding.

MR. COGAN wanted to know, whether, by the proposal of the right hon. Gentleman, there was to be any disfranchisement of freemen in Ireland? He was certainly surprised at one part of the project—which on the first blush he regarded with some apprehension—namely, the admission of Irish Peers to that House as representatives of Irish constituencies. That class of the community had already the right of sending representatives to the other House of Parliament, and he believed the proposition to which he had referred would have the effect of increasing a power which at present certainly operated very much to the prejudice of the popular party, and in favour of the great territorial proprietors. He wished to ask a question as to the probable time when the Bill would come into operation. There would be a registry of voters under the Bill, and he presumed it would be effected at the time mentioned by the noble Lord with reference to England—probably about the month of November. What he wanted to know was, how long the voter would require to be on the roll before he could exercise the franchise—six months or a longer period?

MR. DAWSON wished to know whether the qualification was to be a rating or an occupation one?

MR. VANCE wished to contradict in the most unqualified terms the statement of the right hon. Gentleman that the freeman franchise had a most injurious effect upon the representation of Ireland. He was perfectly sure that the protestant freemen of Dublin, and he might say of Cork also, had always exercised the franchise for the benefit of their country. No case of corruption had been made out against them for the last three-quarters of a century. He regretted, as well as his hon. and learned Friend (Mr. Whiteside), that the right hon. Gentleman should have been advised to make any change in the Irish franchise after the number of Reform Bills that they had already had for that country, and he did not despair of inducing him, after discussion, to retrace his steps. He (Mr. Vance) did not clearly apprehend what was the nature of the right hon. Gentleman's plan with regard to freemen. It was evident that he did not intend to disfranchise them, because he said that he intended to put them on the same footing as freemen in England. Now he believed that the freemen of Ireland acquired their franchise in precisely the same manner as those of England.

MR. SCULLY, following the example of the hon. Member for Middlesex, begged to return thanks for the additional Member proposed to be given to Cork, of which he (Mr. Scully) was now sole representative. He returned thanks, however, for the county and not for himself, because the additional seat would only increase his chances of having a contest at future elections. He agreed with the hon. Member for Finsbury that it was quite unjust to retain the modern principle which rendered it necessary for every voter to pay his poor rate before he could be placed upon the register. He had frequently argued the point with persons who began by holding the opposite view, but they had always ended by admitting that the law was untenable. He occupied a house in Dublin for which he had to pay a consolidated rate amounting to about £36, but of that only £6 was for the poor; and why should he be obliged to pay that any more than the other rates as a condition precedent to being registered as a voter? This was a very important point, and he therefore wished to direct attention to it before any final resolution was come to on the subject, either with regard to this or to the English Bill. The late Attorney General for Ireland (Mr. Justice Fitz-Gerald) had occupied a house in Dublin for four years; but at the last revision it was found that his predecessor owed 3*s.* or 4*s.* of his poor rates, which had not until lately been discovered; and the result had been that the learned Judge was for the present year disqualified. At the last Sligo revision it had been found that a collector, who happened to be a politician, had neglected to apply for the last rate to persons of the opposite party, while he had actually entered as paid persons on his own side who had not paid for several weeks after the date alleged. A gentleman had likewise told him (Mr. Scully) that out of forty persons on his estate who ought to be voters only four or five actually enjoyed the franchise, and they were all on one side; the custom being to strike a poor-rate just before the time came round for revising the list. Such were a few instances illustrating the working of the present law, and he trusted that they would meet with the serious attention of the right hon. Gentleman.

Mr. M'EVOY should not have risen to prolong the discussion had it not been for the strong feeling which he entertained against the right hon. Gentleman's proposition with regard to Irish Peers, a proposition which would render more necessary than ever some means for protecting voters in the exercise of their privilege. It could hardly fail to increase the pressure upon the tenants of the large landed estates which belonged to many of the Irish Peers. The tenant voters had not, at present, free action at elections. Their number was to be increased, and without the ballot the evils they complained of would be increased also. The hon. Member for Dublin (Mr. Vance) had spoken of the freemen as an immaculate body; but he was authorised to say that within a quarter of a century 1,500 freemen of the city of Dublin had been bought at a particular election for the sum of £3 a head, so that £4,500 was paid for their votes at that election, and he might state that the Gentleman who had the misfortune to pay the money was now in that House.

Mr. BLACK said, that as hon. Gentlemen from the sister country seem to object to have two additional seats which had formerly belonged to England given to Ireland, he should be happy to accept them for Scotland, which he was afraid was not going to get quite her fair share of the representation.

Mr. LONGFIELD strongly objected to that part of the Bill which empowered Irish Peers to represent Irish constituencies. The Irish people had not asked for such a thing; and he maintained that it was not only a most improper proposal, but contrary to the Treaty of Union.

Colonel GREVILLE quite agreed that the proposition to which the hon. Member who had spoken last had alluded, was a most extraordinary one to find its way into a Bill to amend the Representation of the People. He wished, also, to point out that the assumed uniformity between the qualification for the franchise in Ireland and England was more specious than real, owing to the difference in the letting of property.

Lord ROBERT CECIL asked the reason why two seats had been filched from England to be bestowed on Ireland? Was it that Ireland was more populous and wealthy, or because Irish Members were so much more useful in the House than English Members? The claim advanced by the hon. Member for Sheffield (Mr. Roebuck) for an additional Member for that town, had not been answered; and until the claim of that and other large towns in England had been satisfied, the Government had no right to dispose of the four vacant seats in other ways.

Mr. MONSELL said, that the proposition with regard to the Irish Peers struck him as most extraordinary, and he believed it would give great dissatisfaction in Ireland. An Irish Peer was neither fish nor flesh in his own country; but to give him the power of representing the people when he was represented himself in the House of Peers, was a most absurd proposition, and one which he imagined would not be accepted in that House. He agreed with his hon. Friend near him, that the proposed franchise for Ireland would not establish anything like nominal uniformity between the two countries. The people in Ireland lived so much lower than in England, that the class which in England was rated at £6, would probably not be rated at more than £4 in Ireland.

Mr. MAGUIRE cordially joined in the opposition to the proposal with regard to Irish Peers. The reason of that proposal was hard to guess at, though he had some dim notion of it. He had seen visions of Gentlemen called Irish Peers, who had failed, with all their Irish persuasiveness, to secure the confidence of English constituencies, dismally haunting the precincts of the House like ghosts. It was in obedience to the application of gentlemen of this kind, not to the demands of the nation, that the right hon. Gentleman was ready to interfere with the solemn compact made by the Act of Union. If the right hon. Gentleman was so ready to meddle with the Act of Union, he would point out to him a way in which he could provide for these gentlemen. Why did he not send them to what was called, in the cant phrase of the House, "another place"?—to use an argument applied sometimes in favour of purgatory, they "might go further and fare worse." According to the British Constitution Peers had no right to interfere in elections, and he hoped the Government would not proceed with this monstrous and revolutionary proposal. With regard to the county franchise, there was no substantial equality between a £10 franchise in England and a £10 franchise in Ireland. It ought to be reduced in Ireland to £8 or £7 to bring about a complete uniformity. It was unjust to complain of two additional Members being given to Ireland; for even that addition would not do them justice. 105 Members was not a fair proportion for Ireland, taking into account the relative population and wealth of England and Ireland.

Sir GEORGE LEWIS said, that on the mere introduction of the Bill it was not his intention to enter upon a discussion of the proposition for enabling Irish Peers to sit for Irish counties or boroughs, which the hon. Member for Dungarvan (Mr. Maguire) described as a revolutionary measure. But he wished to explain to the House the reasons why the Government made that proposition, leaving the House to judge whether these reasons were not sufficient, and whether the Conservative susceptibilities of the hon. Member for Dungarvan were not prematurely awakened. The Act of Union in the 4th Article contained a provision which declared that any person holding a Peerage in Ireland should not be disqualified from representing any county, city, or borough in Great Britain; but that as long as he so continued a Member of the House of Commons he should not be entitled to the privilege of peerage nor to serve as a Representative Peer for Ireland, nor to vote at the elections of Representative Peers for Ireland. Such were the securities which the Act of Union provided against the privilege of the peerage being abused in the case of Irish Peers having seats in that House for English or Scotch counties or boroughs. That House was led for many years by the son of an Irish Peer (Lord Castlereagh) who sat for the county of Down. After the death of his father he succeeded to the Irish peerage, and thus became ineligible to sit for an Irish county; but he sat for an English borough. That was a remarkable instance of an Irish Peer possessing the right to sit and vote in the English House of Commons. During the time he so sat there, neither he nor any other Irish Peer, in a similar position, was entitled to sit as a Representative Peer, nor to vote at their election. The objection therefore as to a confusion of rights was not well founded. By the provision which they proposed to introduce, the Government were merely extending the rule, which now existed with respect to England and Scotland, to Ireland. They deprived no person of his rights. All they did was to say that the disqualification which now attached to Irish voters, of not being allowed, if they thought fit, to elect an Irish Peer as their representative, should be abolished. That was in fact the whole extent of the proposal.

Colonel DICKSON thought the right hon. Gentleman the Secretary of State for the Home Department had misunderstood the objection which was raised. It was not that an Irish Peer, by being elected to represent an Irish constituency, would in his own person be twice represented, but that a double representation would be thus given to the body of which he was a Member. He regarded this clause of the Bill as having a most mischievous tendency.

He had never been opposed to any rational measure of reform, but it seemed to him that the present proposal amounted merely to a reduced, and not a discriminating franchise. There were other classes with qualifications higher than mere property who might be admitted with advantage. A complaint was often made in Ireland that territorial influence was unduly exercised over the lower orders, and without discussing the justice of that complaint it was evident that the interference of the Irish nobility in elections must greatly tend to increase the power of the landlords.

SIR JOHN SHELLEY said, there was one objection which applied to both the Bills which had been proposed,—namely, the provision which made the exercise of the right of voting dependent on the payment of rates. He thought that every man who was rated should be entitled to exercise the franchise. Numbers of persons were now disfranchised simply because they happened to be out of town when the rates were payable. Too much power was now placed in the hands of the collectors.

SIR WILLIAM SOMERVILLE said, several Members had mentioned the proposal to reduce the Irish franchise for counties from £12 to £10. He wished to know whether the right hon. Gentleman proposed that any portion of the new Irish franchise should have reference to houses or tenements.

MR. CARDWELL:—In reply to the question of my hon. Friend I will state that the reduced franchise, as proposed by this Bill, will follow and be based upon that excellent statute which was introduced by my right hon. Friend himself. With regard to the freemen, as to whom I was also interrogated, the law in England limits the power of taking up their freedom to those who have acquired it by birth or servitude. The Irish law includes another element. We propose to limit that franchise to the two conditions imposed by the English Act, and to make it in all respects the same as in England. With regard to the date at which this registration will come into effect, my earnest hope and expectation is that it will receive the Royal Assent in sufficient time to come into operation before the period at which the revision of the voters' lists is made. On that point I shall make exactly the same answer that was given to my noble Friend with regard to the English Bill. I proceed to state the grounds on which the addition has been made to the number of Irish representatives. We found that Cork county, according to the last census, contained a population of 563,000, and by the income tax returns was valued at £834,000, the number of electors on the last registry being 15,895. On comparing these figures with the English counties to which a third Member has been given, I think my noble Friend will find that there was ample reason for adding a third representative to the county of Cork. The city of Dublin contains a population of 254,000, the income tax valuation is £989,000, and the body of registered electors is in number 10,660. If my noble Friend will compare the case of Dublin with that of Birmingham, he will see the reason why a third Member has been given to Dublin. The hon. Member for Dungarvan (Mr. Maguire) complained that we had not added more largely to the number of representatives for Ireland; and the noble Lord (Lord R. Cecil) complained that I had withdrawn these two Members from England. One of these objections, I think, affords some facility in answering the other. If the hon. Gentleman will look at the speech of Lord Castlereagh in introducing the Act of Union into the Irish Parliament, he will find that the proposition was based on a comparison of the population and the returns of the revenue for the two kingdoms; and, if he will take into account the relative condition of the countries in the present day, I think he will be satisfied that in our proposals we have endeavoured to do justice to Ireland. As regards the objections taken with respect to the Irish Peers, we shall have an opportunity of discussing that question when the Bill is considered on its merits; I will only say that the proposal was made solely on public grounds and from a desire to remove what is at present an anomaly, and to place this matter on a more natural and reasonable footing. I can understand the argument of the hon. and gallant Gentleman opposite (Colonel Dickson), that the Members of the Irish peerage should be represented only in the House of Lords. Extremely consoling this must be to the minority, not one of whom has his representative in the House of Peers, but if that argument be carried to its legitimate conclusion it would apply with equal force against their being allowed to sit for English or Scotch as for Irish constituencies. The intention of the proposal which I have the honour to submit is simply to enable the Irish electors to exercise their free choice in the selection of representatives, without being subject to any statutory disqualification. All I now request is permission to introduce the Bill.

Leave given.

Bill further to amend the Laws relating to the Representation of the People of Ireland, *ordered* to be brought in by Mr. CARDWELL, Viscount PALMERSTON, Lord JOHN RUSSELL, and Sir GEORGE LEWIS.

Bill *presented*, and read 1°.

REPRESENTATION OF THE PEOPLE (SCOTLAND) BILL.

LEAVE. FIRST READING.

THE LORD ADVOCATE:—Sir, in rising to ask permission to introduce a Bill further to amend the Laws relating to the Representation in Parliament of the people of Scotland, I think I had better commence by relieving the anxiety of my hon. Friend the Member for Edinburgh (Mr. Black) with regard to the manner in which the two remaining seats are to be disposed of. Those two seats, he will be glad to hear, are to be given to Scotland; and I dare say he will agree with me that one of them could not be better disposed of than by bestowing it on the great and flourishing commercial community of Glasgow. The other Member, it is proposed, shall be given to the Universities of Scotland in the aggregate, to be elected by the four Universities; and I hope the House will entertain the opinion that we have well and justly, and, I trust it may prove in the end, beneficially disposed of the two seats which were within our control. With regard to the general provisions of the measure, they are as identical as circumstances permit with those proposed for England. The Bill proposes an occupation franchise of £10 in counties, and of £6 in boroughs. It proposes also to simplify the system of registration in Scotland. We are in the same fortunate position as Ireland in possessing a complete system of valuation, made up year by year, which shows the number of proprietors, tenants, and occupiers, and the value of all the property in the kingdom. We made an experiment in this direction some years ago, but we now propose to carry it a great deal further. We propose to make the Valuation Rolls the register of the proprietors, occupiers, and the qualifications as the basis of the franchise, dispense altogether with the registration machinery of the Reform Bill, which in practice has been found exceedingly cumbrous. The Valuation Rolls will be the register, and we propose to do away altogether with the Registration Court. All the business of the Registry will be done by the assessors of counties and boroughs, with an appeal from them to the Court that meets in the month of October, and which, as far as the registration cases are concerned, will have very little to do, as every possible objection will be limited to a very few elements indeed. In Scotland the property franchise in counties has been £10 in freehold, or £50 for lands held on long lease. Some efforts have been made to introduce into Scotland the 40*s.* freeholds of England; but, on consideration, we have not thought it desirable to do so. In counties we propose to reduce the freehold franchise from £10 to £5, but that £5 must be without any deductions. It is desirable, to prevent the possibility of the franchise being abused, to provide that the value of the holding shall in no case be reduced by the burdens on it below £4. The great danger of the property franchise in Scotland is the creation of fictitious votes. Even the £10 franchise has been largely used for that purpose, and if it is reduced to £5 the facilities for this abuse will be still greater. It is, therefore, proposed that residence shall be enforced to give a right to the franchise, for all freeholds below £10 value. The valuation roll being the basis of the franchise, it will necessarily be a substantial one; and, having with it a clause compelling residence, it will, I hope, effectually prevent the manufacture of votes, for which purpose the small and widely scattered population of parts of Scotland gave greater facilities than existed in the populous counties of England. I do not know that there are any further observations that I need make to the House; and I now move for leave to bring in the Bill.

MR. BAXTER said, that great injustice was done to Scotland in the number of Members given to it. Scotland was entitled, on the fair basis of taxation and population combined, to nineteen additional Members; yet all the Government proposed was to give it two—one to the commercial city of Glasgow, the other to the four Universities. Other large cities, like Aberdeen and Dundee, and populous counties like Ayr and Lanark, were entitled on the basis of the English Bill to additional representatives; and he could not understand why, if Dublin was to have an additional representative, Edinburgh should be left out. He felt so strongly on the subject that in the event of the House agreeing to the second reading of the English Bill, he should move an instruction to the Committee to disfranchise at least four or five more English seats, in order to take some steps towards doing justice to Scotland.

SIR JOHN PAKINGTON, considering these three Bills as one measure, had one objection to make to it as a whole. It appeared to him that the principle on which the Government had proceeded was that of promoting uniformity in the franchise of the three kingdoms. Now, the Irish franchise would continue as hitherto, founded on rating. They had just heard from the Lord Advocate that the Scottish franchise would be founded on the valuation rolls, which was tantamount to a rating franchise—it was, in fact, as nearly as circumstances would admit, a rating franchise. He was sorry that the Government had determined on making the English franchise an exception to this rule of uniformity. He had long felt that the rating franchise, though not in the Bill of last year, would greatly simplify the franchise; and he hoped the Government would think it desirable to reconsider the matter, and adopt it for England as well as for Ireland and Scotland. The noble Lord had given as a reason that the rating was extremely unequal. He admitted the fact, but denied that it was an argument. It only showed that the law was not enforced. The inequality was created in the teeth of the law which required that property should be rated at its full value; and he believed that if the Government were to make the rating the basis of the franchise, it would tend in its result to put an end to the inequality of the rating. He trusted the noble Lord would reconsider this portion of the measure, and see whether it would not be possible to adopt the rating system for England as well as for Ireland and Scotland.

SIR JAMES FERGUSSON said, the subject of Reform occupied a much more prominent place in Scotland than in England, and he believed that the proposal of the Government would be considered a very moderate measure indeed by the reformers of Scotland, where there were more thinking men among the lower classes than in England, where education had been in a very advanced state for centuries, and where the labouring population were accustomed to occupy themselves very much with public affairs. For his own part, however, he considered that the very moderation of the measure proved the sincerity of the Government in their desire to carry through a measure of reform during the present Session. The measure, it must also be admitted, had the merit of simplicity in its provisions. He did not see how the enfranchisement of a large portion of the working classes would be attained by a £10 qualification in counties, and he would like to know the proportion of persons of the working classes who occupied houses of that value. He should not approve of the admission to the franchise of the working classes in a mass, because their greater numbers would give to them an unfair preponderance of political power. He thought that it was not right, as the noble Lord the Member for the City had done, to promise enfranchisement to large portions of the working classes, which, in practice, it was not intended to give. He did not approve of the Government being, to any great extent, in the hands of the working classes, because they were so much more numerous than any other; but he maintained that the principle of admitting those classes to the franchise was not fully carried out by these measures. He held that the intelligent working men should be enfranchised, which was very different from admitting the whole of the working classes, and he believed that object would have been better effected by the Bill of the late Government.

SIR GEORGE LEWIS, in reply to the right hon. Baronet the Member for Droitwich (Sir John Pakington) as to the bases upon which the Government proposed to form the franchises of England, Ireland, and Scotland respectively, said that the rating franchise had been maturely considered, and the Government were not likely to alter their views. The reason of the distinction between England, and Ireland, and Scotland was this:—In Ireland there was a valuation of all tenements upon uniform principles, and there was therefore no difficulty in adopting it as the foundation of the Parliamentary franchise. It was done some years ago, and it was to be observed that the franchise in Ireland was not only dependent on the payment of the rate, but was defined by the amount at which the tenement was rated. In Scotland that was not the case. The rating there was on the yearly value, as in England; but that yearly value, according to the proposal of the Lord Advocate, was measured by the amount on the valuation roll. The valuation roll was a valuation which was founded to a great extent upon the income-tax assessment, and was tolerably uniform throughout Scotland. Wherever there was such a valuation it was unquestionably a benefit to take it as the foundation of the franchise. But in English parishes such a valuation did not exist. The right hon. Baronet, who was a thorough master of all our rural economy, would not deny this. In England, unfortunately, no such uniformity of valuation existed, [SIR JOHN PAKINGTON: But the law requires it.] The law, no doubt, required that the rate should be made up to the full value, but, unfortunately, there was no sufficient control exercised over the parish officers to secure uniformity, and there was a different mode of rating in different places. In some parishes they made a considerable reduction, and in others rated at the full value. If the franchise in England were based upon the unamended practice, the right hon. Gentleman would see that great inequality would remain and great injustice would be done. He would very much wish to see an Amendment in the English law in this respect, and if the House were not already occupied with many more Bills than they had time to consider he would undertake to propose a Bill to effect an uniform valuation. The Bill was already in existence, but if introduced it would not be with any view to the present Reform Bill; it would be with the object to amend the practice with respect to assessment. The reason why the Government followed one course in Ireland and Scotland, and another in England, was that they did not believe that under the existing practice there was such an uniform valuation as could be properly and justly taken as the foundation of the Parliamentary franchise.

MR. CAIRD agreed with his hon. Friend the Member for Montrose (Mr. Baxter) that the proportion of Members allotted to Scotland was far less than justice required, though he supposed the Lord Advocate was unable to obtain the proportion which would be proper. He must, however, express his opinion, that the proposed registration of voters was a great improvement on the present system; and that it would be self-acting was also of great importance. He would suggest that there should be a central court to determine the law, because in Scotland the law differed in every part of the country. It gave him unqualified satisfaction to hear the Lord Advocate say he would follow the principle of the noble Lord (Lord John Russell), but the promise was not fulfilled when the property franchise in Scotch counties, instead of being lowered to 40*s*, as in England, was limited to £5. He also understood that up to £10 there must be occupation as well as ownership, and, as he disapproved of a distinction which would deprive the provident working man of a vote for freehold property without residence, he should endeavour to amend the Bill in Committee. With regard to bribery and the manufacture of fictitious votes, he would suggest that the attempt should be punished as well as the act; because, when a bribe was once accepted, both parties were interested in concealing the whole matter; and, as to fictitious votes, those who created them should be punished by fine and deprivation of franchise for ever afterwards. Bribery in boroughs would never be properly prevented, unless the franchise was accompanied by a distinct provision that it should only be enjoyed by those who occupied the premises in respect of which they voted.

MR. BLACKBURN thought that Scotland was not so well treated as she ought to be as regarded the additional number of representatives. Adding only two was far below what it ought to be, seeing that their claim was as strong as that of Ireland, and more in proportion to its valuation. He questioned, moreover, whether the Bill of the Lord Advocate had done justice to them in other respects. He did not understand the question of the property vote, and whether it applied to counties or boroughs. He did not mean to give any opinion as to the amount of the property franchise, whether it was too large or too small; but he was of opinion that it ought to be the same as that of Ireland. If the Government, on full consideration, thought the 40*s*. franchise should be extended both to Ireland and Scotland, he had no objection; but he questioned whether it might not be a colourable franchise altogether.

CAPTAIN CARNEGIE said, that Scotland would only gain two seats taken from places so notoriously corrupt that they had been disfranchised. If Scotland was only to get seats from the disfranchisement of corrupt places, he thought that one or two other seats might have been gained in that way. The returns of population and property in Scotland showed that there were many constituencies so large as to render an addition to their representatives a mere matter of justice. On that ground and not merely for the purpose of increasing the number of Scotch Members he should support the Motion of the hon. Member for Montrose.

MR. STIRLING said, he had no doubt that the scheme which the Lord Advocate had submitted to the House would be received with disappointment in many quarters in Scotland. There were at least three constituencies in that country which might very naturally expect to be provided with additional representatives. The point, however, to which he wished more particularly to refer was the expediency of giving two instead of one representative to the four Scotch Universities. Those institutions were placed at a great distance from one another, and it would be found that when the constituency was made up it would be very large in numbers. In England there would be five university representatives; and it would be admitted that the Members sent by those constituencies were not the least efficient or distinguished. There was no reason to suppose that those sent by the Scotch Universities would be inferior to their colleagues in England.

SIR EDWARD COLEBROOKE was glad that the Government had undertaken, under favourable circumstances, to settle a long-pending question—that of self-acting registration. The proposal was made with regard to England by the late Government; he therefore hoped that they would support it as applied to Scotland. As representative of the largest constituency (Lanarkshire) that was represented by one Member single-handed, he felt some disappointment that another Member had not been given to that important district. The population was about 200,000; exclusive of the boroughs represented, it contained many large towns that were not represented; and the way in which that county was treated would cause much dissatisfaction. Without wishing to say anything which might be deemed invidious, he thought they would have a better chance of getting eligible representatives for the counties than for some of the large towns to which it was proposed to give an increased number of Members. He saw no objection to the proposed property franchise. It was so nearly on a level with that proposed for England that only a microscopic eye could distinguish between them. Upon the whole he thought it a better franchise than the one now enjoyed in England; but it was open to grave doubt whether residence ought to be required to form part of the qualification. As to the claim on the ground of right on the part of the Scotch, he could bear the strongest testimony to that feeling, for he had nearly lost his seat because he supported the Bill of the late Government, which rendered such scant justice to Scotland. But he feared they were about to receive less from the present Government.

MR. MURE suggested to the Lord Advocate that, instead of giving Glasgow a third member, the two new representatives to be bestowed on Scotland should both be given to the Universities. It was obvious that the alterations proposed to be made in the representative system in Scotland were much more considerable than those with regard to England and Ireland, and therefore until he saw the precise mode in which his right hon. Friend intended to work out his scheme he would abstain from expressing any opinion on it. He could assure the right hon. Gentleman that in doing what he could to prevent the creation of fictitious votes he should have his most cordial assistance. He must confess, however, he doubted very much whether the proposal of creating a £5 qualification in the county, and at the same time not dealing with the question of heritable burdens, would be the means of accomplishing that object. Some years ago a Committee of the House investigated the system of fictitious votes which existed in Scotland; and one of the principal remedies which they suggested was that there should be a deduction of heritable debts from the property qualification in Scotland, without which, they said, fictitious votes could never be stopped. For his own part, he quite concurred in that recommendation. As to registration, he was not sure that the plan of the Lord Advocate would work quite so smoothly in all its features as he anticipated; but he thought some such plan as he had described might be beneficially introduced. He would, however, wait until he saw the Bill itself before he offered any opinion on this point.

MR. BUCHANAN wished to remark that upon all the principles which had been announced by the noble Lord the Foreign Secretary it seemed perfectly obvious that the Government could have come to no other conclusion than that which they had done, namely, that Glasgow should have another Member. When they were increasing the representatives of Birmingham, Manchester, and Leeds, he did not see how they could overlook the claims of Glasgow, which was larger than either of them. No doubt Lanarkshire was a large and populous county, but as between Lanarkshire and Glasgow there could be no difference of opinion. As to the Universities of Scotland, he was glad they were at length to be represented in Parliament; he thought it a disgrace that they had not been represented before.

MR. DUNLOP thanked the learned Lord Advocate for the two additional Members he proposed to give to Scotland, but regretted that there were not more given. He thought the Bill for England would be much improved by taking away some of the double Members given to insignificant boroughs and transferring them to the large constituencies of Scotland. He thought that the adoption of the valuation roll as the test of qualification would tend to prevent the creation of fictitious votes, but did not believe that the residence which the right hon. Gentleman insisted on would have that effect in any degree whatever.

MR. ROBERTSON said, he could not sit tamely by and hear it said that the Bill would not give satisfaction to the people of Scotland. He had no hesitation in stating that it would give satisfaction. Residence, he thought, should be the qualification for being on the register. As to the 40*s*. freehold generally throughout Scotland, there was no desire to possess that qualification. He had never heard such a wish expressed in his own county.

MR. HOPE understood that the franchise, as defined by the learned Lord, was a £10 occupancy in counties, and a £6 occupancy in burghs. Then there was to be a deduction of the feu duty; that, he understood, was not to be made unless it exceeded one-fifth of the value. There was also to be a £4 proprietorship in counties, but with residence. He wished to know if proprietors at £10, who were non-resident, were to be abolished ?

COLONEL SYKES thought the distribution of Members to Scotland had been very scanty. His own constituency, which equalled that of twelve minor boroughs in England, and was remarkable for intelligence and industry—Aberdeen, the seat of universities for centuries—had a right, and did look forward, to have another Member ; and the decision of the learned Lord would be received in the North with disappointment and mortification. He approved of giving one of the two Members available to the Scotch Universities ; but with so many small boroughs in England, there should have been no difficulty in finding the means of doing more justice to the claims of the large towns in Scotland.

MR. E. CRAUFURD pointed out an anomaly which existed in the burgh which he represented, with reference to the interval that must elapse between the issue of the writ by the sheriff and the nomination, a much larger space being required than in any county of Scotland, being not less than ten nor more than sixteen days. He hoped every means would be adopted to prevent the manufacture of fictitious votes in counties. At present the practice was to convey a cottage to a workman, taking at the same time a secret back bond to return it when called upon.

MR. KINNAIRD said, there ought to be a further distribution of seats in favour of Scotland. The representation of that country was very pure. Scarcely was there ever a petition presented against the returns from that part of the United Kingdom. He warned the Government against not satisfying Scotland. The Scotch Members were a compact phalanx, under the leadership of the Lord Advocate, and might be very troublesome unless their reasonable demands were complied with.

MR. H. BAILLIE wished to know, whether the Bill of the Lord Advocate would contain any provision for giving additional polling places in Scotland. In the county he represented the number of electors would be more than doubled and additional polling places would certainly be required.

THE LORD ADVOCATE said, that there was a provision for increasing the polling places. He did not propose to enforce residence where the property was above £10. To prevent fictitious votes the receipt for feu duty would be produced where the property combined with residence was under £4. He would not go into extraneous matters. It was most desirable to have the benefit of the self-acting principle of the valuation roll. There would have been more justice in the complaints of some of his hon. Friends if this was a real adjustment of the proportion of representatives between the three kingdoms, but it was nothing of the kind ; it was merely the distribution of four vacant seats ; and he certainly thought, under the circumstances, it was fair enough to give one to Cork, one to Dublin, one to Glasgow, and one to the Scotch Universities.

LORD WILLIAM GRAHAM urged upon the Government the importance of a new valuation system in Scotland, a measure which would greatly facilitate the carrying out of the franchise.

Leave given.

Bill further to amend the Laws relating to the Representation in Parliament of the People of Scotland *ordered* to be brought in by the LORD ADVOCATE, Viscount PALMERSTON, Lord JOHN RUSSELL, and Sir GEORGE LEWIS.

Bill *presented*, and read 1°.

MASTERS AND OPERATIVES.

COMMITTEE.

MR. MACKINNON moved for a Select Committee to take into consideration the provisions and practicability of the Masters and Operatives Bill, and whether any improvement could be made in the measure.

SIR GEORGE LEWIS said, the Bill not having yet been read the second time, it was contrary to the practice of the House that it should be referred to a Select Committee. The right course for the hon. Gentleman to take would be to move for a Committee to inquire into the subject to which the Bill related, and then, if he thought fit, he might bring the provisions of the measure before the attention of such Committee.

LORD JOHN MANNERS said, this subject had been fully investigated by a Select Committee only a year or two ago, and it would now be idle to send it before another Committee. The reference of that particular Bill to a Select Committee was, however, quite a distinct question.

Motion *agreed to.*

Select Committee *appointed,* "to take into consideration the best means of settling disputes between Masters and Operatives."

THE SERPENTINE.

NOMINATION OF COMMITTEE.

MR. COWPER moved that the Select Committee on the Serpentine should consist of the following Members—namely, Mr. COWPER, Lord JOHN MANNERS, Sir JOHN SHELLEY, Mr. BLACKBURN, Sir MORTON PETO, Mr. JOSEPH LOCKE, Mr. WALTER, Sir JOSEPH PAXTON, Lord FERMOY, Mr. BYNG, Mr. ALGERNON EGERTON, Captain ARCHDALL, Sir FREDERICK SMITH, Mr. BEACH, and Sir MATTHEW WHITE RIDLEY; with power to send for persons, papers, and records; five to be the *quorum.*

Mr. COWPER and Lord JOHN MANNERS nominated Members of the Select Committee on the Serpentine.

Motion made, and Question proposed, "That Sir JOHN SHELLEY be one other Member of the said Committee:—"

MR. KNIGHTLEY objected to the composition of the proposed Committee. It would have upon it four metropolitan Members, who, as only five were to constitute a *quorum,* would obviously be able to exercise an undue preponderance in its deliberations. If those four Members should have the majority in the Committee, its report, judging from past experience, would entail a very liberal, not to say lavish, expenditure of the public money. It might possibly be said that the Members for Westminster and Marylebone ought to sit on the Committee, because the question to come before it materially affected the health and comfort of their constituents. Now, there could not be the smallest objection to the people of Westminster and Marylebone cleaning out what might be called their own cesspool at their own cost; but if, because the Serpentine ran into Hyde Park, which was part of the Royal domains, the clearing out of it was to be regarded not as a local, but as a national undertaking, it was the duty of that House, as the guardian of the public purse, to take care that the Committee should be a thoroughly impartial one. That, however, could not be the case, if so many metropolitan Members, whose constituents were immediately interested in a large and reckless outlay of the public money in this matter, were to form part of the tribunal. Any Member serving on a Committee appointed to examine a group of Private Bills was required to make a solemn declaration that his constituents were neither directly nor indirectly interested in the question on which he was to sit in judgment. The same rule ought to be applied in the present instance. He meant to offer no personal disrespect to the hon. Members for Westminster and Marylebone; but, as it was the manifest interest of those whom they represented that "a thorough good job" should be made of this matter, regardless of expense, he maintained that they could not bring a calm and unbiassed judgment to bear upon it. He must, therefore, take exception to the nomination of those hon. Members, and he should begin by moving the omission of the name of Sir John Shelley.

MR. COWPER said, that in selecting the names his desire had been to place on the Committee all the hon. Gentlemen who had evinced a special interest in the question that was to be referred to them. The hon. Baronet the Member for Westminster (Sir J. Shelley) had taken part last year in the debates on the subject of the Serpentine, and had directed his attention to the question in various forms; it was, therefore, only natural that he should be put upon the Committee. It was impossible to admit the force of the argument based on the fact that the hon. Baronet was a metropolitan Member. His constituents had no special interest in that matter. The electors of Westminster were not the only people who suffered from the present state of the Serpentine. It would be just as reasonable to say that no metropolitan Member should be allowed to sit on a Committee to inquire into the unwholesome smells arising from the Thames.

MR. BENTINCK thought the right hon. Gentleman who spoke last deserved great credit for his efforts to mystify a simple question. The question was whether they were to permit the system to continue by which for years past the grossest jobs for the benefit of the metropolis, and against the general interests of the country, had been perpetrated. It was quite true, as the right hon. Gentleman said, that the four metropolitan Members now nominated had displayed, and very naturally, a deep interest in this question; but for that very reason they ought not to be placed on a Committee of which five Members were to form a *quorum*. It was, no doubt, the interest of the metropolis that the Serpentine should be cleansed out in the shortest possible time, and entirely at the public expense; and those four hon. Gentlemen could not be blamed if they exerted themselves on behalf of those who elected them to convert a strictly local undertaking into an Imperial one. Such a principle, however, was nothing less than downright spoliation. The metropolitan Members had great facilities for serving their constituents at the cost of the country. They could band themselves together in a compact body any day; and when so united he must say—without intending to offer them the slightest personal disrespect—they were perfectly unscrupulous. The whole object of the metropolitan Members was to obtain a large amount of Imperial expenditure for their constituents. Against that principle he would always contend, and he would ask all those hon. Members opposite who were not connected with the metropolis to support him. His hon. Friend objected to a system of most mischievous jobbing, the cost of which it was impossible to calculate. The country had very nearly been saddled with many millions for the purification of the Thames.

VISCOUNT PALMERSTON hoped the House would not waste any more time over this "bagged fox." Great interests were waiting to know the decision of the House upon the matters proposed to be dealt with by the Chancellor of the Exchequer, and he trusted that no more time would be taken up by the present discussion. The whole argument of the hon. Gentleman opposite was a mistake. It was impossible that operations connected with the Royal Parks could be discussed by the Metropolitan Board of Works, or the expense be thrown upon the metropolis. The expenditure for the Royal Parks stood upon a different footing, and any analogy between the constitution of the present Committee and that of a railway committee, in which the Members interested had no deciding voice, was quite erroneous. The Committee would have to consider what plan would be best adapted for the purification of the Serpentine at the smallest expenditure. Their recommendation, however, would not be binding on the House, which would look to the evidence, and then judge for itself whether the Report of the Committee was borne out. He trusted that this discussion might now close, and the House be allowed to proceed with the important business on the paper.

MR. H. BERKELEY said, he had remarked that wherever there was any dirty water to be defended the hon. Member for West Norfolk was always foremost in that cause. The hon. Member was very loth to part with what Shakspeare called the "ancient and the fish-like smell" of the artificial water in St. James's Park, and now that nuisance was taken from the nose of Her Majesty the hon. Member was miserable that the Serpentine was to be cleansed, and insisted that no one whose duty it was to keep the metropolis healthy should be put upon the Committee.

LORD WILLIAM GRAHAM held that the metropolis ought to pay for its own improvements. The country at large was certainly no longer disposed to bear this expenditure.

Mr. EDWIN JAMES thought it the duty of the Members for Marylebone to protect the interests which their constituents had in the purification of the Serpentine. It was highly unfair to say that the metropolitan Members ought not to be upon the Committee.

Question put.

The House *divided*:—Ayes 122; Noes 36: Majority 86.

Mr. Blackburn, Sir Morton Peto, Mr. Joseph Locke, Mr. Walter, Sir Joseph Paxton, Lord Fermoy, Mr. Byng, Mr. Algernon Egerton, Captain Archdall, Sir Frederick Smith, Mr. Beach, and Sir Matthew White Ridley, nominated other Members of the said Committee:—Power to send for persons, papers, and records; Five to be the quorum.

CUSTOMS ACTS.—COMMITTEE.

House in Committee, according to Order.

Mr. Massey in the Chair.

(In the Committee.)

On Question that the following Articles stand part of the proposed Resolution [28th February]:—

"Cotton Manufactures, as denominated in the Tariff."

Mr. NEWDEGATE said, he should be obliged if the Chancellor of the Exchequer would state the value of the importations of manufactures of hosiery which had hitherto entered into this country under the present duty.

The CHANCELLOR of the EXCHEQUER replied, that in 1858 we imported 46,000lb. of cotton fringes, 123,000 pairs of cotton gloves, 187,000 pairs of cotton stockings, 8,000 pairs of cotton socks, and other cotton goods to the value of £36,000. The revenue was about £3,000, and the whole value of the articles could not have been far from £50,000. He should think that we imported something like £1,000 for every £1,000,000 exported.

Sir WILLIAM JOLLIFFE hoped that at least some of the articles in the list before the Committee would be expunged. The abolition of the duty upon them would involve a considerable loss to the revenue, and injure a very industrious class of people in this country. He understood that about £20,000 would be lost upon artificial flowers alone.

Mr. AYRTON remarked that the Chancellor of the Exchequer was proposing to admit a great number of articles free of duty without giving any assurance that he had carefully considered the position of persons engaged in small handicrafts in England, as compared with those employed in similar branches of industry in foreign countries. It was said that some of our working people were seeking a protection to their industry, which had been given up by the great manufacturers of Lancashire. That was a delusion, because the great manufacturers of Lancashire had very formidable natural protections, and so had the ironmasters and coalowners, who were to be largely benefited by the new commercial system. Where iron stone and coal were found together, an English ironmaster could make iron infinitely cheaper than it could be made in any country where those natural advantages did not exist. Coal alone was a great natural protection to the English manufacturer. The case was very different with respect to small handicrafts, and we might find that a large number of the most industrious of our workpeople would be overborne by persons abroad, who lived at hardly any expense, in a very genial climate, and who paid comparatively few taxes. He should like to know that our embroiderers would not have their wages reduced by the importation of embroidery from abroad. It might be said that they must consent to sacrifice their interests like other people; but that statement involved a fallacy. In the case of the corn laws there was a manifest monopoly, because the country was unable to supply the inhabitants with the food which they required; but no person could say that our smaller handicrafts enjoyed a monopoly, when we knew that our needlewomen, for example, were struggling against one another for a bare subsistence. For his own part, he looked to the practical application of propositions rather than to their abstract expression; and he thought the House had been too often carried away by philosophical flourishes about free trade and protection.

"Embroidery and Needlework, as denominated in the Tariff."

Sir JOHN PAKINGTON said, he did not rise to argue the question on the same grounds as the hon. Member for the Tower Hamlets, although he concurred in all that he had said as to the hardship about to be inflicted upon certain classes of industrious workpeople; but he could not allow the Schedule to pass without recording his protest against the waste of revenue which was involved in the propositions before the Committee. Looking through the whole of the Schedule it was impossible to imagine a more wanton waste of our resources. But considering what passed at the close of the debate on Tuesday night, it seemed to him that the question was how far it was worth their while to sit there discussing these articles ; for on that occasion, after a great deal of pressing, they obtained from the Government on that evening a statement to the effect that the rejection of any one article would vitiate the Treaty. He, therefore, thought that it was a waste of time to discuss the different items, and to consider whether it was wise or desirable to adopt them. On the other hand, he could not help hoping that, without regard to the effect upon the Treaty, the present Schedule would be debated in reference solely to English interests, and to the question how far it was desirable, as a matter of English policy, to abandon a large revenue by remitting the duties on such articles as clocks, corks, embroidery, artificial flowers, leather manufactures, gloves, musical instruments, oils, silks, and watches. Those ten articles, which were comprehended in the Schedule, yielded upwards of £400,000 a year; and ought we to part with that large sum when we were increasing our direct taxation, and retaining the present duty on tea and sugar? With regard to the Treaty, he confessed he did not see anything in it to induce him for its sake to part with this large and very important amount of revenue. The noble Lord the Secretary for Foreign Affairs admitted in his Despatch that those articles which were not articles of necessity would not be dealt with by the Government in their financial arrangements. The reason urged in favour of the Treaty and the proposed changes, consisted in certain alleged collateral effects. What would be the first of these collateral effects? If he could trust the intelligence which had reached London that day, the first collateral effect was likely to be the seizure of Savoy by the Emperor of the French; and he was disposed to agree with those eminent authorities, both in and out of the House, who declared that another collateral effect of the Treaty would be, instead of its creating good feeling, and encouraging friendly relations between England and France, to strengthen the war party in France. He must add that, viewing these remissions as they affected English interests and English policy, they appeared to him to be a wanton waste of revenue on articles which were not of general consumption, and from which there could be no objection to derive revenue.

THE CHANCELLOR OF THE EXCHEQUER said, that it was entirely for the right hon. Baronet to judge for himself whether it was a waste of time or not to discuss the articles proposed for remission. The right hon. Baronet and himself might perhaps come to the same conclusion on that subject, though he was afraid on very different grounds. He had thought that the doctrine of unrestricted competition had been conceded by the right hon. Baronet, but now he found it stiffly contested by him. The right hon. Baronet denounced the surrender of the revenue obtained by differential duties as a wasteful proceeding. He (the Chancellor of the Exchequer) did not think it was convenient now to discuss the general principles upon which the financial scheme of the Government was founded. But he had thought that the doctrine, that differential duties should be maintained—and almost every one of the duties now sought to be charged was a differential duty, and took from the British consumer infinitely more than it brought to the British revenue) had been abandoned. But the hon. Member for the Tower Hamlets and the hon. Member for North Warwickshire demurred to the Government proposals on two different points of view. The hon. Member for North Warwickshire complained of their parting with duties levied on articles of luxury, and the hon. Member for the Tower Hamlets regretted that they were abandoning duties on articles raised by handicraft, and not by the great capital of great establishments. These were two questions totally and absolutely distinct. With respect to articles of luxury, it was a great fallacy to suppose that differential duties levied on such articles were better than other differential duties. It was a proper thing to consider, when they were raising revenue, whether or not they should first select articles of luxury ; but when they came to the question of imposing differential duties on articles because they were articles of luxury, they then involved themselves in the same folly and evil as if they were not articles of luxury. Why should the Legislature give to one class the power of obtaining a higher price or profit than they would otherwise get, through the operation of a law ? It signified not a rush what the article was, or whether it was one of luxury or not. It was a bad and unjust principle as between English workers. The true principle was to give to the purchaser perfectly free and unrestricted choice of all articles of industry. But by differential duties to secure a particular price to a particular class of goods as compared with another class of goods, because they were articles of luxury, they generally failed to accomplish the object they had in view, did positive mischief to the very people they intended to benefit, and did that which was in itself wrong, because they created a monopoly in favour of a particular class. But the hon. Member for the Tower Hamlets said that we ought to consider the case of handicrafts and of needlewomen. Now, to talk of protection to needlewomen by protective duties was just as rational as to talk of protecting the peasants of Wiltshire and Dorsetshire by the corn laws.' The condition of our needlewomen was a melancholy fact in the state of English society; but with respect to competition with foreign labour they had nothing to fear, for, unhappily, their condition was much lower already than that of the foreign labourer through the competition of English labour. He confessed that he would have thought that the hon. Gentleman who represented the Tower Hamlets was well aware by this time of that fact. He must know they were entirely beyond the reach of any legislation. With regard, however, to the class of people who made artificial flowers and embroidery, he hoped the case was different. The wages of those employed in embroidery were not, he trusted, low, and he had no reason to suppose that they would be lower :—he believed that, on the other hand, labour would derive benefit from the proposed changes. The hon. Member for the Tower Hamlets said that the abolition of protection worked in a totally different direction in different cases. He (the Chancellor of the Exchequer) was not aware of that diversity of experience, and he had yet to learn in what case within the limits of this country protection had been abolished without a great benefit resulting. They had had paraded before the House the question of corks ; and if hon. Gentlemen now revived it, he would undertake to show that it was the most wretched case which had ever been brought upon the floor of the House. And with regard to the nine other articles, not a single voice had reached him either from masters or workmen against the proposed abolition of duties. He might remind the Committee that, besides all the general principles which led them to the conclusion at which they had arrived, they had in view a great reform of the Customs administration, and a great reduction of establishments. Even where it appeared, on first inspection of the tables of revenue, that £10,000 or £20,000 was realized by one of these articles, that did not show the real profit which it yielded. They were all articles of a nature to require very minute investigation, which entailed a great deal of delay and expense. For these reasons he hoped, and felt perfectly convinced, that these Votes would receive the approval of the Committee.

Sir JOHN PAKINGTON said, the right hon. Gentleman had quite misunderstood his argument. He did not object to the repeal of these duties on the ground of their being differential duties, but because in the present state of the finances of the country he thought it a wanton waste of our resources to part with £40,000 of revenue derived in such a way.

Mr. NEWDEGATE was glad that this discussion had called forth the speech of the hon. Member for the Tower Hamlets (Mr. Ayrton) which did him much credit. The time was coming when the old Tory would join the Radical in demanding that taxation should be levied in the form most convenient to the people. The system now entered upon seemed to him justly comparable to the car of Juggernaut, so recklessly was the Chancellor of the Exchequer crushing the interests of the people of this country. The science of political economy was being fast degraded into a mere system. The Government refused to levy the revenue so as to accommodate the convenience and consult the interests of the people. They would not consider the circumstances of the time with which they had to deal, but showed a blind determination to lower and abolish import duties. He admired the course pursued in the United States on this subject. No aristocratic influence existed there, but taxation and the commercial system of America were adapted, as they ought to be, to the interests of the State. Why was not the same policy followed in England ? The true representatives of the people would, he believed in time, revert to a system of taxation which consulted the interests and convenience of the people, and would not consent to be limited to the doctrines of any abstract school or to be made subservient to the demands of a few large interests.

Colonel TORRENS wished to ask, on behalf of the needle-women of England, whether the duties on French embroidery were to be remitted immediately, or whether some time was to be allowed to those engaged in that branch of industry at home.

THE CHANCELLOR OF THE EXCHEQUER said the proposition of the Government was that the abolition of the duties should take effect immediately, and he was not aware that any injury would be suffered by the class the hon. Member alluded to.

"Feathers and Flowers, Artificial."

SIR WILLIAM JOLLIFFE said, he thought this was one of the articles which might be omitted while such extraordinary demands were made from day to day on our revenue. The arguments of the Chancellor of the Exchequer in favour of free trade were all, no doubt, very good, but let them be properly applied. What was the use of remitting duties on artificial flowers and opera-glasses, things of no moment to the public, while they maintained the war duties on tea and sugar which were of the greatest moment to the whole community.

LORD JOHN MANNERS understood the Chancellor of the Exchequer to contend that these duties were objectionable because they took out of the pockets of the people more than the amount of revenue obtained from them. But did anybody suppose that when this duty was abolished artificial flowers would be one halfpenny cheaper than before? The sole result would be a loss of revenue, which was not just now to be despised, while some of the charges substituted by the right hon. Gentleman would be far more onerous upon trade. He could not help uttering a strong, though, he feared, a vain protest against this most improvident waste of the resources of the country.

MR. STEUART said, his constituents had sent up the longest petition that ever came from Cambridge against this Budget, and, in justice to them, he must add his protest to those which had already been made against this wanton sacrifice of revenue. His constituents had no connection with cotton, coal, or iron; and there was no single article in the tariff that would benefit them; while they were to be saddled with an addition to the income tax, against which, in their name, he must add his firm but he feared his ineffectual protest.

MR. CRAWFORD could not admit that taking off the duty would have no beneficial effect besides reducing the price to the consumer. He thought on the contrary that great benefit would result from the importation of articles upon which French skill and taste were displayed. They would serve as models for the guidance of our own workmen and manufacturers, and ultimately it would be an advantage to these persons to have been subjected to French competition, for he had great faith in their power to rival any French productions.

LORD JOHN MANNERS observed that plenty of articles came into this country already to serve as models for imitation.

THE CHANCELLOR OF THE EXCHEQUER asked who was to define what was meant by "plenty." Was the law to step in to define and limit the meaning of the word by fixing an artificial price. His proposition was to leave the people to define it for themselves by leaving it to the natural level of supply and demand.

LORD JOHN MANNERS said, his proposition was that there were "plenty" for the English workpeople to take example from, and he still adhered to his statement.

MR. AYRTON said, it might be very convenient for the merchants of London to import as many commodities as they could; but as regarded the needlewomen of this country, of whom the supply was already greater than the demand, it was clear that they had arrived at the lowest natural level. There might, however, be a still lower level, for in India, where people lived for almost nothing, women skilled in embroidery could be found for £4 a year. Upon abstract principles of free trade no doubt the Chancellor of the Exchequer was right, but this was a peculiar case, and should be considered as such.

MR. VANSITTART complained that all their efforts were directed to the protection of foreigners, while they cared nothing for their own workpeople. A gentleman told him that he went over to Paris the other day with £700 in his pocket, but articles were so dear that he could not lay out a single shilling. There was no lack of employment in France, but they were to be still more encouraged here; while the Legislature did not care a single brass farthing for the English workers.

"Gutta Percha," Manufactures of, not moulded.

——————— Articles, moulded.

LORD WILLIAM GRAHAM asked the Chancellor of the Exchequer whether, now that the Customs superintendence was to be removed, there would be any inspection of things imported into this country; for, if he was rightly informed, things had been imported into this country which would greatly shock the modesty of the Chancellor of the Exchequer.

THE CHANCELLOR OF THE EXCHEQUER said, there would be ample power left in the hands of the Customs to prevent the importation of articles such as those to which, no doubt, the noble Lord had alluded.

"Linen, or Linen and Cotton Manufactures, as denominated in the Tariff."

COLONEL TORRENS inquired, whether there was any prospect of linen yarns being admitted into France at a lower rate than 20 or 25 per cent. He was assured that it was impossible to export that article from Ireland to France except at a much lower rate of duty?

THE CHANCELLOR OF THE EXCHEQUER said, that in 1842, when there was a considerable trade with France in linen yarns, the duties were from 15 to 20 per cent; but there was no specific convention now upon that point. He understood the intention to be to follow the course which had been pursued in England, and to place the duties upon half-manufactured goods in a subordinate relation to fully manufactured goods. He therefore inferred that, as the duty upon linens would be reduced to a limit between 25 and 30 per cent, the duty upon linen yarns would be still lower, were it only for the sake of the French manufacturer.

"Opera Glasses, single or double."

MR. VANSITTART asked, whether it was intended to admit, under the Treaty, Berlin opera glasses, which were much superior to the French?

THE CHANCELLOR OF THE EXCHEQUER said, the Vote which the Committee were invited to concur in, took no cognizance of origin.

Resolved, That the following articles stand part of the proposed Resolution [28th February.]

Cotton Manufactures, as denominated in the Tariff.

Earthenware, not otherwise enumerated or described.

Embroidery and Needlework, as denominated in the Tariff.

Feathers, as denominated in the Tariff.

Flowers, artificial.

Fruit, raw, not otherwise enumerated.

Grapes.

Gutta Percha, manufactures of, not moulded.

——— articles moulded.

Hair, manufactures of Hair or Goat's Wool, or of Hair or Goat's Wool and any other material, wholly or in part made up.

Hats or Bonnets, namely,—of Chip, of Bast, Cane, or Horsehair, of Straw—after the 31st of March, 1861.

Of Hair, Wool, or Beaver.

Of Felt.

Hats of Silk or Silk Shag, laid upon felt, linen, or other material.

Iron and Steel, wrought or manufactured, namely,—machinery, wrought castings, tools, cutlery, and other manufactures of Iron or Steel not enumerated.

——— fancy ornamental articles of Iron or Steel.

——— manufactures of, coated with brass or copper by any galvanic process.

Jewels. Emeralds, and other precious stones, set.

Lace and articles thereof, as denominated in the Tariff.

Lead, manufactures of, not otherwise enumerated.

Leather Manufactures (except gloves), as denominated in the Tariff.

——— Gloves, after the 1st of February, 1861.

Linen, or Linen and Cotton mannfactures, as denominated in the Tariff.

Lucifers of Wood.

——— of Wax.

Medlars.

Morphia and its Salts.

Musical Instruments, as denominated in the Tariff.

Oil of Almonds.

——— Bays.

——— chemical, essential, or perfumed, as denominated in the Tariff.

Opera Glasses, single or double.

Pears, raw.

Percussion Caps.

Perfumery, not otherwise enumerated.

Quinces.

Quinine, Sulphate of.

Motion made, and Question proposed,

"That 'Silk, Millinery, or Manufactures of Silk, or of Silk and any other material, as denominated in the Tariff, stand part of the proposed Resolution."

SIR JOSEPH PAXTON in rising to move the Amendment, of which he had given notice, and which he had modified in order to remove certain doubts that had been expressed, said that his constituents were of opinion that the duties upon silk manufactures had been given up in order to carry out the Treaty, and the interests involved were so large that he trusted the Committee would give him their attention for a little while, while he brought their arguments before them as clearly as he was able. He believed that there were about thirty towns and villages employed in the manufacture of silk, but Coventry, Macclesfield, Derby, Spitalfields, and Manchester, were the chief seats of the manufacture. From all these places he believed, except Manchester, there had been petitions to that House against the present proposition; but from Manchester alone his hon. Friend the Member for Birmingham had presented a petition for the remission of the duty.

Now, on looking over the duties on silk he found that none had been levied on the particular articles of silk manufacture that were produced at Manchester, and therefore it could be understood why the manufacturers at that place could afford to support the proposition of the Government. Last year the duty on silk amounted to £387,000, and £166,000 of this was levied on articles similar to those manufactured by his constituents at Coventry, and therefore he thought they had a right to be heard on this question. The silk manufacturers at Coventry had been for some time in a depressed condition, and when the intelligence of the conclusion of the Treaty arrived, the effect was completely to paralyze the trade. As soon as the announcement was made the Mayor of Coventry and a deputation of the inhabitants waited on him and his Colleague, and the Mayor said that he could hardly be answerable for the safety of his city if the duty were taken off. He did not altogether concur in the dismal forebodings of the Mayor; but still the change would undoubtedly strike a great blow at the prosperity of the town he represented, and that blow was the more felt, that it was believed that the object of the remission of the duty was not to render silk cheaper, but to give an impetus to the French manufacture. Nor must the Committee suppose that Coventry was a place which had not progressed with the times. In 1821 the population of Coventry was 21,000; in 1859 it was 42,000. In 1840 there were in it 18,000 persons employed in the silk trade; in 1860, there were 28,000. In 1840, there were 4,732 small hand-looms; at the present time there were only 500; but of steam-power looms there were 6,650; and while in the former year the production of silk ribbons was 795,000 yards per week, it was now no less than 2,300,000 yards per week. The tax on silk had never been considered a burdensome one, but to be in fact a tax upon luxury; and even the Liverpool Financial Reform Association, in whose steps the Chancellor of the Exchequer seemed to be treading, had declared that so long as customs duties were levied at all the duty on silk ought to be retained. The tax was 15 per cent. He complained that while the Chancellor of the Exchequer had sought to conciliate the wine and spirit merchants in the matter of drawback, not the smallest accommodation had been given to his constituents. At present their trade was protected by a duty of about 16 per cent; and if 8 per cent of that duty had been remitted now, and the remaining 8 per cent some seven or eight years hence, they might have been able to sustain the shock; but what they most complained of was, that they had been bartered away for a French Treaty, without the prospect of receiving any compensation whatever. He himself was a Free-trader, as were also his constituents; and they were prepared to give up the silk duty if an arrangement could be made by which their productions could be admitted into France upon the same terms as those of France would be admitted into this country. But the fact was, the French prohibited the export of dyed silks, and the people of Coventry were thus prevented from competing with them in the finer articles, which were principally made of French dyed silk. A great deal had been said the other night about corks, but this was exactly the same case. They were about to admit the manufactures of a country which kept a duty on the raw material. In fact this was, he believed, the first time such a proposition had ever been maintained. In 1845, Sir Robert Peel took off the duty on glass in order to give an advantage to the consumers of the article in this country; but France and Belgium made the better kinds of glass at that time, and continue to do so still. He had a letter from Mr. Chance, one of the largest manufacturers in Birmingham, in which that gentleman complained of the severity of the competition he had to sustain, and said:—

> "Many houses have sunk under it, and so should we have done if we had not taken every means to beat the foreign manufacturers."

It was quite true that Mr. Chance's firm had succeeded, but he had one of the largest establishments in the world; and where there were formerly in this country twenty or twenty-five large glassworks, there were not now more than four or five. The silk trade, and that of Coventry in particular, had much reason to complain that their interests had been overlooked in the negotiation of the Treaty. The Chamber of Commerce of St. Etienne had recently voted an address to the Emperor, in which, while expressing their satisfaction at the prospect of ribands, one of their staple trades, being admitted into England free of duty, remarked that they could see no objection to the free importation of ribands into France. From that it might be reasonably inferred that, if the treaty had been skilfully negotiated on our side, there might have been an importation of ribands into France on equal terms with an importation of those of France into this country. The riband trade depended much on fashion, in which we invariably took our cue from the French. In this country we could make all the commoner sorts of ribands better than the French, and it was desirable that no obstacles should be placed in the way of their admission into that country. His constituents, however, believed that the Treaty would tend so seriously to prejudice their trade that they despaired of arresting its declension. He would conclude by moving the following Amendment :—

Amendment proposed,

To insert after the word "Tariff," the words "being the manufactures of and imported directly from any country which permits the free importation of the silk manufactures of the United Kingdom."

Question proposed, "That those words be there inserted :"

THE CHAIRMAN said, the hon. Member had not moved his Amendment in precisely the terms of his notice ; but though he had now omitted all specific notice of the Treaty which the Committee were not considering, the Motion had clearly a substantial reference to the engagements of that Treaty. It did not, therefore, appear to him to be one that he could fitly report to the House, and he should therefore decline to accept it.

MR. AYRTON suggested that the difficulty might be got over by moving the following addition to the original Motion in lieu of the Amendment, "being manufactures of, or imported directly from, any country which permits the free importation of the silk manufactures of the United Kingdom."

SIR JOSEPH PAXTON accepted this suggestion.

MR. NEWDEGATE wished to know if the Resolution as now put was in order ?

THE CHAIRMAN : Yes, certainly.

MR. SCLATER-BOOTH hoped the Chancellor of the Exchequer would not give way to the Motion before the Committee. The constituents of the hon. Member were great Free-traders some fourteen or fifteen years ago; but now, when the course of legislation trenched upon their own interests, they appealed to the House for that consideration which was then refused to others. He (Mr. Sclater-Booth), as an humble Member of the Conservative party, thanked the Chancellor of the Exchequer for sweeping away those remnants of protection which had deformed our commercial system for so many years. They had long been led to expect that justice would be done to the agricultural interest ; and he agreed with an observation that fell from the right hon. Gentleman the President of the Board of Trade the other night, when he said, so far as abstract principle was concerned, the Conservatives, and those who supported the agricultural interest, ought to be among the first to support the proposition of the Government in that respect. As an abstract proposition, they should be very happy to further the introduction of free-trade principles in the tariff. The remission of the silk duties was one of the most important of the propositions of the present scheme. It was one from which many people expected to derive considerable advantages, and he hoped the Chancellor of the Exchequer would not give way upon it.

MR. NEWDEGATE said, that he presumed that the hon. Gentleman, who had just addressed the House, had spoken as a Conservative. Now he (Mr. Newdegate) was an older Conservative than that hon. Gentleman, and he might, therefore, be forgiven, when he observed, that if the hon. Member wished to stand well as a Conservative, he should not promote internecine warfare between the various interests of the country. He (Mr. Newdegate) had made considerable sacrifices to a sense of duty as a Conservative. He had separated himself from old friends, and cast aside the countenance of an eminent statesman ; but he had acted in no narrow spirit, but from a conviction that he was serving national interests. It was because he believed it unwise that this country should be made to depend upon foreigners for food that he had adhered to Protectionist opinions in 1846 : whether he had been mistaken in his views or not, he had, at all events, not acted from factious motives ; he deprecated the idea of a representative of the agricultural interest now turning round upon other interests in a revengeful spirit, and saying, you deprived us of protection, you exposed us wilfully to jeopardy, and, although we have been preserved through an instrumentality beyond human control, by the discovery of gold—though we do not suffer as we did in 1850, we, in our turn, will injure you, the manufacturers of England, in any manner which we can. That was not true Conservatism—if it was, Conservatism was an empty word. He represented a mixed constituency, of which some 50,000 or 60,000 were engaged in silk manufactures, and he believed that they were fully entitled to the protection that had been reserved to them by Pitt, by Huskisson, and, up to the present time, by the measures of the late Sir Robert Peel. Sir Robert Peel, when revising the tariff on free-trade principles, continued a duty of from 10 to 15 per cent on silk, on account of the special disadvantages under which the English silk trade laboured, owing to the fact that this country could not produce the raw material. France produced the finest silk, and was close to Italy, with which country France was drawing her relations closer; and Italy produced a quality of silk superior to China, India, Turkey, or any other quarter of the world. Mr. Huskisson, who was thought to be a Free-trader, considered there were special difficulties to which the silk trade here was exposed from inferiority of climate and water, which prevented our dyeing with the finest tints. Mr. Pitt's Treaty contained a prohibition of the importation of silk manufactures. Was he who negotiated the Treaty of equivalents in 1786—a treaty of which the present was pretended to be an imitation—an unwise statesman? Mr. Huskisson, like the Emperor, thought a duty of 30 per cent would suffice upon the import of the manufactured articles; but Mr. Huskisson took the duty off raw silk as a compensation for the effect of the abandonment of prohibition, and the chance to a protective duty even of 30 per cent. Sir Robert Peel took steps to put down smuggling, and thus, although he reduced the duty to 15 and 10 per cent, he rendered it valid. Each of these statesmen thought that some amount of protection was necessary to counterbalance the natural advantages of France in respect to silk. Sir Robert Peel was a Free-trader, but with him it was a science and not a system; he thought that the English silk manufactures required protection, and that he, as a Financier, should be the better for a revenue of some £300,000 a year—a revenue raised easily. The late Sir Robert Peel did not, like the present Chancellor of the Exchequer, complain of an ignorant patience of taxation, but feared rather impatience of taxation. He could promise the right hon. Gentleman that there would be impatience enough presently. Was it a matter of no moment to plunge 200,000 of the population into a state of distress and destitution? The right hon. Gentleman said, he could not remember any step in the progress of free trade which had produced suffering. He (Mr. Newdegate) held in his hand an account of the distress produced in the silk trade by the change made by Mr. Huskisson; from the evidence of Mr. Grout before the Committee of 1832, it appeared that before that change in 1826 the people engaged in the trade were prosperous and happy, but afterwards, in 1832, their condition had miserably deteriorated. Mr. Brocklehurst also stated, before the same Committee of that House, that in 1826 the workmen engaged in the silk trade lived in comfortably furnished houses, but that after Mr. Huskisson's change distress set in, and they were obliged to part with all their little property and were reduced to such destitution that hundreds were almost without clothing or bed. The evidence of this witness contained this remarkable expression—"They are a miserable and ragged people." He himself could remember the distressing effect of the change in the silk duties, made in 1846 by the late Sir Robert Peel, in Coventry and Nuneaton, two-thirds of the population were for a long period out of work. Yet the Chancellor of the Exchequer had been pleased to say that in no instance had free-trade measures produced distress. The silk manufacturers and the operatives whom they employed felt keenly that the injury to which they were about to be exposed did not result from the free deliberations of the representatives of the people; they openly and reasonably expressed their conviction that the House of Commons was not acting freely on their own sense of what English interests required, but that they were contending with two Governments—the Minister of the British Crown and the Government of France—that the House of Commons were in danger of succumbing to, the influence of two Crowns; they hoped that the House would vindicate its independent sense of duty in their favour; and they knew that, even after the first pressure of this Treaty was passed, the great bulk of the articles they produced could not compete with their rivals in France under a duty of 30 per cent. It was unfair at the outset, that under the Treaty the duties on the importation of silk goods from France were to be remitted immediately, while any advantage which the people of Coventry might obtain, chimerical as this was, the change in the French tariff would be delayed till 1861. The hon. Member for Coventry had told them that the silk trade was a progressive trade. Certainly, he did not represent an idle people. They did not impugn the reduction of duty made by Sir Robert Peel; but it was wise only because it was accompanied with corresponding advantages. If they compared the imports and exports of the three years 1844-5-6 with the imports of the three years 1856-7-8, they would find that the import of French goods had trebled, while the export on English silk fabrics had doubled. It had been said that it was beneficial to reduce import duties. Under the legislation of Sir Robert Peel, the imports of these articles had trebled while the exports of this country had doubled. The Government could not deny this fact, nor could they justify their disturbance of an arrangement so obviously beneficial both to the consumers and the producers of this country. Granting that it was worth while to conciliate the goodwill of France, how could they justify the retention of all prohibitions against the introduction of mixed goods into France for the first eighteen months, when the heaviest pressure would fall upon our people, the free imports commencing in the spring, and thus giving the foreigner the command of our domestic markets?—it was a fact which he regretted, that, owing to the weakness of the ladies of England, the manufacturers and milliners of France set the fashions for England. Hon. Members might think that a foolish fact, and beneath their consideration, but it was a fact which vitally affected large portions of the English silk trade. Had the Governments of England and France become joint, that we were about to concede such unfair advantages to that country? It was proposed the arbitrary decrees of that Power should destroy the welfare of his constituents? [Hear, hear!] He was not ashamed of expressing these sentiments. He was addressing a constituent assembly, of which he was a humble Member; some might be, but he was not, too proud to perform the duties of a representative. He spoke, not as Mr. Newdegate, but as one of the Members for North Warwickshire. If the Government did not require the assent of Parliament to this Treaty—if it was a transaction entirely within the prerogative of the Crown—why did they insult the representatives of the people by asking them to consider provisions which they had no power to alter or to reject? If England was about to carry out free trade with France, then should France likewise adopt free trade in favour of England, and the action of the two Governments ought to be simultaneous It was the duty of the House to insist on fair play for the labour of this country, and if there were any English spirit left in the House of Commons they would demand reciprocity. He appealed to the hon. Member for Birmingham, who claimed to be a friend of the working classes, to protect the interests of those classes by insisting on the adoption of free trade by France, if England was to carry out that system under a treaty with that Power. The hon. Member had said, at a meeting a few days ago at Manchester, which he most erroneously implied was unanimous in their approbation of this Treaty, "As regards silk and other articles, I won't go into those questions. We do not want convincing on all these points. We are agreed, that if we cannot manufacture without protective duties we had better shut up." [Hear, hear!] He (Mr. Newdegate) was not surprised at that cheer, as emanating from certain hon. Members; he knew their blind devotion to what they called free trade; but he would ask if such was their devotion to free trade, why did they not insist upon a free trade on the part of France? How could they reconcile with their system of free imports the retention of prohibition by France for 18 months, and then the imposition of protective duties of 30 and 25 per cent? All the present Motion asked was, that there should be a change in France simultaneous and similar to that in England. Perhaps hon. Members might be afraid of interrupting the friendly relations which, it was said, existed between the Emperor of the French and Mr. Cobden, their negotiator. Mr. Cobden had written about the affairs of Russia and Turkey? And in a pamphlet he published in 1836 on that subject, the hon. Member showed his democratic devotion to despotism, by expressing his opinion that the encroachments of Russia by no means affected the interests of England so vitally as some writers imagined. So enamoured was the hon. Member with the despotism of Russia, that he would have ceded Turkey at once to her possession. Mr. Cobden further said, that he claimed for the Manchester manufacturers the right of putting this matter entirely on a footing of self-interest; that he did not for a moment imagine that they were called upon to preserve the peace and good order of the world. That Constantinople would be a better customer to them if held by Russia. He commended the Government of Russia, because wealthy merchants were exempted from corporal punishment in that country, to which the less wealthy were liable. Mr. Cobden seemed about as consistent in his attachment to personal freedom as this Treaty was with the system of free trade. The hon. Gentleman was well spoken of at Manchester; but curious reports were current there respecting him. It was said that so complete was the admiration felt by the hon. Member (Mr. Cobden), that advocate of democratic doctrines —so entirely was he *épris* with the Emperor of the French and his system—that he had declared—notwithstanding the restrictions upon the liberty of the French press, and notwithstanding the fact that the Chambers were what he (Mr. Newdegate) was afraid that House was becoming, mere registration offices for the decrees of the Emperor of the French—that he (Mr. Cobden) could not discover what the people of France had to complain of. Such were the reports, current in Manchester respecting Mr. Cobden, where, if anywhere, that hon. Member was well spoken of. He asked the Government to justify this—that at the commencement of the year, when the fashions were coming in, France should have the sanction of the Government of England for retaining prohibition against the admission into France of the great bulk of English silk goods, while we were to open the ports of this country to the imports of France immediately we were to sanction for eighteen months the retention by France of prohibition against the great body of our goods, and after that the levy by France of double the duty that we were about to abandon, and then a duty of 25 per cent for the remainder of the ten years. This was simply offering up the interests of his (Mr. Newdegate's) constituents as a holocaust to foreign political arrangements. He would remind the hon. Member for Birmingham, that, in reply to a communication from certain working men, he had used strong language with regard to the effects which "the miserable complications of foreign affairs" exercise upon the condition of the industrious classes in this country; and that in his letter of last year to the delegates of the trade of Glasgow, he had stated, that if he were a younger man and in their position he would emigrate either to the United States or to some of the British colonies, and recommended them to do so. He would ask the hon. Member for Birmingham whether this Treaty did not promise to afford a severe instance of the misery of being mixed up with foreign complications? He would ask the House of Commons whether they would sanction the shutting up of the silk-trade mills as recommended by the hon. Member for Birmingham? and whether the House intended by their conduct to enforce the hon. Member's recommendation, that the working men of this country should be forced to emigrate? This showed how arbitrary might become a system which considered only the consumer, but would be bitter in its effects on interests which had been cared for by statesmen whose policy the Chancellor of the Exchequer pretended to imitate. The legislation of that House would be harsh, if, yielding to the influence of two Governments, they failed to grant to the silk trade that substantial justice which could only be afforded by a fair system of exchange.

MR. TURNER observed, that the hon. Member for Coventry (Sir Joseph Paxton) had stated that all the silk trade were unanimous against that part of the Treaty which related to silk, with one exception— Manchester. He (Mr. Turner) was proud to say it was so. It might be said that this Treaty or Budget was such a Manchester treaty or budget that the people of Manchester were bound to support it in all its particulars. He was glad to say that the Manchester Chamber of Commerce had expressed a unanimous opinion in favour of this Budget. He held in his hand a memorial on the same subject, dated November, 1852, which had been presented to the right hon. Gentleman the Member for Buckinghamshire from the silk trade of Manchester. The memorial set forth that their trade was in a depressed condition, that the workpeople were not fully employed, and that that branch of manufacture was almost stationary. They went on to say that was owing chiefly to the limited nature of the foreign demand for their goods, and they were of opinion that was attributable to the high protective duty, the effect of which was to create an impression that England is unable to compete with continental silk manufacturers, and thus to throw the trade almost entirely into the hands of the French and Swiss. Now he (Mr. Turner) was of opinion that if the Manchester manufacturers either of silk, cotton, or any other branch could not maintain their position against competition with foreign nations, it was time for them to turn their attention to some other branch of business; and he firmly believed that instead of their being injured by competition, they would be stimulated, as they had always been by competition, to renew exertions in trade.

Sir EDWARD GROGAN, as a representative of a city which still carried on a rather extensive trade in silk, would give his support to the Motion of the hon. Member for Coventry. Without entering into the Treaty, he did say that when he remembered the success which attended the representations made by the Chancellor of the Exchequer to the French Government in respect of the injury that would be inflicted on the spirit trade by the proposition of the French Government, he hoped the right hon. Gentleman would be induced to bring the claims of the silk trade also under the consideration of the French Government, in order to obtain some modification. One peculiar branch of the silk trade in Dublin was poplin, the manufacture of which was tolerably extensive, and which was a very superior article, but was at present prohibited in France. He had received a communication from a large poplin manufacturer, stating that that branch carried on a considerable trade with Russia, Germany, and Prussia; that they would be able at a moderate duty to carry on a trade with France, but that the duty at present levied on its importation into France amounted to all but a prohibition.

Mr. BRIGHT said, he would not long take up the time of the House. The hon. Gentleman the Member for Warwickshire (Mr. Newdegate) laid very heavy charges at their door—he said that they had no principle of justice and no feeling of benevolence towards a portion of the people. That, indeed, was the very least of what he said during a long speech. Another delusion also appeared to occupy his mind, that he (Mr. Bright) and others could influence the Legislature of France. Well, he must say he found it quite hard enough to do his duty towards his constituents in his own country without any reference to France. As for the Amendment before the Committee, its effect, to put it in brief terms, was that we were not to take anything free from France or from any other country, unless France or that other country took something or everything from us. Suppose we were to apply that principle to corn, what then? As regarded France, now there was a sliding scale on the importation of corn. We have no sliding scale here, but if the hon. Gentleman carried his Resolution he would be quite in order, and it would be a consistent proposition to propose another Resolution that we should take no more cattle or corn from France unless France consented to have corn and cattle from us. He believed the people of Coventry were labouring under a great delusion in thinking that (to use a favourite Protectionist term) they should be "inundated" with French silks; nor could he see why the French people might not suffer themselves to be led away by a similar fallacy that they would be inundated with the silks of Coventry. He could not see how the same articles could be exported from France to England and from England to France at the same time, and leave a profit to the manufacturers in both countries. What were the facts of the silk manufacture for which the hon. Member for Coventry was so alarmed? The English manufacturers bought their raw silk as cheaply as the French manufacturers bought theirs, for France could not grow all the silk it required, but imported it from China and Italy. Well, in what other element of cost was there such a difference? It could not be said we were not superior to France in respect of machinery. A phantom haunted many of late regarding the sending of our coals to France. Well, at any rate, we had our coals for our manufacturers on the spot, and so considerably cheaper. In cotton and in all other manufactures the machinery producing power was cheaper here than in any other country. Another element in the cost of production was the wages of labour; but here too any one conversant with the condition of France of late years must know that the wages of labour there, as well as here, were on the increase. As to the respective abilities of the French and English workmen, he had never spoken to any gentleman able to form a judgment on the subject who was not of opinion that an English workman in any department of mere labour—not design—was superior to a French workman. As to design and skill, there was no appreciable difference between the two countries. There were many trades in this country which were furnished with French designs by Frenchmen residing in England; and indeed a man might easily bring from

France the best and newest designs, were he so inclined, at little or no cost of carriage, in his carpet-bag or portmanteau. His hon. Friend the Member for Coventry spoke of the increase in prosperity and population of Coventry during late years. Well, but did not this show the great enterprise, industry, skill, and capital of her manufacturers, and their vast command of machinery power—all tending to establish what no one could doubt—their complete success? He ventured to say that if his hon. Friend came here in ten years to come, as he (Mr. Bright) hoped his hon. Friend would, he would admit that the progress of the trade in Coventry was even greater in the interval. Protection not only made arts and manufactures wither and decay, but it also seemed to enfeeble the mind and reasoning powers of those who were subject to its influence. In its advocates there was an utter want of logic, an absence of faith, and a giving way to terror, of which even children ought to be ashamed. The right hon. Gentleman the Chancellor of the Exchequer had challenged any Member to point out a single class of operatives or capitalists which had been deteriorated during the last ten years by the changes which had taken place in our legislation; and, indeed, it must be admitted that the few who still upheld such principles practically every day of their lives condemned them. He was glad to hear a Member for an agricultural county (Mr. Sclater-Booth) say, that after the principles of free trade had been applied to agriculture, it was fair they should be applied to manufactures. He (Mr. Bright) thought the argument irresistible. They had applied the principles of free trade to agriculture, against the strong opinions of the agricultural class. They, the agricultural class, were mistaken, and so were many of the manufacturing class now. Events had shown how false the prediction of the working of those principles had been in the case of the land, and that they had been not pernicious, but eminently beneficial. Therefore he hoped the right hon. Member for Coventry would take courage, and when he went down to his constituency, tell them that he had great reason to think those dangers had been much over-stated, and he trusted that in future meetings, his hon. Friend would have the satisfaction of telling them that though he had made this final and hopeless effort on their behalf, he must then congratulate them that he had failed, and that they had been compelled to enter on equal terms with their foreign competitors upon the field of enterprise opened to them by the proposal now laid before the House.

Mr. AYRTON said, the hon. Member for Birmingham, with all his eloquence, and by all the numerous speeches he had made on Lancashire platforms and in that House, had never been able to persuade the working men of England to adopt the free-trade dogmas he had announced. He had never been able to persuade the people he was fond of calling the most enlightened in the world—the people of the United States—to accept them. The hon. Member must, therefore, excuse him if he pleaded the cause of a people as benighted as those of the United States or of France. The dogmas of free trade, as laid down by the hon. Member for Birmingham, had never been adopted by any people in the world. It deserved some consideration, whether this abstract theory was applicable to all conditions of men. They were told that every one who spoke against free trade gave himself up to an idle fallacy. The memorial from Manchester stated that the English silk manufacturers were not protected, and that French silks were found all over the world. Was that logic? According to the free-trade dogma the manufacture ought to flourish where there was no protection; and where prohibition existed, to go to the dogs. Yet, where prohibition existed it flourished and increased; in France it had increased three-fold in a comparatively short time, while here, with all our free-trade notions, it had scarcely progressed at all. There was not only no logic in the Manchester memorial, but absolute nonsense. He would ask whether the Free-traders were always as correct as they thought themselves? The hon. Member alluded to the importation of food. Here, by thinking their dogma must have an universal application, they were led into the most extraordinary contradictions. The soil of England could not produce enough food for the people; this fact at one placed it in a different position to other imports. Would the hon. Member say there were not weavers enough in the country to supply it with textile manufactures? There might be ploughmen enough, but there was not land enough to grow the food of the people. We had not in food the two things which were necessary to be combined to make unlimited production—the material to work upon and the labour to work with; and therefore the same principle was not applicable to the silk manufacture. In silk there were two different sorts of manufacture—one a commodity manufactured from the French raw silk, which was sought after by the richest classes, to whom it mattered very little what duty was imposed, as it was an article of luxury; the other, a commodity made from China and India silk, a coarse manufacture, which fashionable ladies would call a vulgar manufacture, and which was consumed by the great body of the country. It was carried on largely in England, and as the product from which it was made came from China and India it was in a slight degree cheaper than in France. But the Emperor of the French did not make hurried and secret treaties. With more providence and foresight he had actually built warehouses at Lyons for the reception of China silk, and had advanced money out of the Treasury to enable the French to come into the market against the people of this country, who were not afforded quite the same advantages. There was this difficulty in advocating the claims of the silk trade—this had always been a grumbling trade. They had cried "Wolf!" very often, and, as they were not yet destroyed, now they cried it again, it was erroneously supposed that they were not in much danger. It was said, "If the silk manufacturers cannot live, let them turn their hands to something else." He would like to ask whether they could be suddenly converted into puddlers of iron or potters. Some persons seemed to talk of working people as if they were mechanical entities. No doubt some men at Manchester regarded human beings as merely extensions of a system of engines. And therefore they said of one whose industry was destroyed, "Put him on to another engine; turn him over to something else." But they all knew that practically a man who had served a seven years' apprenticeship could not turn over to a new occupation. Who was to keep him while he learnt his new trade? The answer seemed to be, "Never mind, he is only a working man." But let the Committee consider what the sufferings of a working man might be. When the question affected the friends and relatives of gentlemen of the House of Commons, and there was a talk of getting rid of half-a-dozen clerks in the Foreign Office, great was the burst of indignation at the idea of a man in the Foreign Office being asked to learn some other profession or calling, and an Act was passed providing that if any *protégé* of a Member of the House of Commons was deprived of his office he should be entitled to a handsomely devised scale of compensation. But here were people who had lived in holes and corners, if they pleased,—yet in those holes and corners they might suffer an amount of misery which no one in that House could contemplate. And, although their sufferings might not be brought before them in petitions, like the petitions of the civil servants, to induce them to rescind an Act of Parliament, and grant £100,000, those sufferings would permeate through the ranks of the people, and make this transaction a millstone round the necks of those who were so glibly urging it forward. The people would soon begin to consider that there were some things more deserving a struggle than universal suffrage and vote by ballot. He was entitled on this subject to appeal to the judgment and caution of Sir Robert Peel. Sir Robert Peel removed all import duties on raw materials because that advanced the interests of the people; and he withdrew import duties from all those articles of production which were placed on a rock in this country, because they depended on certain natural facilities, but he preserved a just measure of duties on the smaller hand industry of the country. He would illustrate the case by a brief allusion to pottery. Although the clay from which china was made was found only in Cornwall, yet it must go into Staffordshire or Wales, where the coals and other clays were to be found. It was a protection by nature to the amount of 40 or 50 per cent on those commodities. In one sense they had the protection which the silk trade claimed, because localities and natural facilities gave them an especial advantage; but silk had this peculiarity, while a pound of corn was worth, perhaps, a penny, and would cost a halfpenny to be brought from any foreign source of supply, a pound of silk was worth a pound sterling, and could be placed as readily on the Continent, where people were living on 2*s.* 6*d.* a week, as in England. The cost of weaving was comparatively nothing where people lived in what we should call misery and degradation; and yet it was proposed to bring them face to face with our own weavers, who, perhaps, paid individually in taxes £5 a year—a sum equal to the whole wages of a man abroad. What he complained of was the heartlessness of a Treaty which, instead of exempting the silk trade, without a minute's notice expressly left them as their only remedy to adopt the suggestion of the cotton lords of Manchester, and change their occupation. The Manchester Gentlemen, who talked so loudly of the rights of the people, gave at once their willing assent to these propositions; but they would not give the people an hour to consider them, but consented at once to sacrifice their whole interests. The delegate from Manchester did not think of them. His only thought was for the goods of Lancashire, and their cotton rags and woollen cloths. The silk trade had a further peculiarity—that it had not the advantages of factory labour, like the cotton, flax, or woollen manufacturers, but must be carried on to a large extent by handlooms. He was told on the best authority that gentlemen who had erected machinery for the silk manufacture had given it up, because it would not answer for the better class of productions, and there was more loss than gain attendant upon it. He had, however, been assured by a gentleman who was conversant with the subject, and who had been in France, that the silk hand-loom weavers in that country could do quite as much as the hand-loom weavers here, and that at a rate of remuneration less by thirty per cent. When, therefore, the hon. Member for Birmingham talked of the superiority of the English to the French workman, his observations must not be supposed to apply to the silk manufacture, which was a trade indigenous to France; and that being so, the Government, he should contend, had entirely lost sight of the interests of our operatives who were engaged in that particular occupation when they had entered into the present Treaty. He was aware that some of those hon. Members whom he saw around him were such frantic Free-traders, that they were opposed to the slightest expression of opinion which was not in accordance with their own. He wished they would read a speech of Mr. Burke, in which, when abandoning to a certain extent the theoretical views of the Whig party, he pointed out to them the true distinction between political theories and practical statesmanship, and he called upon them to devote themselves to the practical good of their country. It was that practical good, as opposed to mere theory, which he sought to effect in the case of a poor branch of traders, who were not in a position to make their voice heard as the spirit-dealers were, and who were about to be subjected to great suffering by the enforcement of hasty and ill-considered legislation. If the manufacturers of silk were shut up to-morrow, the weavers of silk might go into Lancashire and compete with the weavers there, and whose interests, he should like to know, under those circumstances would be advanced? Viewing the case in the light in which he had endeavoured to put it before the Committee, he, for one, should give his cordial support to the Resolution of his hon. Friend the Member for Coventry.

THE CHANCELLOR OF THE EXCHEQUER said, he was anxious, before the Committee went to a division, to say a few words on the important subject under their consideration. It had been asserted that the present proposition had been recommended to the notice of the Committee under the pressure of two Governments—that the vote to which they were asked to come upon it was not to be taken on the merits of the case, but as the result of certain political engagements which had been entered into between England and France. Now, he wished in the most explicit manner to inform the Committee that that statement was one which was the reverse of the fact. The proposition to which he invited hon. Members to assent was made on its own merits—was recommended to them as being in harmony with the legislation of recent years, and calculated in itself to prove highly beneficial to the country. If, therefore, the proposal was one which in itself was good and sound, no sufficient reason, he should contend, for rejecting it was to be found in the circumstance that it was made through the medium of a treaty by means of which other benefits were sought to be attained. Now, the Motion before the Committee, he was prepared to admit, had been brought forward by the hon. Member for Coventry with great moderation, when the peculiarity of his position was taken into account; and he must be greatly astonished at some of the support he had received; but it was one to which, nevertheless, the Government did not deem it consistent with their duty to accede. The Committee was probably aware that as regarded the great article of ribands the duty levied in France was lower than that which we levied on French silks. It was a duty amounting to 7 per cent—or somewhat at the rate of 3*s.* per lb.—on the value of the goods; while the duty which we imposed, while nominally 15 per cent was in point of fact considerably more upon the silks which we imported. The whole question had, however, been argued upon the broadest grounds in the course of the discussion, both by the hon. Member for North Warwickshire and the hon. Member for the Tower Hamlets, who had taken the Committee back one or two generations into the past, and who had put forward views and opinions which, if they were good for anything, went to the very root of the course of legislation which we had been pursuing for the last eighteen years. It might indeed, after the speech which they had just heard, be very fairly said that the hon. Member for the Tower Hamlets was a Protectionist—nay, something more than a Protectionist, for he seemed to be an advocate of the principle of setting up State warehouses such as those which he had pointed out were established in Lyons, in which by the providence of Government a supply of the raw material was provided for the manufacturer. The original tone of the debates on free trade had, in fact, been revived in the speech of the hon. Gentleman, by whom the hon. Member for Warwickshire, who had himself gone tolerably far in the direction of Protection, had been completely distanced. He was quite sure, if the mind of the hon. Member for Warwickshire was capable of admitting sentiments so ignoble as those of mortification at finding himself outdone in a career which he believed was especially his own, he must now be suffering tortures hardly to be described at seeing himself so completely distanced by the hon. Member for the Tower Hamlets. The hon. Member for the Tower Hamlets had displayed qualities which would have been invaluable at an earlier day, but he was afraid that now they were completely thrown away, like flowers "wasting their sweetness on the desert air." The hon. Member had caught, he would not say the slang, but the whole vocabulary which belonged to the days when the sanctuaries of protection were assailed by the profane hands of Mr. Huskisson. Free trade, he said, was all theory, and the views he advanced were those of a practical man; and then he talked of the heartlessness of the adherents of free trade. This was exactly the language used in the debates of 1825, when Mr. Huskisson, now pointed to with approval as a model wise legislator, was accused not only of being a hard-hearted metaphysician, but of having the sentiments of the devil in his breast. With the exception of the reference to that particular personage, the speech of the hon. Member for the Tower Hamlets quite came up to any of the denunciations previously pronounced. He drew a sad and deplorable picture of the sufferings of those whose labours had been displaced, but naturally forgot to inquire whether any labour had been displaced. The hon. Member spoke of the difficulties incidental to the trade, as if when protection existed in that branch of industry it was a Paradise, and every man was sure of a fair day's wages for a fair day's work. He seemed to think that the silk trade and protection had always existed together. But what was the truth of the matter? The silk manufacture took root in England centuries before the time of protection. It flourished in England in the 17th century, and it was only after it came to be protected, in 1697, that it began to droop, and to depend on legislative aid. Was there suffering then—no displaced labour? Had the hon. Member no compassion for the evil fortune which attended his favourite system? In 1765 "the weavers went down to the Houses of Parliament in a body, to make personal application to the Members, representing their wretched condition, and praying for total prohibition of foreign goods. Parliament reduced the duties on raw and thrown silk; dealers in foreign goods countermanded their orders, and the weavers were appeased." In 1766 smuggling was carried on to a greater extent than ever, and 7,072 looms were out of employment—all this at a time when the system recommended by the hon. Gentleman was in the fullest vigour. In the same year the import and sale of foreign silks and velvets were totally prohibited, with the exception of those brought from India; but, in 1769, in that happy state of things when there ought to have been nothing but contentment and peace, the weavers formed combinations to compel their masters to raise their wages, committed various acts of violence on the property of their employers, destroyed their looms, &c., and in the riot several soldiers as well as weavers were killed.

"Constant disputes still continuing between employers and employed, an Act was passed in 1773 which enabled the weavers of Middlesex to demand a fixed price for their labour, which price was to be fixed by the magistrates; masters and men were restricted from giving or receiving more or less than the fixed price; the manufacturers were liable to heavy penalties if they employed weavers out of the district; the weavers also were restricted, under heavy penalties, not to employ, at any one time, more apprentices than two. This law remained in force until 1824. In 1784 additional duties were imposed, and in 1786 the

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silk trade was expressly excluded from a treaty with France. In 1793, 4,000 Spitalfield looms were quite idle, and at the end of the war the Spitalfield weavers were again involved in sufferings far more extensive and severe than at any former period, two-thirds being out of employment."

That was the system which prevailed when the principles of the hon. Member were in operation. After that there came a change, and the men who made it were exposed to the same charges of heartlessness as the hon. Gentleman thought himself entitled to pronounce on the vast majority of the House of Commons. He had described the effects of the system the hon. Member patronized; and he asked, had there been 7,000 or 8,000 looms out of work since that period? Had there been any soldiers or weavers killed in carrying out that blessed system of trade regulations he advocated? Look at the facts of the case. In 1820 our imports of raw silk amounted to some 2,000,000 lbs., in 1859 they amounted to 9,920,000 lbs. In 1820 the exports of British manufactured silk goods came to £371,000, in 1859 they had risen to nearly £2,500,000. And in the face of all that the hon. Member came down to the House and claimed for his statements and principles the name of facts, experience, prudence, and wisdom, and dared to charge the majority of the House not only with error, but with heartlessness forsooth! The hon. Gentleman in commencing his speech expressed a hope that the Committee would listen with patience to his remarks, and he (the Chancellor of the Exchequer) was glad they had done so, for he believed it was the last dissertation of the kind they would ever have within the walls of the British Parliament. The last of those prohibitive duties was now about to disappear from the tariff, and the opportunity they had just enjoyed was a rare one, and he should have been sorry if any momentary impatience had deprived them of the practical lessons they had just learned. It was not because of the French Treaty that the present Vote should be adopted. It was not a small and insignificant Vote, as comparatively speaking many of the others were—it was a large Vote and a large measure, involving a considerable sacrifice of revenue, and affecting the interests of a great and extensive trade. If the Committee thought it a bad Vote on its merits, let them reject it; but let them remember that if they did they would repudiate all the principles on which they had been acting for the last twenty years, and the adoption of which, instead of displacing labour and bringing classes and individuals to distress, had multiplied the comforts of the working man, and increased not only his sense of self-respect, but his loyalty as a member of society and a subject of the Queen.

SIR JOHN PAKINGTON wished to state that the vote he was prepared to give on this question did not rest on the ground of protection, and that he had no sympathy with the arguments or views of either the hon. Member for Coventry or the Tower Hamlets. Those two hon. Members gave their vote in support of the Budget of the Government, and now they found that the Budget pressed upon their own constituencies, they came forward and raised their voices in behalf of interests to which he thought they must feel themselves they had put it out of their power to render any real service. The Chancellor of the Exchequer had invited the Committee to discuss this Vote upon its merits, and he had therefore a right to consider whether there did not exist serious financial objections to the proposal of the Government. He must, however, take decided exception to the right hon. Gentleman's statement that they could not reject the proposal to repeal the silk duties without reversing the policy of the last 20 years. He thought they were perfectly entitled to pronounce their opinion whether, in the present state of our finances, they ought to repeal a duty which brought into the Exchequer not less than £300,000 a year without pressing on any interest in the country, and which was fairly derived from taxation upon the rich. He should, therefore, oppose the proposal simply on financial grounds, as most improvident under existing circumstances.

MR. BALL said, that this question was so important to the inhabitants of Spitalfields and Bethnal-green, that if the Committee had any bowels of compassion they must pause before they agreed in the Vote proposed by the Chancellor of the Exchequer. He (Mr. Ball) had listened to the debate till he was fatigued and had fallen asleep; and when he recovered from his repose he found one-half of the hon. Gentlemen on the Treasury Bench asleep also; and he thought it was absolute folly to go into the consideration of so important a question at that hour. He moved that the Chairman report progress and ask leave to sit again. He was the more disposed to insist on this as the Chancellor of the Exchequer had stated it was the last time they would have the opportunity of discussing the subject, and if it was the last, for God's sake let them linger upon it a little longer before they decided upon delivering up the poor silk-weavers to the ruin the proposal of the Chancellor of the Exchequer would bring upon them.

VISCOUNT PALMERSTON hoped that, as the last speaker had refreshed himself, and was now, he trusted, in full possession of all his faculties, he would be able to state at any length he desired his opinions upon the Motion before the Committee. He further trusted that the question having then been fully discussed, the Committee would not separate without carrying it to a vote. He should oppose the Motion for reporting progress.

Motion made and Question put, "That the Chairman do report Progress."

The Committee *divided*:—Ayes 28; Noes 233: Majority 205.

Mr. VANCE said, that many Gentlemen were anxious to deliver their sentiments on this subject, and, therefore, considering the late hour of the night, he should move that the Chairman do now leave the chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."

MR. CRAWFORD appealed to the hon. Gentleman to allow the question of the silk duties to be at once settled. Gentlemen in the silk trade had already been put to great inconvenience, and goods were accumulated at the Custom-house waiting the decision of Parliament. He held in his hand a memorial to that effect signed by a considerable number of the chief dealers in the City of London. If the Committee did not pass the Resolution that night it could not be reported until Monday, and the merchants would not be able to pass their goods through the Custom-house until Tuesday. This would cause great inconvenience to the trade.

THE CHANCELLOR OF THE EXCHEQUER also pointed out the evil of protracting the stagnation which had already lasted for three weeks, and assured hon. Gentlemen who wished to pursue that discussion that they should have an opportunity of doing so to-morrow, on the bringing up of the Report.

MR. BALL said, he had made his Motion entirely upon the solicitation of the Spitalfield weavers and their employers, who had helped to return the hon. Member for the City (Mr. Crawford) to that House, and who apprehended perfect ruin from the measure which their representative now sought to press on.

MR. ELLICE (Coventry) said, he voted with the minority, as he saw that several Members wished to express their opinions on the Resolution, and as he wished also to speak himself upon it; but he quite agreed with the Member for the City of London that it was of great importance that the decision of the House should be arrived at as promptly as possible.

MR. AYRTON was also in favour of a speedy settlement of the question. The hon. Member also offered an explanation to the remarks of the Chancellor of the Exchequer, but loud cries for a division made his observations inaudible.

MR. NEWDEGATE spoke in favour of an adjournment of the discussion.

MR. VANCE said, that in deference to the feelings of the Committee he would withdraw his Motion.

Motion, by leave, *withdrawn*.

Amendment again proposed; Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 68, Noes 190. Majority 122.

Original Question put, and *agreed to*.

Silk, Millinery, or Manufactures of Silk, or of Silk and any other material, as denominated in the Tariff.

Stays, or Corsets, of Linen or of Cotton, or of Linen and Cotton mixed.

Sulphuric Acid.

Toys, namely,—Marbles.
All other Toys.

Turnery.

Watches, as denominated in the Tariff.

Woollens, namely,—manufactures of Wool, or of Wool mixed with Cotton, as denominated in the Tariff.

Motion made, and Question proposed,

"That 'Goods, being either in part or wholly manufactured, and not being enumerated or described, nor otherwise charged with duty, and not prohibited to be imported into or used in Great Britain or Ireland; but if any such Goods shall be composed of any Article liable to Duty, as a part or ingredient thereof, then such Goods shall be chargeable with the full duty payable on such Article, or if composed of more than one Article liable to Duty, then with the full Duty payable on the Article charged with the highest rate of Duty,' stand part of the proposed Resolution."

MR. AYRTON wished for an explanation also of the next paragraph of the Resolution, which related to some goods unenumerated. He asked whether this included furniture made of wood which, as he believed, paid a duty. The English manufacturer ought not to have to compete with foreign-made furniture whilst the imports of the material which he used were subject to duty.

THE CHANCELLOR OF THE EXCHEQUER said, he would look into the list to see whether furniture was included and give the hon. Member an exact answer; but he could state that there was no duty on furniture woods; and that the duty on wood would be only at a nominal rate. The Resolution provided for the case of articles made of materials liable to duty.

MR. AYRTON then moved "That the Chairman do report Progress."

THE CHANCELLOR OF THE EXCHEQUER said, he would withdraw the paragraph of the Resolution, and propose it again at the next sitting of the Committee as a separate Resolution.

Motion, by leave, *withdrawn*.

Original Question, by leave, *withdrawn*.

Resolution to be reported.

To report progress and ask leave to sit again.

House *resumed*.

Resolution to be reported *To-morrow*.

Committee report Progress; to sit again *To-morrow*.

House adjourned at half-past One o'clock.

HOUSE OF LORDS,

Friday, March 2, 1860.

MINUTES.] PUBLIC BILL.—3° Probate and Administration (India).

BOOK OF COMMON PRAYER.

PETITIONS.

VISCOUNT DUNGANNON *presented* a Petition from the Clergy of the Western Rural Deanery of Chester-le-Street, Durham, and from the Clergy and Laity of Prestbury against any Alteration of the Book of Common Prayer. He regretted to find that his noble Friend (Lord Ebury) did not intend to bring forward his Motion until after Easter in order to meet the convenience of the Episcopal Bench. The question was one of very serious importance, and he hoped that the deepest consideration would be given to it. In dealing with this question they were treading on very delicate and very slippery ground. He regretted that the matter had been brought forward at all; but he trusted it would be dealt with cautiously, and that there would be a full attendance of their Lordships when his noble Friend (Lord Ebury) brought forward his Motion. He hoped that the noble Lord would give as early notice as possible of the terms of his Motion.

LORD EBURY said, he did not concur in the alarm of the petitioners as to the unity of the Church being destroyed by a revision of the Litany.

THE YEOMANRY.—QUESTION.

THE EARL OF POWIS said, he was very much surprised to find that no Vote had been proposed this year, in the Army Estimates, for the annual training of the Yeomanry. The omission to call that force together for drill and exercise was of very rare occurrence—indeed, he believed the only year in which they had not been assembled for that purpose since 1815, was the year 1857. Even at the time of the Reform Bill, when politics ran high, and when the Government, it might be supposed, had no particular affection for the Yeomanry as an agriculutral body, their annual gathering for exercise had not been dispensed with. It was certainly very remarkable that at a time like this, when the Government were exerting themselves so strenuously in various ways to form an available reserve of troops at home, this valuable and old-established force should be neglected. If it were susceptible of improvement or re-organization, let the necessary measures be carried out; but he did not think the Government should bestow all their patronage on the infantry Volunteers, to the exclusion of the Yeomanry. In 1857 the excuse made for not calling them out was that they were so efficient that they did not require it; but the opinion of all persons of experience in such matters was that it was impossible for them to be in a state of proper efficiency unless called out every year for exercise and training. Another point to be considered was that the horses of Yeomen were entitled to exemption from the horse-tax if they had performed a certain number of days' exercise; and he hoped that, if the Government persisted in their intention not to call out the Yeomanry this year, they would follow the precedent of 1857, and grant exemption from the horse-tax to all horses that had been out for service in the preceding year. He did not wish to disparage the Volunteer

Force, but was it reasonable, when they were assisting a new force, that they should neglect and render inefficient an organization which already existed? It was impossible to keep up the *esprit de corps* among a body of men when it was a matter of accident whether they would be called out or not; nor was it worth while, for the sake of a trumpery saving of £35,000, to diminish the efficiency of the Yeomanry, when, at the same moment, they were taking a Vote of £15,000 for the pay of adjutants for Volunteer Rifle Corps. It was all very well to say that the Yeomanry were so efficient that it was unnecessary to call them out. They would not believe that this was the true reason, and he trusted that their Lordships would not see a repetition of the policy of 1857, when the Yeomanry were treated with similar neglect, but that they would be allowed to assemble for duty, so that they might be enabled to serve their country in case of need with credit and efficiency. He wished to ask the Secretary of State for War, Whether it is intended to assemble the Yeomanry either for permanent Duty or for Training and Exercise during the present Year?

EARL DE GREY AND RIPON said, that it was not the intention of Her Majesty's Government to call out the Yeomanry during the present year, either for permanent duty or for training or exercise. He could not help thinking that the noble Earl's mind was haunted by the apprehension that there was some hostility to the Yeomanry force on the part of Her Majesty's Government, or some design fatal to their existence. But he could assure the noble Earl that nothing was further from the intention of Her Majesty's Government, or of his right hon. Friend the Secretary of State for War. The noble Earl had alluded to the large amount of the Army Estimates for the present year. Those Estimates for the Army and Militia alone amounted to more than £15,000,000. Under these circumstances the Government thought it their duty to reduce the expenditure upon all points were reduction was possible. There could be no doubt that some of the causes which rendered this high expenditure necessary were of a temporary nature. The noble Earl said the Yeomanry would not believe that they were not called out because they were already so efficient; but the Government had given this reason in perfect good faith. The reports relative to the Yeomanry last year were remarkably satisfactory. Only two years before the Yeomanry were not called out, and the same course was pursued as in the present year. The noble Earl, if he did not mistake, then made the same prophecy, that the Yeomanry would become inefficient. So far, however, from their efficiency having decreased, the reports of last year showed that it was as high as ever it was. He could assure the noble Earl that the Secretary of State for War, who was himself a Yeomanry officer in a distinguished corps, entertained a high appreciation of the services rendered by the Yeomanry whenever they were called out. In determining that it was not desirable they should be called out during the present year his right hon. Friend had acted from no desire to impair the efficiency of this force, but simply from the wish to keep down, as much as possible, the amount of the Army Estimates. Here was, no doubt, an old-established force of high reputation and proved efficiency, and his right hon. Friend (Mr. S. Herbert) thought he might call upon the patriotism of the officers, in consideration of the demands upon the finances of the year, to forego the advantage of being called out during the present year. The noble Earl had instituted a kind of comparison between the Volunteer corps and the Yeomanry. Such comparisons were, he thought, to be deprecated; but, when the noble Earl complained that the Government were giving assistance to the Volunteer corps, he must remind him that while the Volunteer force, numbering from 70,000 to 80,000 men, would not cost the Government more than £15,000, the expense of the Yeomanry corps was £88,000 for about 14,000 men. He had no doubt that, although the Yeomanry might not be now called out, they would be found when they were assembled next year, in an efficient condition, and that two years hence the reports would show that the Yeomanry were in the highest state of efficiency. His right hon. Friend had only been induced by a sense of public duty and by a desire to reduce the expenditure to defer calling out the Yeomanry for the present year, and had pursued that course with great regret and under the pressure of necessity.

THE EARL OF CORK said, he was glad the noble Earl who had just spoken on the part of the Government had borne testimony to the efficiency of the Yeomanry. If, however, they were in an efficient state it was desirable to keep them so, and that could not be done without training and exercise. If they were not called out, the feeling that they were not properly trained and made efficient would spread, and they would begin to think of dissolving themselves. In 1857, when they were not called out, great doubts existed among them whether the Yeomanry force was not speedily coming to an end. When they now saw the Government assisting another force with £15,000 they could not understand why they should not be called out. He trusted that when the Yeomanry were again called out the Government would supply them with a better carbine. He did not believe there could be a much more useless weapon. The Yeomanry were almost ashamed to use it, and there was the greatest difficulty in prevailing upon them to practice with a weapon that hardly ever hit the mark.

The Earl of MALMESBURY said, he agreed with the noble Earl (Earl Powis) that the Government had been guilty of a very serious mistake in not calling out the Yeomanry force, and he quite agreed with what had fallen from the noble Earl opposite with regard to their arms. But that was only one of the first consequences of what he must call the extraordinary courage which the Chancellor of the Exchequer had displayed, in dashing at everything which could contribute to make up his financial scheme. Owing to the courtesy of the other House of Parliament, he (the Earl of Malmesbury) had been present during the Chancellor of the Exchequer's speech, and had then heard one of the most eloquent statements that perhaps had ever been made in that House. In that speech he spoke of two sources of revenue which he had cut off by the reduction and abolition of duties, and one of which he called his great chasm, and the other his little chasm. This little chasm he created by sponging off a number of small articles that in the aggregate brought a large sum of money to the revenue. Among these were nuts, liquorice, and eggs, each yielding a considerable amount; and he (the Earl of Malmesbury) ventured to say, that if these three articles which the Chancellor of the Exchequer had determined to sponge off had been retained, they would have given him a sum large enough to pay the expenses of calling out the Yeomanry Cavalry. He was truly sorry that the Yeomanry were not to be called out this year, for considering that when they were out they had only eight days' training in the year, and that from this time two days had usually to be deducted for travelling, &c., the force could not be expected to become very efficient, especially if the ordinary yearly training was interrupted.

The Earl of DARNLEY thought the Government had taken a most unwise and unfortunate course in not calling out the Yeomanry. That force was by no means so perfect in discipline as to warrant the Government in dispensing with the usual training—they equally required improvement in their arms and in their discipline.

The Earl of WARWICK was understood to say that it would be impossible for the Yeomanry to retain their efficiency unless a more effective system of training were resorted to.

Viscount DUNGANNON said, he had heard with deep regret the determination of the Government, because he felt sure that the efficiency of the Yeomanry corps must greatly suffer if a year elapsed without their being called out for training. It was a strange argument that because the Yeomanry force was last year in an efficient condition it was unnecessary to assemble them as usual; it certainly did not seem to be the wisest mode of maintaining that efficiency. These were times when it was to the last degree important that all our disposable forces should be developed to the utmost extent, and maintained in the best condition, as there was no knowing when their services might be required. It was pitiable to see the Government of a great country like this adopting such a paltry piece of economy—ill-timed as regarded the present, and most prejudical in respect to the future.

The Earl of ELLENBOROUGH said, although he had not the honour of being connected with the Yeomanry, he could not refrain from expressing the regret with which he had heard that it was not the intention of Her Majesty's Government to call out that force during the present year. That was a measure which could only be justified on the ground of extreme necessity, and he could not see that any such necessity had arisen. It was a step which was entirely contrary to the whole policy of the Government, which had been mainly directed—and very properly directed—to the strengthening of the defences of the country. In this particular case they seemed to have thrown away—wantonly thrown away, as he thought—the present services of a body of 14,000 cavalry; and in doing so, they would necessarily impair the efficiency of the force when called out in another year. He would not say the Yeomanry force was not susceptible of improvement; for example, in the mode in which they were armed and drilled, they might be greatly improved. He thought also a portion of them might be drilled as mounted riflemen. But the greatest advantage would result in increasing the value and efficiency of this body of 14,000 men, by calling them out for training for longer periods. He must say he thought the noble Earl, the Under Secretary for War, had spoken a great deal too lightly on this subject, which was one of very great importance. It was no light matter, considering the way in which the principal landowners and farmers, and other respectable people in each county, came forward and at great inconvenience to themselves, devoted a considerable portion of their time to the public service, that they should be treated with disrespect by the Government. It appeared to him, when the Government found it necessary to diminish the public expenditure, that they might have selected other items than that relating to the Yeomanry for reduction. The great object now was to augment the security of the country. Were there no Miscellaneous Estimates, which had grown enormously year after year, until they now threatened to swallow up the best portion of the revenue? Was it impossible to make a reduction in those Estimates to the amount of £35,000, the sum which would be gained by not calling out the Yeomanry? If the Government felt strong enough, and were disposed to do their duty, as he thought they were, and if they were permitted by the House of Commons to cut out of the Civil Estimates all the charges which had originated in crotchets and self-indulgence, in luxury, in shams, and in jobs, they would be enabled to place this country in a state of absolute security, without laying any additional charge upon the people. He did not accuse the present Government, or any preceding one, of any misconduct in having allowed those Miscellaneous Estimates to grow up to the extent they had done. He believed it was the House of Commons, and not successive Governments, that the country had to blame for the great increase which had taken place in that branch of the expenditure. He remembered the late Sir Robert Peel on one occasion saying there had been much more jobbing since the passing of the Reform Bill than before. "Before," said Sir Robert, "the jobbing was for individuals, but now it was for constituencies, and that was a great deal more expensive." The lower we descend in search of a constituency the lower will be the representative we shall find, and we shall only increase instead of diminishing this source of scandalous expenditure. If the Government would economise the expenditure of the revenue drawn from the people, they must firmly resolve, at any risk to themselves—and he believed they would be supported by the country—to cut down those scandals, which were overwhelming the State, giving us things we did not want, or ought not to desire, under circumstances of national difficulty, and depriving us of things which were absolutely essential to the national security.

The Duke of NEWCASTLE said, an impression, to which his noble Friend who had just sat down had given distinct expression, appeared to prevail among some of their Lordships that his noble Friend the Under Secretary for War had spoken slightingly of the Yeomanry force. But he was certain that nothing could be further from the intention of his noble Friend than to convey any such meaning, and his speech had certainly not produced that effect on his (the Duke of Newcastle's) mind. His noble Friend who had last spoken appeared, moreover, to infer from the speech of his noble Friend the Under Secretary for War that there was a feeling of disregard for the Yeomanry on the part of Her Majesty's Government. He (the Duke of Newcastle) scarcely thought it necessary to defend the Government from any such imputation. He believed that no feeling of the kind was entertained by any one of them: it certainly was not entertained by the members of the Government generally. Speaking for himself, he did not hesitate to say he regretted that there should be any necessity in any single year for not calling out the Yeomanry, for it was impossible that some detriment should not result to the efficiency of the force from such a measure. But Her Majesty's Government had found it necessary to reduce the Estimates in some Departments, and his right hon. Friend at the head of the War Department thought that the item relating to the Yeomanry was one which he could curtail without any serious detriment to the public service. His noble Friend who had just addressed the House had said, that if the Government had been disposed to do their duty, as he believed they were desirous of doing, and if they had not been controlled by the House of Commons, they would have reduced the Miscellaneous Estimates. But he could assure his noble Friend that when those Estimates came before the House of Commons it would be seen that the Government proposed to make very considerable reductions in them. He knew that those Estimates had gone on increasing from year to year until they had reached what might be called gigantic proportions. It was also true that each successive Government had found a difficulty in keeping down that branch of the public expenditure, partly from extraneous causes and partly from the feeling of the House of Commons on the subject. But in the present year the pruning knife had been applied to the Estimates for civil purposes to a much greater extent than the amount of the cost of calling out the Yeomanry. When his noble Friend, the late Secretary of State for Foreign Affairs (the Earl of Malmesbury) sought to mix up the affair of the Yeomanry with the Budget of the Chancellor of the Exchequer, he (the Duke of Newcastle) was utterly at a loss to conceive what connection there could be between the two subjects: and when his noble Friend talked of "the little chasm," he fully expected that he would have put on his full Yeomanry uniform, and, like the Roman general of old, have thrown himself into it as a martyr. As Lord-Lieutenant of a county possessing two efficient Yeomanry regiments he could speak personally of their value, and although the Government did not intend to call out that body this year yet they had no desire to depreciate its merits.

THE EARL OF DERBY considered that his noble Friend's reference to the Budget was quite as germane to the question under discussion as the noble Duke's example of Quintus Curtius:—he believed, however, that the Gentleman's name was Marcus Curtius. He, however, did not understand from the noble Duke whether it was intended to allow to the Yeomanry the same exemption from horse-duty which they would have enjoyed had they been called out for duty.

THE DUKE OF NEWCASTLE said, he was not prepared to give a positive answer to the noble Earl's question. The subject was one for the decision of the Treasury, and he had not had an opportunity of ascertaining what was the opinion which they entertained with respect to it. But he felt confident that on an application being made from the War Office to the Treasury the exemption from horse-duty which had been granted upon former occasions of the same description would be allowed during the present year.

HONOURS TO NATIVE PRINCES IN INDIA.

QUESTION.

LORD LYVEDEN rose to put a question to Her Majesty's Government, of which he had given notice, Whether any and what honours or rewards have been conferred upon those Indian Princes who have remained faithful during the Indian mutiny? There could be no doubt that next to the bravery of our troops we were indebted for the preservation of our Indian empire to the assistance in some cases and the forbearance in others of Native Princes. The Maharajah of Gwalior had prevented his Contingent from attacking us; the Rajah of Putteealla had kept open the road to the Punjab, and other Princes had rendered us valuable aid. About twelve months since he had put a question in the House of Commons to the then Secretary of State for India, Lord Stanley, and was then told that the subject was under consideration. As a year had elapsed since that answer was given he hoped he should not be thought intrusive in asking what had been done since last year towards rewarding those Native Princes who had remained faithful to us during the late Indian mutiny.

THE DUKE OF ARGYLL said, he agreed with his noble Friend as to the value of the services of those Princes. The subject to which his noble Friend referred had engaged the attention of the Governor General and of the Government at home; but he was not then prepared to enter into any minute explanation with respect to it; and he would suggest to his noble Friend that he should then move for copies of the despatches connected with the matter, and that he should make them the subject of discussion on a future occasion.

THE EARL OF ELLENBOROUGH was impressed with the belief that the bestowal of decorations would form the most fitting mode of rewarding the Native Princes, and the one most grateful to their feelings.

LORD LYVEDEN moved, in accordance with the suggestion of the noble Duke, for Copies or Extracts of the Correspondence between the Governor General and the Home Government.

Motion *agreed to.*

House adjourned at Half-past Six
o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, March 2, 1860.

MINUTES.] PUBLIC BILLS.—2° Duchy of Cornwall (Limitation of Actions),
3° Qualification for Offices Abolition Bill.

AENNXATION OF SAVOY AND NICE TO FRANCE.

PAPERS BY COMMAND.

LORD JOHN RUSSELL brought up papers by command of Her Majesty containing the Correspondence respecting the proposed annexation of Savoy and Nice to France.

SIR HARRY VERNEY wished to ask the noble Lord, Whether he has any information to communicate upon this subject. He wished to know whether the Emperor of the French did intend either by force or intrigue to obtain possession of Savoy and Nice, or whether he intends to submit the question to the four great Powers, and, if so, whether the fact of one or more of them dissenting from his view will prevent him carrying out his object?

MR. BAILLIE COCHRANE said, before the noble Lord answered the question he wished to ask him whether he is prepared to fix a day for the discussion of the subject referred to in those papers?

SIR JOHN WALSH said, that, before the noble Lord replied to those questions, he wished to ask, Whether he has any information to communicate as to the existence of any Treaty or arrangement between Sardinia and France in respect to the proposed annexation?

LORD JOHN RUSSELL: Sir, I think the best course for me to pursue will be that of moving the Adjournment of the House until Monday; and in making that Motion, I will take the opportunity of replying to the questions that have been put to me. With respect to the last question asked me, as to whether there existed any treaty between France and Sardinia in relation to the annexation of Savoy, I can only say that we have no knowledge of any such treaty, nor do we believe in the existence of any such treaty. I stated on a former occasion that the Emperor of the French had said—and that fact will appear by the papers just produced—that he will not take any steps towards the annexation of Savoy without consulting the great Powers of Europe. I think it will be as well that I should read what the Emperor himself has said in His Speech—which I can only do from a newspaper—because we have no other knowledge than a telegram—and the Emperor of course must be the best interpreter of his own views on the subject. He first speaks of the contingency of Piedmont becoming a great country—and it is now a kingdom with more than 9,000,000 inhabitants—and he proceeds to say—

> "Looking to this transformation of Northern Italy which gives to a powerful State all the passes of the Alps, it was my duty, for the security of our frontiers, to claim the French slopes of the mountains. This re-assertion of a claim to a territory of small extent has nothing in it of a nature to alarm Europe and give a denial to the policy of disinterestedness which I have proclaimed more than once, for France does not wish to proceed to this aggrandizement, however small it may be, either by military occupation, or by provoked insurrection, or by underhand manœuvres, but by frankly explaining the question to the great Powers. They will doubtless understand in their equity, as France would certainly understand it for each ot them under similar circumstances, that the important territorial re-arrangement which is about to take place gives us a right to a guarantee indicated by nature herself."

Now, what I understand, and what appears by the correspondence that has taken place on this subject, is that it is the opinion of the Government of the Emperor of the French, and it appears to be the opinion, certainly, of a great portion of the French people, that the creation of a State in Northern and Central Italy, with a population of 9,000,000, and still more of 11,000,000 or 12,000,000, is a change for the worse in the situation of France; which, instead of having a small State on the frontiers towards the Alps, would have a considerable State. In case of war, supposing that Sardinia combined with other Powers she would have the means of placing considerable armaments on the frontiers, and of invading France by the side of Savoy as well as by the side of Nice. And it is asserted that in consequence of France having contributed by her arms in the war of last year in Italy to make the situation, which situation, the French contend, would be the worse for themselves—that under such circumstances it is but fair and equitable that she ask for a more secure frontier on this side of the Alps. This I believe I stated in substance upon a former occasion. But it appears that, upon entering into a conversation on the subject in Paris, the Emperor declared that he did not mean to proceed to any such annexation without consulting the great Powers of Europe. My hon. Friend now asks me whether that means that the Emperor will not proceed to carry out the annexation if all, or any portion of, the great Powers of Europe disapprove of it. It is obvious that I cannot precisely answer that question. I cannot go beyond what the Emperor and his Government have declared—namely, that they would not proceed in this course of annexation without consulting the great Powers of Europe. But I should infer myself—without the authority, of course, as to what the French Government will do—that if that opinion was general and unanimous among the great Powers of Europe, that France did not require that annexation for her security, and that such annexation would occasion alarm and disquietude to other Powers—if that were, I say, the unanimous opinion of the great Powers, I should infer that the Emperor would not proceed to that annexation. At all events, it is declared that it is a matter which will be discussed by the great Powers of Europe, and that France is not going—as some hon. Gentlemen seemed to suppose—to establish a military occupation of Savoy; but will rely upon what she calls the equitable consideration of the case by the great Powers of Europe. I do not know that I can give the House any further information on the subject. I can only repeat what I have said—that I understand—though only as a matter of personal belief—that, if the opinion is general on the part of the great Powers against that annexation, that that annexation will not take place. If, on the contrary, it is declared by them that the proposition on the part of France is a fair one, then France will proceed to annex Savoy. With regard to the views of Her Majesty's Government on the subject, they are contained in the papers I have just laid upon the table. An hon. Gentleman has asked me upon what day I propose to take the discussion upon those papers. I can only say that it is not usual, unless Government has some measure to bring forward in connection with it, to fix a day for mere discussion of papers. The hon. Gentleman will not suppose that I am going to invite a vote of censure upon the Government. On the other hand, I do not intend to ask for a vote of approbation. These papers will be distributed among Members; and if any Member should think it necessary to bring them under discussion, he may propose such a Motion, as he thinks it necessary; and it will be for him, and not for the Government who have no Motion to propose, to fix any day he may think proper.

Motion made, and Question proposed, "That the House at its rising do adjourn to Monday."

WINE LICENCES TO EATING-HOUSES.

QUESTION.

MR. EDWIN JAMES said, he would beg to ask Mr. Chancellor of the Exchequer when he will introduce the Bill in which he proposes to embody Resolution No. 15 of the Budget, and to regulate the system of the granting of Wine Licences to the Keepers of Eating-Houses and Refreshment Rooms?

THE CHANCELLOR OF THE EXCHEQUER stated, that he hoped in a day or two to lay such a Bill on the Table.

THE INDIA OFFICE.

QUESTION.

COLONEL SYKES said, he wished to ask the Secretary of State for India, Whether, as he proposes transferring temporarily the business of the India Office to apartments in the Victoria Hotel, Westminster, he will take into consideration the question of the purchase of the hotel, which contains accommodation for all the departments of the India Office, and the Museum and Library. The rental was, he understood, to be £6,000 a year. The cost of removal to Westminster and back again to the City would be enormous, and the loss would be very considerable.

REGIMENTS IN INDIA.

QUESTION.

COLONEL HERBERT said, he would beg to ask the Secretary of State for India what number of Her Majesty's Regiments of Infantry and Cavalry it is proposed to retain for service in the East Indies after the 1st of July, 1860?

SIR CHARLES WOOD, in reply to the hon. and gallant Member for Aberdeen (Colonel Sykes), said, he did not consider a noisy street the most convenient site for a public office, but he should be better able to judge of the convenience of the situation when he had tried it. With regard to the question of the hon. and gallant Member (Colonel Herbert) as to the regiments to be retained for service in India, he feared he could not give a more definite answer than he gave a week ago to the same question, when put by the hon. and gallant Member for Huntingdon (General Peel). The number of regiments retained on service must depend on what the Indian Government considered necessary for the safety of India. They could not be quite certain of the number of regiments that could be sent home at the end of five, six, or seven months. The 14th Dragoons, he knew, was on its way from Bombay. The Indian Government had general orders to send home whatever regiments it could spare. He would take that opportunity of stating the particular regiments that were ordered on service in China, which he had ascertained since he answered the question of the hon. and gallant Officer (General Peel). The 3rd and 67th were sent to China some time ago; he believed the 99th left early in February, and the second battalion of the 60th in the course of that month. The 31st and 44th were to follow; and if a seventh regiment were required, perhaps the 87th.

THE NEW PUBLIC OFFICES.

QUESTION.

Mr. H. BAILLIE said, he would beg to ask the noble Lord at the head of the Government when the Battle of the Styles—in reference to the architecture of the Public Offices—will take place?

ITALY.—ADDRESS OF THE IRISH CATHOLICS.—QUESTION.

The O'DONOGHUE said, he rose to ask the First Lord of the Treasury whether he has received and Address from certain Catholics in Ireland, calling upon him to interfere in the affairs of Italy, with a view to the full and complete restoration of the Pope's authority; and, if so, whether he has any objection to state the nature of his reply?

SIR JOHN FRANKLIN'S EXPEDITION.—CAPTAIN M'CLINTOCK.

QUESTION.

Sir FRANCIS BARING asked the First Lord of the Treasury what were the intentions of the Government with respect to any reward to Captain M'Clintock and the crew of the discovery-ship *Fox*. It was right to say that the Question he had put had not been suggested to him by Captain M'Clintock or any other of the gallant officers who served in the expedition referred to. Indeed, if he were at liberty to state wha the knew, he could satisfy the House that the last thing those distinguished officers had looked to was pecuniary reward for the services they had rendered. Every one, from the Sovereign herself to her humblest subject, had felt an interest in the result of that expedition; but he did not therefore press on the Government the claims of those by whom it was accomplished, he did not come there to say that those who had done their duty in the service of the country should therefore dip their hands into the public purse and expect a reward; but in this case some promises were held out by Her Majesty's Government to which he wished to call the attention of the House. He would state as plainly as possible the grounds of the application he was bringing before them. In 1850 a proclamation was issued by the Admiralty offering £20,000 to any one who should discover, and effectually relieve, the crews of Her Majesty's ships *Erebus* and *Terror*. There had had also been a second reward of £10,000 offered to any persons who should relieve the crews of Her Majesty's ships *Terror* and *Erebus*, or who should give such intelligence as might lead to their succour. In the case of those two rewards he need hardly say that no claimant for them had appeared. But another sum of £10,000 had been promised to "any person or persons who, in the judgment of the Board of Admiralty, might by virtue of his or their efforts first succeed in ascertaining the fate of those crews." It was to that last promise that he wished more especially to call the attention of the House. He might, perhaps, take this opportunity of removing any confusion which might exist in the minds of any person who had not looked into the question, as to the reward given to Captain M'Clure. Captain M'Clure had had a sum of money granted him for services of an entirely different nature. A reward had been offered by Parliament for the discovery of the North-west Passage—and after an inquiry before a Committee of the House of Commons had taken place a sum had been granted to Sir R. M'Clure and his crew. That reward, therefore, had no reference to the question which he was about to bring under the notice of the House. In 1856, Dr. Rae had made a claim, and the Admiralty had awarded him the sum of £10,000, promised under the third condition of the Proclamation, and he (Sir F. Baring) for one was not disposed to offer any objection to the course which had been in that instance pursued. But when it was borne in mind that that which in Dr. Rae's case was, comparatively speaking, conjectural, had been rendered perfectly certain by the aid of the crew of the *Fox*, and when it was recollected how the gallant men of whom that crew was composed had fulfilled the letter of the conditions which were held out in the proposal to which he alluded—though, perhaps, their claim could not be argued as a legal claim—it could hardly, he thought, be denied that they had some claim on the good faith of the country. He did not, however, desire to rest that claim upon merely legal grounds. He preferred appealing to his noble Friend at the head of the Government to look upon it in that generous spirit in which he felt assured the nation at large was anxious to see it viewed, and not to turn a deaf ear to the wishes of the great body of the people. He hardly thought it necessary, even for one moment, to call the attention of the House to that which Captain M'Clintock and his officers and crew had effected. The whole country knew it. He had in a small ship, fitted out by private contributions, been enabled to satisfy the English public upon a question with respect to which they had felt the deepest anxiety—an object which large expeditions had year after year been sent out to accomplish, but without success. Nor should it, he thought, be regarded as matter of small satisfaction that the subject was one which had been finally set at rest, inasmuch as the sad fate of our poor countrymen had at length been but too clearly ascertained; and it was therefore likely to be the last time the subject would come before the House. Under these circumstances, he hoped his noble Friend would state to the House that he was not unwilling to confer on Captain M'Clintock that reward to which he was so justly entitled. Hon. Members would perhaps pardon him if he now proceeded to advert to another point which was connected with the subject with which he was dealing, and with respect to his intention to refer to which he had given his noble Friend notice in private. He did not know what the feelings of others might have been when perusing the narrative of Captain M'Clintock, but he must say for himself that when he had come to the conclusion of that simple story, he had been deeply pained at the recital which was there given of the expense by which the expedition had been attended, and at the mention of her by whom that expense had mainly been incurred. He had no authority to allude to the name of Lady Franklin; indeed, he believed that in doing so he was acting in opposition to her wishes; but it was not so much for her sake as for that of the country that he did not wish to see her bear the burden of the charges which she had so nobly defrayed. The subject was one which reminded him of a celebrated monument which had been raised to one of the most distinguished of the Austrian Generals in the Seven Years' War, and upon which, after the usual recital of his eminent services, the following words were inscribed —"*Non Patria, non Imperator, Conjux posuit.*" It was not the country whose battles he had fought; it was not the Imperial master whom he had so long and so nobly served, but the money Order that had raised the monument to the memory of Laudohn. He trusted, however, that England would furnish no just ground for such a reproach, and that, instead of allowing the expense of the expedition to which he was referring to be borne by Lady Franklin, the country at large, as a token of the high estimation in which it held such a man as her lamented husband, would claim it as a right to defray that expense as a mark of respect to his memory. So far as Lady Franklin herself was concerned, she had her reward; and if perchance—as he understood was the case—the exertions which she had made to attain the object of her wishes, had diminished her means of subsistence, and deprived her of many comforts for the remainder of her life, everybody who knew her, knew she would rejoice in any sacrifice incurred in effecting what had been the great object of her life. It was on other and public grounds that he made the present appeal to his noble Friend at the head of the Government, and in making that appeal he might be allowed for a moment to remind the House who Sir John Franklin was, and how distinguished had been his career. He was no doubt first known as the great navigator of the Arctic Regions; but in his early life he was a gallant sailor who fought at Copenhagen and Trafalgar, and who had rendered himself eminent as a volunteer on board an East India ship in the celebrated defence which had been made under Captain Dance, in repulsing a French squadron commanded by Admiral Linois. He afterwards served his country in a civil capacity, and later in life, when he might fairly have claimed repose upon an honourable career, he did not shrink from dangers which he knew so well, and in encountering which he had found his grave. A man who died thus, reflected honour on his country as much as if he had fallen in the battle-field; he was one to whom a grateful nation might not hesitate to erect a monument in that place where her greatest and best lay buried. He died in the strict execution of his duty, at the very moment of success—when he saw before him the North-west Passage, though it was not allowed that he should effect it, and had made the discovery for which he had been sent out by his country. In speaking of their chief, let him not forget the conduct of those who served under him—of Crozier and Fitzjames, and many other younger officers, who if their lives had been spared would have been ornaments to their profession. He believed that conduct such as this raised the character of England, and of that flag under which these men had served. He did not ask his noble Friend any specific question; he was anxious to leave the subject with him. Indeed, he did not know anybody in whose hands he would more readily leave a question of this kind. To his noble Friend's own generous and kind feelings he would intrust the entire case, with all the more confidence that it deeply affected one whose own nature was so extremely sensitive as Lady Franklin's. He was almost ashamed of having taken up so much of the time of the House; but the peculiar nature of the case which had been put into his hand would be his excuse for going so far out of the way in bringing before them what he felt satisfied, from the manner in which his observations had been received, did not run counter to the general feeling of the House.

Mr. WHITESIDE said, that before the noble Lord answered the question which had been put to him, he hoped the House would allow him to say a few words on the subject, in consequence of the interest he had always taken in it, and of his personal friendship with the gallant commander of the *Fox*. It would be in the recollection of the House that in June, 1857, his right hon. Friend Mr. Napier, at the earnest desire of Lady Franklin, brought forward a Motion that the Government of the day should fit out another expedition to endeavour to discover the fate of that brave sailor, Sir John Franklin, and his gallant companions. That Motion was refused, not from any indisposition to carry out the humane wish of Lady Franklin, but, as was then expressed by the head of the Admiralty, from the belief that the enterprize would be fruitless, perilous, and might cost a sacrifice of human life, and therefore the right hon. Baronet (Sir C. Wood) could not advise the Government to sanction it. After that Motion a number of persons contributed towards an expedition; but the greater portion of the expense of the last voyage of discovery was borne by Lady Franklin herself. Captain M'Clintock did not undertake the command in a spirit of reckless adventure; for he (Mr. Whiteside) happened to know from scientific men, who were now preparing a work on the results of his discoveries in geology and science, that Captain M'Clintock had studied carefully and clearly the whole question, and arrived at a firm conviction that if he was enabled to reach the Polar regions, he should certainly discover what had become of Sir John Franklin and his companions. In a ship, the smallest, he believed, that ever undertook a voyage of discovery, with a crew of twenty-two men and three officers, M'Clintock sailed in July. In September he was beset in a pack of ice, where he remained till the following month of April. He drifted 1,200 miles, and the day he was relieved, instead of thinking of returning to England, the intrepid sailor was only the more determined to prosecute his gallant enterprise. He agreed with the right hon. Baronet that the result of that voyage was told in simple words, and he must say a most romantic interest attached to the narrative. He had heard it said by a very eminent person that if Franklin had been better acquainted with the present mode of sledge travelling, he would most probably have survived; the incidents connected with this adventure formed, in fact, the most interesting part of the narrative. The last Arctic voyage, as had been truly said, had called forth qualities—and he excepted none of the twenty-five men who formed the crew of the *Fox*—a higher nature than were displayed even on the battle-field. The soldier had a quick death or a joyful victory; but there were a more enduring spirit, and a loftier resolution, and nobler qualities of mind and body required, successfully to conduct such an enterprise as this than were required for the field of battle. He happened to know Captain M'Clure, and when that officer mentioned to him (Mr. Whiteside) the subject of his own services, he (Mr. Whiteside) told that gallant Officer the best resort he could have was to the House of Commons. The House, and the noble Viscount at the head of the Government had behaved with the utmost generosity to M'Clure and his crew, and what he (Mr. Whiteside) had suggested, had been verified by the decision of the House. No assembly in the world was more ready to acknowledge and reward conspicuous merit than the House of Commons. With regard to Lady Franklin, it was quite correct that she declined to accept anything from the Government in the shape of pecuniary recompense. Her hope, her wish, was that in recognition of the services and name of her gallant husband, as the true discoveror of the North-west Passage, which many men of science said he was, they might perhaps raise to him a public monument; while, in doing so, an act of justice might be also rendered to the living. He left the matter to the generous nature of the noble Viscount, and he could not help thanking him for the mark of distinction that had already been conferred on his gallant Friend.

Mr. **CONINGHAM** rose to remind the noble Viscount that Sir John Franklin had gone forth on no volunteer expedition; he was called on by his country to undertake the expedition in which he lost his life; and it was because the Government had not taken the proper measures to search for him and his gallant companions—because they had not adequately fulfilled their duties—that Lady Franklin had sacrificed almost her entire private resources. The search hitherto made had been chiefly conducted by sea, and he was told by Dr. Rae, no mean authority on questions of this kind, that the only real and effectual search for the remains and journals of the officers engaged in the expedition would be by land and during summer; and there would be no danger whatever, he understood, in such an expedition. The only danger would be if the expedition were compelled to pass the winter in those desert regions. Not only those who were interested in Polar discovery, but the great bulk of this nation and the civilized world were interested in obtaining all the information that could be collected as to the fate and history of Sir John Franklin's expedition; and he really thought the Government would be wanting in their duty to the relatives and memory of those whom they had sent out on such dangerous adventures if they did not take steps to recover what traces they could of their history and endurance.

THE BRITISH MUSEUM.

QUESTION.

Mr. **JOSEPH LOCKE** said, he would beg to ask the First Lord of the Treasury, if it is in contemplation to remove the Natural History Collection from the British Museum; and, if so, to what place it is proposed to remove it?

Viscount **PALMERSTON**: Sir, I will first address myself to the question put to me by the hon. Gentleman the Member for Iverness-shire (Mr. H. Baillie), as to whether any decision has yet been arrived at with reference to the designs for the Public Offices. No decision has yet been come to with regard to those designs; but whenever a selection has been made, I may say, the design will be fitted up in some public place, so as to enable hon. Members to form an opinion respecting it. With regard to the question put to me by my hon. Friend the Member for Honiton (Mr. Locke), there have been two meetings of the Trustees of the British Museum, at which the question was considered whether the existing buildings were sufficient in point of space to accommodate not only the existing, but the annually increasing collection of interesting objects to be found there; and, if not, whether it was desirable to increase the space by adding to the buildings of the Museum on the spot, or would be better to remove to some other place a portion of the collection. The opinion of the Trustees was that it was better to remove a portion to some other place, where a building could be obtained at a comparatively moderate expense, than incur the charge of purchasing land immediately adjoining the Museum, in order to erect on it buildings adequate to the purpose. They were further of opinion that if any portion of the collection was to be removed, the Natural History department was that which could be most easily and advantageously removed. No decision was taken as to the particular spot to be chosen; it was agreed to defer the selection of the place and the manner in which the Natural History collection should be removed. The matter therefore stands at present thus:—The Trustees have agreed that the antiquities, books, and articles of that kind should remain, and that the lighter things should be removed elsewhere. The hon. Member for Tipperary (The O'Donoghue), has asked me whether I had received a memorial from certain Peers and Commoners in Ireland, calling on the Government to interfere in the affairs of Italy with a view to the full and complete restoration of the Pope's authority in his temporal dominions. Sir, I did receive a memorial to that effect very numerously and respectably signed. The only answer I could give was to acknowledge the receipt, and remit it to the consideration of the Government. If I had gone into any answer, I am afraid my opinion would not have been found quite to agree with that of the memorialists, and I thought it better to avoid making any reply. It is well known that the policy of Her Majesty's Government in this matter is to leave the Italian people to settle their own affairs, and therefore that no interference of the British Government should be exerted either in the one way or the other in regard to any arrangements that might be made in Italy. Our only wish is that the Italians should take their own affairs in their own hands, and, free from any foreign intervention or control, should arrange them in the manner most consonant with their own feelings. With respect to the subject to which my hon. Friend (Sir Francis Baring) has adverted, and which I am sure engages the sympathies not of this House only, but of the whole country, it is impossible to speak too highly of the courage, the perseverance, and devotion displayed by Sir Leopold M'Clintock and his brave companions in the expedition which they undertook in search of the remains of Sir John Franklin. It is quite true, as the hon. and learned Gentleman opposite (Mr. Whiteside) has stated, that the duties which brave men perform in so distinguished a manner are not less honourable than those performed on the field of battle, and that throughout his perilous enterprise all the great qualities which adorn the soldier or the sailor were most conspicuously exhibited by the man who was enabled to discover the fate and bring back some vestiges of the Franklin expedition. At the same time it is but fair to say that there were others who went out at an earlier date, and who, although not equally successful with those who followed them in the object of their search, nevertheless displayed all those high qualities which so eminently distinguished the last expedition. It is right that the names of those men should not be forgotten while we are doing honour to those who voluntarily set out in search of the remains of Sir John Franklin and his party. It is true that the Motion referred to by the hon. and learned Gentleman was made in this House to induce Her Majesty's Government to send out at the public expense an expedition to ascertain the fate of Sir John Franklin. And I must confess that I never acted more at variance with my own personal feelings than when, from higher considerations, we declined to undertake such an enterprise at the public charge. At the same time we did think that it would not be justifiable in Her Majesty's Government, at the cost of the country, to send out men on a search which at that period appeared very hopeless, and to be attended with dangers to which we should not have been warranted in exposing them. Fortunately, however, Sir Leopold M'Clintock succeeded, with, I believe, scarcely any loss, or no loss at all, of human life, in accomplishing the object which that noble lady who sent him out had so long and so frequently attempted to effect. Now, Sir, there was a reward of £10,000 offered to anybody who should ascertain the fate of Sir John Franklin and bring back any vestiges of his expedition. The whole of that sum was awarded to Dr. Rae and the associates of his adventure. Therefore there does not now remain any portion of the votes of Parliament applicable to the rewarding Sir Leopold M'Clintock and his companions. Nevertheless, I am ready to say, that if it should appear to be the opinion of Parliament that this is a fit occasion on which to make within moderate limits a grant over and above the amount already sanctioned, Her Majesty's Government certainly would not be disposed to stand in the way of the generosity of the House of Commons. With respect to the other topic which he mentioned, undoubtedly it would not be right to follow the example of such a monument as my right hon. Friend has described—namely, a monument that should record that it was not by the country, that it was not by the Sovereign, but by the widow, that the memory of a great and gallant man had been perpetuated. I think, on the contrary, it would be fitting that there should be a monument to show that the country, the Sovereign, and the widow had all united to erect an enduring memorial of the distinguished services of Sir John Franklin.

The expense this would involve would not be considerable in comparison with the gratification which I am sure it would afford to the whole nation, and I think to Lady Franklin, who as the hon. and learned Gentleman says, disclaims all desire for any re-imbursement of the great outlay she has so nobly incurred in endeavouring to ascertain the fate of her husband. But, no doubt, it would be highly satisfactory to her feelings if Her Majesty's Government and the Parliament were to concur in handing down to posterity some memorial of her deceased husband. I believe in this case one may say that the husband and the wife were worthy of each other; and I am persuaded that it would be grateful to the feelings of the country if, with the consent of Parliament, some monument were erected which should recognize, not only the services of the husband, but the devotion of the wife.

MR. DISRAELI :—Sir, I am convinced that the announcement just made by the noble Viscount on the part of Her Majesty's Government will be most gratifying to the country, as it evidently is most gratifying to this House. No one can have read the narrative of Sir Leopold M'Clintock, or marked the progress of his singular expedition, without feeling that their adventure will form a memorable chapter in the heroic annals of the mariners of this country. With regard to that noble Lady through whose energy and inspiration that expedition was so gallantly undertaken and so successfully accomplished, I feel, as I am sure we all must feel, the liveliest admiration and the warmest sympathy for the rare intelligence, the indomitable perseverance, the womanly, the high and enduring spirit, with which Lady Franklin urged on the prosecution of the search for her brave husband—they will make her name illustrious among the daughters of England. I repeat that I am sure the resolution at which the Government have arrived, and which the noble Viscount has communicated to us in so sympathetic a spirit, will afford the utmost gratification to all Her Majesty's subjects.

Afterwards—

SIR JOHN PAKINGTON, in putting a question to the Secretary of the Admiralty respecting the Channel Fleet, said, that before making that inquiry he could not refrain from saying how warmly he concurred in all that had been said by the right hon. Gentleman the Member for Portsmouth, with respect to Sir Leopold M'Clintock and Lady Franklin. The right hon. Gentleman had alluded in the most delicate manner to the reimbursement of Lady Franklin herself, and he could not help adverting to what had fallen from the noble Viscount on that part of the subject. All who were acquainted with the views of Lady Franklin knew that her feelings upon that matter were of the same noble and generous nature as those which induced her to make such efforts to discover the remains of her lost husband; but he quite agreed with the right hon. Gentleman that the House and the Government ought rather to consider what was due upon public grounds to the memory of Sir John Franklin, and to the noble efforts of his widow, than to pay too rigid a regard to the delicate feelings by which Lady Franklin was actuated. He hoped that the noble Viscount would allow him to remind him that in the statement which he had made to the House he did not advert to what fell from the right hon. Gentleman and from his noble and learned Friend upon this part of the subject. He hoped the noble Viscount, in whose hands he for one was perfectly content to leave the matter, would not forget it; but he felt that, considering the efforts which Lady Franklin had made, something beyond what the noble Viscount had mentioned was due as a tribute to that noble Lady.

THE BRITISH MUSEUM.

OBSERVATIONS.

MR. GREGORY trusted that before the Government proceeded to remove the Natural History collections from the British Museum, they would take some means of consulting the general feeling of the public, and also of scientific men, upon the subject. The proposed removal would be very unpopular with those who were in the habit of visiting those collections; and the dissatisfaction it would produce would not be lessened by the fact that the step had been decided upon, as he believed, by a mere majority of one—that bare majority having, moreover, only been obtained through the attendance of a number of *ex officio* trustees, who were not usually present at the ordinary meetings of the Board. There was obviously the greatest advantage in having these Natural History collections under the same roof as the splendid library of reference which the British Museum now boasted; but that advantage would be wholly sacrificed if the contemplated removal were persisted in.

ACCIDENTS TO THE CHANNEL FLEET.

QUESTION.

Sir JOHN PAKINGTON said, that he wished to put a question to the Secretary of the Admiralty respecting some accidents reported to have occurred to the ships of the Channel squadron. *The Times* of that morning contained the following paragraph :—

> "A letter dated Torbay, Tuesday, received at Plymouth, from one of the officers of the Channel squadron, says that off the Lizard the ships were taken all aback, and could not again form a line. The *Edgar*, *Queen*, and *Donegal* remained out. Besides the casualties to the *Queen*, *Diadem*, *Algiers*, and *Mersey*, already reported in *The Times*, the letter states that the *Aboukir* lost her cross-jack yard and starboard quarter-boats, the *Royal Albert* pitched her jib-boom under at times, and the *Trafalgar* lost her jib-boom; she will probably call at Plymouth before proceeding to the Tagus."

He wished to know whether the Admiralty had received any account of this dispersion, as he might call it, of the fleet off the Lizard, and whether the damage which had been caused was to be considered as the inevitable result of the late gale, or whether there was reason to attribute any blame to the officers in command of the squadron. A much more important question, however, and one upon which he was still more anxious for an explanation, arose with reference to the casualties to the *Queen*, *Diadem*, *Algiers*, and *Mersey*. Was he right in believing that these casualties had arisen from these magnificent ships having on three recent occasions come into collision with each other in the open Channel? He understood that on one occasion the *Diadem* and *Queen* ran foul of each other, and that on another, the *Algiers* and *Mersey* came into collision; the fact of these great and splendid ships coming into collision in the open Channel, while sailing in open order of battle, was one of serious import, to which the attention of the Government ought to be directed, It was impossible that these collisions should take place without great danger and serious public loss. He understood from the report that in both cases the collisions occurred when the ships were sailing in two lines, and were tacking in succession. If that were the case it was impossible to escape one or two inferences—either that the sailing order under which the manœuvres were executed must be of a defective and unsafe character, or there must be a want of seamanship among the officers who were in command of those ships. He therefore asked his noble Friend to give some account of these circumstances, and he trusted that it would be in his power to give such an explanation as would remove the unpleasant feeling on the part of the public, to which the statements contained in this paragraph had given rise.

CASE OF MR. TARRANT.

OBSERVATION.

Mr. EDWIN JAMES called the attention of the Under Secretary of State for the Colonies to the case of Mr. Tarrant, the editor of the *Friend of China*, who, after conviction for a libel had been sentenced to be imprisoned in the felons' gaol in Hong Kong for the period of twelve calendar months. Mr. Tarrant was convicted in September last of a libel on Colonel Kane, who held an official position at Hong Kong. Mr. Tarrant was a gentleman and a scholar. He had himself held a position in the colony, and had afterwards become the editor of the newspaper called the *Friend of China*, and he wrote some able articles exposing the system of corruption which beyond all question was practised in Hong Kong, for Sir John Bowring had stated before a Committee that he was bound to confess that there was a system of corruption among the officials there which he had in vain endeavoured to suppress. Mr. Tarrant was tried on the 29th of September, and was sentenced to twelve months' imprisonment on the criminal side of the gaol. He was tried, in the absence of the Chief Justice, by Mr. Adams, the former Member for Boston; and it was due to Mr. Adams, so far as his humanity was concerned, to state that he had recently arrived at Hong Kong, and was not aware of the severity of the punishment, the character of criminals Mr. Tarrant would have to associate with, or the wretched accommodation of the prison. Mr. Adams went himself and saw the gaol, and joined in a memorial to the Government, with the whole of the jury who had tried the case, for a remission of the sentence and Mr. Tarrant's removal from the criminal side of the gaol to the place allotted to misdemeanants, as would have been the case in England. This was refused: and Mr. Tarrant endured the greatest possible privation and misery. He suffered so much in his health from the association with criminals, from the heat of the wretched place—for the gaol was constructed for

Chinese prisoners—that he was, after a time, removed to an hospital, whence, however, he was subsequently again sent back to the gaol. The punishment was altogether most severe, and not warranted by the circumstances of the case. He had thought it his duty to call the attention of the Under Secretary of State to this matter, and he hoped that Mr. Tarrant would receive some consideration and some alleviation of his sufferings.

MR. CHICHESTER FORTESCUE said, that his information on this subject did not quite coincide with that of the hon. and learned Gentleman. According to a private letter from the then acting Attorney General, from the first Mr. Tarrant was treated with as much leniency as the gaol regulations permitted; and in November last the visiting justices revised and altered the rules of the goal so as to permit Mr. Tarrant to be placed apart from the other criminals, and accorded as much accommodation as the gaol allowed. At the same time it was to be admitted that a gaol in the climate of China was different from a gaol here, and the gaol at Hong Kong was one which urgently required enlargement and improvement. This operation was in the course of being carried out, and a large sum of money expended for the purpose. But with respect to Mr. Tarrant himself, the case was only a question as to the discretion of the Government in carrying out the sentence of a court of justice; and he must say that the exercise of that discretion was not quite so easy a matter as some gentlemen thought; the fact being that these libels, personal libels in the newspapers of Hong Kong, had gone on for many years past to such an extent as to render it necessary that no excessive lenity should be shown to a person who had so conducted himself. Perhaps, however, he could best answer the hon. Gentleman's question by reading an extract from a despatch addressed in December last by the noble Duke now at the head of the Colonial Office to the Governor of Hong Kong, and which would have reached him by this time. The direction given to the Governor in that despatch was, that if, on its receipt, Mr. Tarrant's health had suffered, or was in danger of suffering, be was to be at once removed from the criminal side of the prison to the debtors' side; that whether his health suffered or not, at the end of six months from the date of his imprisonment he was at all events to be removed to the debtors' side of the gaol. And the despatch ended, "it has been urged"—it was written by the Duke of Newcastle—

> "It has been urged upon me by some who disavow the slightest sympathy with Mr. Tarrant's writings that the latter half of the sentence should be altogether remitted, and that he should be discharged from prison. I must leave to your judgment how far such an act of leniency should be resorted to."

No answer had yet been received to this despatch. When it did arrive he would be happy to give his hon. and learned Friend the information which it contained. But he must say that he had every confidence in the good sense and judgment of Sir Hercules Robinson, who had just gone to the colony, and who was perfectly free from all the local and personal quarrels that agitated society there, and he had little doubt that before this time the punishment of this gentleman was ended.

Before he sat down he trusted the House would forgive him if he said one word with regard to the gallant men whose deeds had formed the subject of discussion. It so happened that the Irish Members could claim both the first and second officers in command of the late expedition as their countrymen. He had himself had the additional honour and pleasure of claiming Captain M'Clintock as a member of a distinguished family in his county; and the second in command of the *Fox*, Commander Hobson was a relation of his own. He had not the honour of Captain M'Clintock's acquaintance, but that gallant officer was related to a gentleman who represented his county in the last Parliament; and if, in the chances of politics that Gentleman had now been in the House, he would have more right to return thanks for Captain M'Clintock than he could possibly pretend to have. He begged, however, to thank the House for the generous manner in which it had recognized the services of those distinguished officers.

LORD CLARENCE PAGET hoped that before answering the Question of the right hon. Baronet, he might be permitted, on the part of his brother officers, to thank the right hon. Baronet the Member for Portsmouth for the handsome way in which he had mentioned the services of Captain M'Clintock and others connected with Arctic exploration and discovery. All belonging to the navy felt that a great debt was due to those gallant Polar officers, and, without desiring in the slightest degree to deprive Captain M'Clintock and his brave band of any portion of the credit to which they were justly entitled, he was bound to say that there were other officers who, although they had not been so successful, had equally deserved success. It would be in the recollection of the House that Captain Inglefield penetrated into the Arctic regions in the *Isabel*—a vessel very similar to the *Fox*, and succeeded in discovering some relics of the Franklin expedition. There were various other officers, whose names unfortunately he could not recall at that moment, but he was sure the House would permit him to call attention to their services on the present interesting occasion. In reply to the question of the right hon. Baronet the Member for Droitwich, he would admit that undoubtedly there had been two collisions in the Channel, one of which had been of a very serious nature, inasmuch as it had resulted in the loss of the bowsprit of the *Diadem*. He was disposed to think, however, that the right hon. Baronet was rather inclined to listen to what he must call midshipmen's yarns. The statement which had appeared in *The Times* of that morning had evidently been prepared by the youngest midshipman in the fleet. He had looked over it very carefully, and he confessed that neither he nor any of his brother officers at the Admiralty had been able to make head or tail of it. The fleet started from Portland on Thursday, and proceeded with a moderate breeze down the Channel, until it arrived off the Lizard. There, during the night, the squadron being in two lines, a signal was made to tack in succession. The *Diadem* was the stern ship of the weather line, and the *Queen* fell foul of her in stays and carried away her bowsprit. A very detailed report had been received from the captain of the *Diadem*, but the Admiralty had not yet obtained a very distinct report from the captain of the *Queen*. They had, however, ordered an inquiry into the circumstances. The other collision took place between the *Algiers* and the *Mersey*. The only information which the Admiralty had received was contained in a letter from the *Mersey*, which had put into port for some slight repairs; and in this case also a minute investigation would be instituted. The right hon. Baronet had expressed opinions with respect to the conduct of the Channel squadron, which, if they had not come from a person intimately acquainted with the navy, he should have regarded as undeserving of notice.

Sir JOHN PAKINGTON: I expressed no opinions, but merely asked for information.

Lord CLARENCE PAGET appealed to the House whether the right hon. Baronet had not talked of extreme mismanagement in the conduct of the fleet —or words to that effect. There could be no doubt that when two vessels came into collision a certain amount of blame attached to one party or the other,—generally, indeed, to both; but he could not at that moment state whether any, and, if any, what degree of censure had been incurred in the late collisions in the Channel. He could perfectly understand, considering the terrific gale experienced by the squadron during their cruize, that there should be a loss of spars, a pitching away of jib-booms, and various accidents of that nature; but the Admiralty had at present no reason to suppose that there had been any mismanagement whatever. Accidents might always be expected, especially in the night time, when a squadron, with young inexperienced officers of watches, and manned by raw crews, put to sea for the first time. But that only showed the importance of keeping our squadrons at sea. He believed the right hon. Baronet would find that our Channel fleet, notwithstanding the recent collisions, was well commanded and officered, and that the accidents which had occurred at starting would be followed by complete success.

Sir CHARLES NAPIER said, he was very glad that the right hon. Gentleman had brought this subject before the House. He thought if there was blame at all, it was in sending a young squadron to sea, totally inexperienced, to face the equinoctial gales. When that was the case, they must expect to meet with accidents. But he could not agree with the Secretary to the Admiralty that these collisions had been caused by weather. It was said that the sails were taken aback, and that orders were given to tack. Now, there was a stringent order which all sailors knew, that when a squadron tacked, the vessels in the port line were to give way to the vessels on the starboard line. He thought, therefore, blame must attach to the captain of the ship on the port tack. But then, if the Admiralty would not send the fleet to sea in fine weather, when circumstances compelled them to go to sea in bad weather, accidents were sure to occur, because it could not be expected that young officers would be familiar with all the rules and regulations connected with the conduct of a squadron at sea. He believed there was not an officer in the Channel fleet who had ever sailed in a fleet before. How could they expect but that accidents would happen when officers who had had no previous experience of sailing their ships with the stern of one at the stem of another were sent to sea in dark nights to face the equinoctial gales? He thought great blame attached to somebody in not having years ago maintained a squadron at sea; and the Admiralty were to blame in not having sent them to sea sooner. If they had gone last year from June to September, they would have been got into proper order before the equinoctial gales came on.

ST. GEORGE'S-IN-THE-EAST.

QUESTION.

MR. LYGON said, he wished to ask the Secretary of State for the Home Department what arrangements has been made by the Police for the preservation of order at St. George's Church on Sunday next. He put this question because Sunday was now near at hand, and from all the information he could collect, there appeared to be a want of harmony between the Police and the Rector and the Churchwardens on former occasions. He thought it would tend to the preservation of order if the Rector were informed by the police what the law was, and how far they intended to aid him in carrying it out. For want of a common understanding, the Police seemed to have gone one way, and the Rector and Churchwardens another; whereas, if there was a previous understanding, the danger of a collision might be avoided.

SIR GEORGE LEWIS said, the Government would undertake a very difficult task if they were to make themselves responsible for maintaining a good understanding between the rector of St. George's-in-the-East, and either the churchwardens, the police, or any portion of his parishioners. It was the business of the police, and of those who instructed them, to take measures for the maintenance of the public peace during the celebration of Divine service in the church. He must say, however, that he did not consider it to be one of the ordinary duties of the police to mount guard during the performance of Divine service in any church. If such a state of things were to become common, it would be necessary that there should be a change in the law, so as to make it somewhat analogous to that which existed in Ireland, by which, when a district was disturbed, it was possible to impose a fine upon it for the maintenance of an additional body of police. In answer to the question, all he had to say was, that such instructions had been given to the police as would, he hoped, prevent any disturbance which might be offensive to public decorum during the performance of Divine service.

ANNEXATION OF SAVOY TO FRANCE.

QUESTION.

SIR ROBERT PEEL: I wish to put a question to Her Majesty's Government which, I think, the House will agree with me is one of considerable importance. I am afraid I shall not be able to elicit a reply from my noble Friend at the Foreign Office or my noble Friend the Prime Minister, as both of them have already addressed the House; but perhaps the Chancellor of the Duchy of Lancaster, who took considerable interest in the question the other night, or the Chancellor of the Exchequer, may reply to it. Perhaps, indeed, the Chancellor of the Exchequer may be the more proper person, for it is, as the House will see, a question of great subtlety and nicety. I am sure the House must be far from satisfied with the reply which we have received to-night from the noble Lord the Minister for Foreign Affairs. The reply which he gave is far from satisfactory, and I do but interpret the opinion of every Gentleman in this House when I say that we have all read the official announcement contained in the recent Speech of the Emperor of the French with the deepest emotion and concern, because it is now evident that the Emperor of the French is determined, in spite of this Government and in spite of Europe, to avail himself of the opportunity which the existing state of affairs presents, and to take by force Savoy. It would be unfitting to enter upon any discussion now; only I hope that an opportunity will soon be afforded, for it is one of the very greatest importance. I have been told that the discussion which took place here the other night, and especially the statement of the Chancellor of the Duchy of Lancaster, has had considerable effect in Paris; and it is reported that the Emperor of the French says that after all the sacrifices he has made to England, both politically and commercially, he finds he has gained nothing whatever, except the support of his hon. friend, Monsieur Milnes. The question, Sir, which I have to put refers to a reading in the Speech of the Emperor of the French. The House will not have failed to remark that that Speech is given differently in *The Times* and *The Daily News* from what it is in *The Morning Post.* Now, *The Morning Post,* it is currently reported, represents not only the opinions of a portion of Her Majesty's Government, but the general bearings of the policy of the Tuileries. The sentence to which I refer reads in *The Times* and *The Daily News* as follows:—"En présence de cette transformation de l'Italie du Nord, qui donne à un état puissant tous les passages des Alpes, il était de mon devoir, pour la sureté de nos frontières, de reclamer les versants Français," &c. His Majesty goes on—"Cette revendication d'un territoire de peu d'étendue," &c. But in *The Morning Post* the words are "Cette reclamation," &c. Now, the difference between these two terms is most important, and I call on Her Majesty's Government to state to Parliament and the country what is the proper interpretation to be put upon those phrases of the Emperor of the French. In 1792 the French took possession of Savoy. Now, according to the one phrase France claims — *revendique* — that is, it asserts a claim to that which it pretends it has a right to have. I hope I make myself understood by the House. While, according to the other, France only hopes to obtain a frontier which she thinks is essential to her security. I, therefore, call the attention of the Government to this question, and I say that not one day should be allowed to pass—if the sense of the House coincides with the opinion which I entertain—without our having an opportunity of discussing this question of Savoy, which involves the handing over the liberties of many thousands of people like so many slaves to the will and pleasure of the Emperor of the French, and against the popular sentiment of the people themselves. Something of the kind was done at the end of the last century, in the partition of Poland; but I hope this will not be the case with Savoy. I know that the universal feeling in Savoy is opposed to the annexation—they look with pride and pleasure to their connection with Piedmont; but if that connection must be severed then—as it is a curious fact, however it may be accounted for, that all mountainous and secluded people have a tendency towards republicanism — they naturally desire not to be tied to the discipline of tyranny and despotism, but their desire is to join the free, liberal, and glorious country of Switzerland, their neighbour. I do not throw out this as my opinion alone, and I regret that the noble Lord was so quick in his reply to former questions, as to prevent him from giving any expression of opinions now in explanation; but I hope the House will allow him to reply. It is most important for the House to know whether France is "claiming back" what she once had in 1792, and which Europe took from her in 1815, or whether she is submitting to Europe that the formation of an immense State, containing 9,000,000 of people in Northern Italy united under one dynasty, does not make it necessary for her "to obtain possession" of a property which will give her command of the "*versants*" of the Alps towards France?

MR. BRIGHT: Before any Member of the Government answers this question, I should like to put a question to the hon. Baronet himself, and that is, what is it he proposes to do in this case? because it is merely idling away our time—not only idling away our time, but creating greater complications in a matter of this nature, if there be no policy which the House and the Government can take upon it, or which the hon. Baronet can recommend. We are not the Parliament of France—we are not the Parliament of Savoy—we are not the Parliament of Europe—but we are the Parliament of England; and, unless it can be shown that there is any direct and obvious interest which this country has in some of these foreign questions which are constantly brought before us, what an absurd spectacle do we offer to Europe and the world with these repeated discussions! What can be more extravagant than the language in which the hon. Baronet has addressed us on this question? One would suppose that, not only Europe, but England itself, was on fire; and I am afraid the hon. Baronet's language would not extinguish it, but make it more extensive, and, if possible, hotter. Let us examine the question a little. It is not a matter which we ought to view with passion. Perhaps we are all agreed that it would be much better that every State in Europe should remain content—if its condition would permit—and that there should be no attempt on the part of anybody to disturb the boundaries of any of the existing States. But that is not the state of things, nor can we expect it. At this very moment we know that our own Government, with the approbation probably of a large majority of our fellow countrymen, are consenting parties to alterations of the boundaries of several States in Italy; and it is quite possible to imagine that the right hon. Member for Bucks and his colleagues, if they had been on these benches, would have had to consent to changes which, if no disturbances had occurred, they would not at first have recommended. But hon. Gentlemen seem to suppose that because things were settled in 1815—a settlement which was merely an unsettlement of everything—that, therefore, we, as a Conservative nation, are to stand by that settlement, and resist any disturbance of it; and that after having been consenting parties to the separation of Holland from Belgium, and to that which is now going on in Italy, we are to rouse ourselves to some new exhibition of virtue on behalf of Savoy, and are to charge the Emperor of the French with some grievous treason to Europe, because he does not regard the Treaty of Vienna as the Government and the governing classes of this country do. What is the Treaty of Vienna to him but a great compact which signed for the moment the overthrow, if not the degradation, of his family. He must regard with pleasure—any man in his place must—the crumbling into ruin of a fabric which never should have been erected, and which never, by any possibility, could for a long time have subsisted. I agree with the hon. Gentleman in regretting not only that this question has been raised here, but that it should have been raised in Paris. I say that this step will produce no accession of power and no advantage to France. [Oh!] Well, if France can become more powerful by the addition of the scanty population of a mountainous region, it is more than I can exactly calculate or appreciate. I do not believe that Sardinia will be sensibly weakened or changed if the transfer takes place. I doubt extremely whether any disadvantageous circumstances will arise to the people of Savoy. But let us for one moment suppose that France and Sardinia are agreed —I know not if they are—but let us suppose they have determined to apply to the people of Savoy the principle which the Governments are now willing should be applied to the people of Central Italy. The hon. Baronet the Member for Tamworth argued on the assumption that the people of Savoy are about to be transferred by some great force from a state of blissful freedom to a state of degradation and servitude. Well, that is certainly not very complimentary to the French people, who may be quite as well pleased with their institutions as we are with ours, and who may feel satisfied with the social liberty which we have not, and may even prefer it to the political liberty which we have. I do not pretend to know more than the hon. Baronet, but I have heard from persons of high authority that the inhabitants of Savoy have not only no objection to the transfer, but would prefer to be annexed to France. We may all be sorry that it is so; but I will tell the House the reason. The best authority that I have been able to consult in this matter has assured me that the annexation of Savoy to France would go far to double the value of all the landed property in that country. I would not give much for the loyalty of other persons besides the people of Savoy, if I could promise them to double the value of all the landed property in the kingdom. I am told further that the intelligent portion of the labouring classes of that province are well aware that the annexation would add greatly to the value of labour in the district. Lyons is not more than from two to three hours' journey, if so much, from Chamberry; the manufacturers of Lyons, with their capital, their looms, and their industry, would instantly spread through the valleys of that province, and an immediate addition would be made to the value of everything which now exists in Savoy. Now, I don't want the Government to give the slightest countenance to this transference; I do not want them, on the other hand, to give the slightest opposition to it. The opposition, if you give it, must be futile; you cannot prevent the transference of Savoy, but you may, if you like, embroil Europe and bring England into collision with France. I say, perish Savoy—though Savoy, I believe, will not perish and will not suffer—rather than we, the representatives of the people of England, should involve the Government of this country with the people and the Government of France on a matter in which we have really no interest whatever. But Savoy would not perish nor even suffer. I find, unfortunately, that the more remote a foreign question appears to be from our own interests, the more it appears to absorb the sympathies of certain Members of the House. Have we not for generations past endeavoured to settle the map of Europe? Have we not—as if it were not worth a thought—spent blood and treasure for the purpose of fixing certain boundaries, and declaring that certain provinces and kingdoms should belong to certain families; and have we not utterly and ignominiously failed in every attempt that we have made? Let us, then, in the name of common sense, and of the interests of the people of England, judge, if we can, this question calmly and dispassionately, as a matter which really concerns only the kingdom of France, the kingdom of Sardinia, aud the people of Savoy. And if these two kingdoms have agreed on the transfer, and the people of Savoy themselves are favourable to it, I say it is contrary to the interests of England, and to the honour of the English Government, to pretend to interpose against a transaction which, though I would never have recommended or promoted it, is yet, I am sure, not worth the imposition of a single tax on Englishmen, or the expenditure of a single drop of blood, for one moment to prevent.

Lord JOHN MANNERS: I was glad to hear from the hon. Gentleman that this is the Parliament of England, and not of France. But I think we at least have made this discovery from the speech of the hon. Gentleman, that if this be the Parliament of England, and not of France, at any rate France is not unrepresented in our body. Suspicions may have been previously entertained throughout England as to the reasons which have induced the hon. Gentleman to show such marked attachment and to profess such unwonted affection for certain treaties and engagements which have recently formed the subject of discussion in this House; but we now know that there is no price which the hon. Gentleman is not willing to pay rather than these objects, to which he attaches so much importance, should fail of being carried into effect. The hon. Gentleman, I hope, does not speak the sentiments of Her Majesty's Government on this question. Certain I am that he does not speak the sentiments of the people of England. We now know the measure and bounds of the loyalty of the hon. Gentleman—if he gets fourpence where he used to get twopence he does not hesitate to tell us that transfers his loyalty and his allegiance. For great as is the opinion which the hon. Gentleman undoubtedly entertains of himself, I do not attribute to him such overweening vanity as to suppose that when he said there were great classes who would not hesitate to transfer their loyalty if their incomes were doubled, he meant that he himself was above such considerations. He spoke, I doubt not, from an intimate knowledge of his own heart and sentiments; and there I leave the hon. Gentleman. But I trust the Government do not sympathize with the statement which we have heard from his lips. "Perish Savoy," says the hon. Gentleman; perish the freedom of the Press; perish Constitutional Government; perish everything which stands in the way of the realization of our treaty with France! But the hon. Gentleman went so far as to say it mattered nothing whether France annexed this or that country; for the statement which he made was general. Annex Savoy! it is natural that it should be annexed; he has received information—he does not tell us from what quarter—that the people of Savoy wish it. Annex Belgium! The hon. Gentleman, no doubt, will be able, at the proper moment to inform the House of Commons he has information in his pocket that the people of Belgium wish to be annexed. Annex the Rhenish provinces of Prussia! We shall have a similar statement from the hon. Gentleman. But, I ask, is this the language of an English Member of Parliament? Does this language represent the feelings of the people of England? Is the determination of the hon. Gentleman the determination of this House and of those who sent us here? I believe, nay, I am confident, the hon. Member stands alone in the expression of those opinions. I wish now to ask one further question of the noble Lord the Member for the City of London, which I trust he will be good enough to answer. The noble Lord, at the outset of this somewhat irregular discussion, stated very correctly that a short time ago he informed the House that he was told by the French Government the Emperor of France would not proceed to annex Savoy without consulting the great Powers of Europe. This afternoon the noble Lord read a statement of the Emperor of the French made in Paris yesterday, of which the language is as follows:—"France does not wish to proceed to this aggradizement, however small it may be, either by military occupation or provoked insurrection, or by underhand manœuvres, but by frankly explaining the question to the great Powers." The question I wish to ask is, whether, in the opinion of Her Majesty's Government, there is any divergence from the language held a fortnight ago in that which is now employed, or whether Her Majesty's Government are of opinion that when the Emperor of the French says he intends to "explain" the question to the great Powers, he is still inclined to "consult" them previous to the annexation; for the House will at once see there is an important difference. If you consult a person, you may be fairly presumed to be willing to act upon the advice which you receive; but if you merely explain the motives for an act, it is not so apparent that any opportunity for advice will be given, or if it be given that it is at all likely to be followed. Therefore, I should like the noble Lord to tell us, if he can, what construction Her Majesty's Government put on the more recent language as compared with that of a fortnight ago on the same subject.

MR. MONCKTON MILNES said, that this was a question of much gravity, and he would entreat the House to approach its consideration neither wholly in the spirit of the hon. Baronet the Member for Tamworth, nor in that of his hon. Friend the Member for Birmingham. On a question of great European interest of this kind the House would not be doing justice to themselves or to their country by any personal recriminations, or by representing that any Member really had at heart any other desire than that the peace of Europe should not be disturbed. He trusted that when they came to the consideration of this question they would remember there were two elements which had been strangely left out of sight;—namely, the relation of this question to the general arrangement of Italian affairs, and the re-establishment of that great nation to which they were all looking forward with impatient and interested eyes. The question of Sardinia only came before them incidentally in relation to the great question of the nationality of Italy, and was no way essential as an Italian people to the re-establishment of an Italian nation in Europe; and he did not think any one would say that the liberation of three millions of people in Lombardy from the yoke of centuries, and their transference to a constitutional government, was not well worth the prize now sought for. In his opinion the people of Savoy had always represented the opinions of the Government of France, and had been opposed to every principle of civil and religious liberty in the Piedmontese Parliament. They had very little sympathy with the struggles in which the people of Italy were engaged, and his belief was that they would prefer to join a country which was more in accordance with their notions of religion and politics. This certainly could be done without in any degree disturbing the peace of Europe; and, supposing all other circumstances to be satisfactory, the annexation of Savoy would be no unjust compensation to France for the 50,000 lives she had sacrificed and the millions of money she had expended in the cause of Italy. What had we done for Italy which could for a moment compare with what France had done for her? He had not approached this question as a Member representing the interests of France. He trusted none of them were representatives either of Sardinia or France, but that they only represented English interests and English honour.

LORD JOHN RUSSELL: I cannot allow this discussion to close without answering the question of the noble Lord (Lord John Manners), and making some observations on what has occurred in the House just now. The noble Lord asks whether I understand that the Emperor of the French means merely to explain his case for the annexation of Savoy, or whether he means to consult the Powers of Europe. Upon reading the speech of the Emperor of the French, and on hearing the explanation which the Ambassador of France has given me to-day, I can have no doubt that it is the intention of the Emperor of the French to consult the great Powers of Europe with respect to the annexation of Savoy. And now, if the noble Lord will permit it, let us a little consider what is the position of the Emperor of the French with respect to this question. This is not a question relating solely to his own power and position, but it is a question relating to the position of France and her security in Europe. It is alleged by a great portion of the French people, and certainly alleged by statesmen attached to very different dynasties from the Emperor's, that the aggrandizement of power beyond the Alps and the addition to the kingdom of Sardinia of a considerable territory would make France worse as regards her security, and would enable the King of Sardinia, in case of war, and being engaged on the side of other Powers, so to threaten the French frontier as to make it necessary for the Sovereign of France to keep two armies, one on the side of Savoy the other on the side of Nice in order to guard against the danger of invasion. Wishing, therefore, as he and his Government state, to maintain the same security as they hitherto have had, and thinking that that security would be impaired by the creation of such a kingdom as I have mentioned, the Emperor of the French says that it is but due to the security of France, if the consent of the people of Savoy can be obtained, to annex that country to France; but he has also stated some time ago, and I understand he states it now—and this in my opinion is the meaning of the speech which has just been pronounced—that he wishes to consult the great Powers of Europe on that very annexation. I beg the House to consider that it cannot be a matter of indifference to any ruler of France what is the opinion of Europe generally, and of the great Powers, upon his position. In this very Speech the Emperor of the French states that he is not going to annex Savoy by way of military conquest. What does that mean? It means that he is not ready to encounter the general disapprobation and distrust of Europe, but that he believes that his Government can lay such statements before the different Powers of Europe as would enable him, without reproach and with their consent, to make this annexation of Savoy. I differ from the Government of France in these sentiments. I, as belonging to one of the Powers of Europe concerned, not being in the situation of either France or Sardinia, conceive that the annexation of Savoy and the occupation of the passes of the Alps would be more threatening to Italy than the present situation of affairs is threatening to France. At the same time, I must beg to impress on the House this further consideration. The Powers of Europe are to be consulted;—but England is a Power which does not merely consist of the executive Government, but also of the Crown and the Parliament of the United Kingdom; therefore, I should be far from wishing that on this matter the Parliament of England should not hold and pronounce its opinion; but there is this to be said, that if we are to raise, as I think the hon. Member for Tamworth seemed disposed to do, angry discussions on this subject,—if we are to take mere assertions in the place of truth, and to suppose bad motives on the part of a friendly Sovereign,—I say the only effect of debates carried on in such a temper would be to excite angry feelings, not only between the executive Government of France and the Government of England, but between the people of France and the people of England; and I cannot conceive, however much the noble Lord opposite may vaunt his own patriotism as opposed to that of the hon. Member for Birmingham, that a man could render a worse service to England than endeavour to raise feelings which would necessarily lead to sentiments of suspicion and hostility on the part of both countries. It is from such feelings that ruptures arise. I have already said that I think that the Emperor of the French is wrong on this subject, and that he has proposed an annexation which he was not justified in asking for; but I say that this is a question to be fairly considered, and there can be no advantage to this country or to Europe in making it a question of anger, and not of calm consideration in respect to all the reasons that can be alleged on the one side and on the other. I have stated that the Emperor of the French had declared that after consulting with the great Powers of Europe, and obtaining likewise the consent of the people of Savoy, he wished to make this addition to his dominions,—I say "with the consent of the people of Savoy," because our Ambassador at Paris has pointedly asked that question of M. Thouvenel. M. Thouvenel being so applied to, in consequence of the Emperor's speech not mentioning the consent of the people of Savoy, with the view of its being ascertained whether the Emperor of the French had changed his determination on this point, gave the assurance that no change had taken place in that respect, and that the Emperor was as determined as before not to attempt the annexation without the consent of the people of Savoy. I must say that I heard with concern the speech of the hon. Baronet the Member for Tamworth, and I should not be conveying my impression of the discussion if I did not add that I also heard with great concern the speech of the hon. Member for Birmingham. I believe that these questions are mixed up with the general relations of the Powers of Europe to each other; that they have an important bearing on the confidence which one State is disposed to place in another; and that the independence of the different States does constitute that security in Europe without which neither trade nor commerce nor social intercourse can subsist. A great change has been brought about in Italy. That change, while it will be, I trust, for the benefit of the people of Italy, breaks off old relations, establishes new ties, and cannot be accomplished without the risk of further disturbance and of further collision between Powers which are now to be separated by new boundaries, and which, at the same time, are animated by old hatreds and by old animosities. Sir, it appears to me that it is the duty of the English Government, and, I will add, it is the duty of the English Parliament to consider in this state of affairs how best the peace of Europe can be maintained and consolidated, to give no reason for an increase of suspicion and animosity towards us on the part of other Powers, and above all, not by premature discussion, while the papers on this subject are yet unread, come to conclusions which may be unwarranted, and to form judgments upon the conduct of foreign Sovereigns, which afterwards, when the full evidence is before you, you may find to be inconsistent with the position of this country and unfair towards the ruler of a country like France, with whom it is our interest to keep on terms of friendship and alliance.

Sir ROBERT PEEL assured the House that nothing was further from his intention than to raise angry discussions as regarded the relative positions of this country with France. He was a warm adherent of the alliance with France, and he would be the last man to sow seeds of dissensions which would endanger its further continuance. As regarded the observations of the hon. Member for Birmingham, he could only assure him that when he (Sir R. Peel) endeavoured to advocate the interests of Savoy, he had reason to believe that he was representing the opinions of a very large number of the inhabitants of that country.

Lord JOHN RUSSELL: I omitted to notice the question asked by the hon. Baronet as to the versions of the Emperor's speech which appear in different newspapers. We have only got a telegram, which may be incorrect, and I do not think the House can judge which is the correct version of the speech until it appears in the *Moniteur*, which I think will not have taken place until this morning.

THE BRITISH MUSEUM.

OBSERVATIONS.

Mr. DANBY SEYMOUR wished to revert for a few moments to a subject respecting which the hon. Member for Honiton (Mr. Locke) had already asked a question. It appeared that the decision of the Trustees of the British Museum in favour of the removal of the Natural History collection had been carried by the casting vote of the noble Lord at the head of the Government. The House would recollect that a Select Committee of that House had reported against building a National Gallery at Kensington, on the ground that that locality was too far removed from the great mass of the inhabitants of the metropolis, and that to place it there would be to consult the interests of the rich alone. The same argument applied with increased force to the removal of the collection of Natural History from the British Museum. The noble Lord had not given a full and satisfactory answer to the hon. Member for Honiton. The noble Lord said the Trustees had determined to remove the collection, but that they had not determined to what place. He (Mr. Danby Seymour) found that at the meeting at which that decision was come to, and which was called in a very extraordinary manner, two questions were raised—first, whether the collection should be removed, and next, whether it should go to Kensington; and a committee of Trustees was appointed to ascertain what would be the difference in the cost of buying five acres of land at Kensington and five acres near the British Museum. It therefore appeared that the removal to Kensington was nearly determined upon. But he really thought that before it was, contrary as it virtually would be to the decision of the Select Committee, the whole subject should be brought before another committee. It was said that the Commissioners of the Great Exhibition would sell the land required at a low rate, and that the gain which would result from fixing the site at Kensington instead of in the neighbourhood of the Museum would be £212,000. But it must be remembered that if the collection were taken to Kensington, a most expensive museum would be required. But even supposing there was a gain of £100,000 by the transaction, that would not counterbalance the objection to removing the collection to a portion of the town entirely inhabited by the rich and luxurious. To take away the Natural History collection was to destroy one of the most attractive portions of the British Museum, which was largely resorted to by the working classes. Surely before a determination was taken, which virtually ignored the decision of a Committee of that House, the subject should be brought under the notice of Parliament. He believed that some underhand means were used by certain influential persons in this country to remove the National Collections to the west-end of London, in spite of the popular branch of the Legislature. He said "underhand means," because, while no attempt was made to popularize the other national collections, large sums were being spent at Kensington in giving lectures, in lighting with gas the buildings erected there, in registering day by day the number of visitors, in establishing schools, opening the galleries at night, giving conversaziones, and sending out cards of invitation to all whose support might be valuable hereafter. Everything, in fact, was done to popularize the Exhibition at Kensington, with the ultimate view, he believed, of removing the natural collection to that end of the town. The British Museum was now accessible to the mass of the population, and for all purposes was far better in its present position. With regard to the new building which would become necessary, it was certain that if the present system of nepotism continued, and the Smirke family was employed from father to son to make the estimates, the public money would be wasted in the future as it had been in the past. Mr. Smirke was not a proper person to call in for the purpose of making these estimates. For nearly a century the Smirke family, from father to son, had received pay from the nation; it was time that talent should be called forth from some other source. The trustees of the British Museum, on which large sums of public money were yearly spent, ought not to be allowed to take so important a step by such a bare majority as the vote of the noble Lord the head of the Government.

CUSTOMS' ESTABLISHMENTS.

QUESTION.

Mr. MAGUIRE said, he wished to ask the Chancellor of the Exchequer whether, with a view to the interests of the public service, the Treasury contemplates, in the revision of the Customs Department which must necessarily take place consequent upon the alterations in the Tariff, placing those Officers on the Superannuation or Redundant List who have hitherto been found unworthy of reward or unfit for promotion; and further, whether any provision will be made for the purpose of bringing forward those Officers, without regard to the mere routine system of promotion, who, from their knowledge of commercial matters, and possessing the confidence of the mercantile world, are more likely to carry out the new arrangement to the satisfaction of the public.

The CHANCELLOR of the EXCHEQUER entirely sympathised with the spirit in which the hon. Member had put his Question. He was probably aware that for many years promotion in the Revenue Department had not been in the hands of the political advisers of the Crown, but had been left to the heads of that Department. That was a very wise arrangement, made originally by Lord Liverpool, and it had worked very well. The promotion which would take place in consequence of these changes would be made by the Treasury, and he certainly thought the hon. Member had given a just description of the principles on which it ought to proceed —namely, that advantage ought to be taken of the opportunity to place on the superannuation list, or even on the redundant list, if necessary, such persons as are of inferior or declining efficiency, on account of age or ill health, and that the consequent promotions ought not to be made in the spirit of routine, but with a view to further improvements in the administration of what he believed was, on the whole, a well-governed service. He hoped the House would not consider it necessary to continue the discussion of the removal of any part of the collections of the British Museum. There were other questions more urgent as to time. It was very inconvenient to keep the commercial interests of London and other places in a state of anxiety and uncertainty. Hon. Gentlemen who had Motions on the British Museum might rest assured that nothing would be done to fetter the free discretion of the House without the fullest discussion of the subject.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

CUSTOMS ACTS.—REPORT.

Resolution—

"That the Duties of Customs chargeable upon the Goods, Wares, and Merchandise hereinafter mentioned, imported into Great Britain and Ireland, shall cease and determine," &c.

Resolution *reported.*

Mr. NEWDEGATE rose to move as an Amendment to the Resolution, "that the present duties on silk manufactures imported into the United Kingdom be retained until October 1, 1861." He thought the House would agree with him that there was a certain extreme school in that House whose attachment to a system of free imports was so great that it made them forget their attachment to free institutions; and that he was justified in assertiag this, from what had fallen from the hon. Member for Birmingham, when he said, "Perish Savoy. Let Savoy perish."

MR. SPEAKER: The hon. Member must not refer to what has passed in a former debate.

MR. NEWDEGATE believed, however, that he might say that what had passed in that House justified him in the assertion that there was a certain extreme school in that House that overlooked the value of free institutions in their attachment to the system of free imports. He could only say of that hon. Member—"Fatetur Reus." He trusted that the House would not be actuated by so blind a spirit, but that in considering the Motion which he now submitted, they would extend to those who were engaged in the manufacture of silks the same justice that it was proposed should be extended to those engaged in the manufacture of gloves and of corks, and that they would, notwithstanding all that might be said against the late Sir Robert Peel and his tariff, carry out his policy. That great statesman was not to be less valued for the consideration of the interests of his country than for his other qualities. He might be told that delay would be extremely inconvenient to the importers of goods who were speculating on an immediate change, with their warehouses full of French goods, which they expected would be admitted immediately duty free; he might be told that it was not in the interest of the master manufacturers that such a change should be delayed. But the casual interest of the importer ought not to be supreme, and he had been present at meetings of master manufacturers, where he found the great majority of them decidedly of opinion that there was too great a suddenness in the change now proposed, and that it was to their interest that the same means of mitigating its effects should be adopted that were adopted by Sir Robert Peel on his changes of tariff, and which are pursued by the Government of France with reference to similar reductions of duty which the Emperor contemplated in his tariff. The difference in the action of this Treaty upon the manufacturers and operatives of France and England respectively could not be more clearly indicated than in the terms of the Treaty itself. The 14th and 15th Articles of the Treaty set forth:—

> "ARTICLE XIV.
>
> "Further, Her Britannic Majesty reserves to herself the power of retaining, upon special grounds, and by way of exception, during a period not exceeding two years, dating from the 1st of April, 1860, half of the duties on those articles the free admission of which is stipulated by the present Treaty.
>
> "This reserve, however, does not apply to articles of silk manufacture."

He (Mr. Newdegate) could not understand why this exception against the English silk trade was made; why this trade was specified as one which should be especially excluded from the sympathy which Her Majesty was authorized to exhibit towards other branches of industry. But the contrast between this treatment of the English silk trade by the English Government and that of French interests by the Government of France was still more striking:—

> "ARTICLE XV.
>
> "The engagements contracted by His Majesty the Emperor of the French shall be fulfilled, and the tariffs previously indicated as payable on British goods and manufactures shall be applied, within the following periods:—
>
> "1. For coal and coke, from the 1st July, 1860.
>
> "2. For bar and pig iron, and for steel of the kinds which are not subject to prohibition, from the 1st October, 1860.
>
> "3. For worked metals, machines, tools, and mechanical instruments of all sorts, within a period which shall not exceed the 31st December, 1860.
>
> "4. For yarns and manufactures in flax and hemp, from the 1st June, 1861.
>
> "5. And for all other articles from the 1st October, 1861."

It would be seen from this, that there was a special exemption against any delay in bringing the proposed change into operation with reference to the silk manufacture. The reservations in these Articles were the reservations of the French Government, (and how ample were they) in order to prepare the interests of that country for the change. The Emperor of the French, in his Speech said:—

> "I have, therefore, taken resolutely upon myself the responsibility of this great measure. A very simple reflection proves its advantages for both countries. Neither the one nor the other assuredly would have failed within a few years to take, each in its own interest, the initiative of the measures proposed; but then, the lowering of tariffs not being simultaneous, they would have taken place on one side and on the other without immediate compensation. The Treaty has done nothing more, then, than to anticipate the period of salutary modifications, and to give to indispensable

reforms the character of reciprocal concessions, destined to strengthen the alliance of two great peoples."

Such were the opinions, such the cautious progress of the Emperor of the French with reference to the reductions of duties, and the removal of restrictions upon the importation into France, and he was a wise governor. Sir Robert Peel was not wanting in the same consideration for the interests that his policy affected, and especially for the labourers engaged in them; he trusted, therefore, that the House would accept these high authorities in favour of the proposition before the House with reference to the industry employed in the silk trade. They were told that the Government were negotiating a Supplementary Treaty; and, if so, he could conceive no more proper subject for negotiation than placing the silk trade on a fair and equal footing with others. It might be urged that delay would injure the large manufacturers. He, however, received the best information possible on the subject, that it would be most advantageous to that class. But he submitted to the House the interests of the labouring classes, which were much more deeply involved in the proposed arrangement. Those classes would at all events for some time be exposed to great distress by the contemplated change. No one had ventured to deny that fact. It was true that the Chancellor of the Exchequer disposed of this consideration by saying that trade would ultimately revive. But was it of no account that the suddenness of this change should aggravate the distress. He (Mr. Newdegate) would remind the right hon. Gentleman of the distress that was occasioned by Mr. Huskisson's changes and the changes that took place in 1846. The question was, how they could mitigate the evil which was inevitable. He did not ask the right hon. Gentleman to give up his scheme or to abandon his project. He merely urged upon him a simple means of breaking the force of the shock which the Government were about to inflict, that the duties upon ribbons and other silk articles exceeded the value of the labour expended upon the commodity. So great was the comparative value of the raw material. This showed the importance of the change as it affected the industry employed in the manufacture. Was it without reason that the late Sir Robert Peel left this protection? He had before stated that although the total imports of silk goods had trebled, the exports from this country had doubled since 1846. But how stood the trade with France? He held in his hand an account of the imports and exports of silk goods between this country and France during five years ending with the year 1858. They were as follows:—

IMPORTS AND EXPORTS OF SILK MANUFACTURES.

	Imports from France.	Exports to France.
1854	£1,712,872	£49,635
1855	1,546,001	50,444
1856	1,747,641	55,501
1857	1,358,741	52,881
1858	1,549,231	42,166
	£7,914,486	£250,627

He thought he need do no more to show the House that by the proposed arrangement the trade of this country would be sacrificed for the period of eighteen months, at all events, during which France would continue a system of virtual prohibition against the manufactures of this kingdom, while French goods were to be imported into this country at once free of duty. The pressure would be felt severely by the industrious classes from the sudden abandonment of our duties upon silk goods. He did not wish to detain the House longer. He was yesterday charged by the Chancellor of the Exchequer with having made a long speech, and with being moderate in the expression of his opinions. He believed that it was that very moderation which made the right hon. Gentleman think his speech long. He could assure the right hon. Gentleman that he did not mean to abandon that element of length when urging what he knew was the opinion of the master manufacturers in his district and the interests of the operatives. He (Mr. Newdegate) thought it was clear that if the Chancellor of the Exchequer had to deal with English interests as the Emperor of the French dealt with French interests, he would delay until the period he had named the abolition of those duties. That was the substance of his proposal. He could not think that the House would be guided by the headlong doctrines of the hon. Member for Birmingham; but that they would exercise their privileges as an independent Legislature, truly representing English interests — that they would consequently extend to those men who humbly approached them that measure of consideration which the late Sir Robert Peel had never failed to afford, which the example of France justified, and which he believed was in accordance with the judgment of the highest intellects in Europe. The hon. Member was about to move his Resolution, when—

MR. SPEAKER said, that it would be more in accordance with the rules of the House to make the Motion when the article to which it related was named by the Clerk at the table in the order in which it stood in the Report.

Resolution read 2°, and *agreed to*, down to "Clocks, as denominated in the Tariff."

"Corks, ready made, and squared for rounding, the produce or manufacture of, or imported from, France or Algeria, after 31st March, 1862."

THE CHANCELLOR OF THE EXCHEQUER moved that the words "and squared for rounding" be struck out.

MR. VANCE said, he had that day received a communication from the cork-cutting trade of Dublin, in which it was stated that the proposed alteration in the tariff regarding that article, would totally destroy their trade. He entreated the right hon. Gentleman to take their situation into consideration, with a view of devising some means by which the impending evil might be averted. Perhaps the Government might use its influence with the Government of Spain to obtain an abolition of the export duty on cork.

MR. BLAKE said, he had received a similar communication from a portion of his constituents. He also urged the justice of their application to the generosity and forbearance of the right hon. Gentleman—at any rate to extend the time for six months. He had hitherto supported the Government in the alterations they proposed in the tariff; but seeing the distress and difficulty which this change would occasion to a large class of industrious people, he could not vote with them in favour of the proposition. He asked the right hon. Gentleman whether he could hold out any hope that the raw material could be had from the British possessions.

MR. BENTINCK had also received various communications from his constituency upon this question. It appeared to him that the hon. Gentleman who had just addressed the House had unconsciously shown them the precise cause of the weakness of all the interests assailed by the new tariff. The hon. Gentleman said, he supported every detail of the Budget except that which attacked the interest which closely affected a portion of his constituency. Now that was precisely what had happened in regard to every article affected by the propositions of the right hon. Gentleman. Each interest was left to defend itself; there was no union of opposition. It was inconceivable folly for each interest to fight for itself, because being disunited the Chancellor of the Exchequer was enabled to massacre them all in detail. He heard an hon. Gentleman the other evening say he was a Conservative, and in commenting upon the manner in which those various industrious classes allowed themselves to be the dupes of the Free-trade schemers of 1846, remarked that the hour had now come for inflicting upon those various interests a just retribution. Now, he (Mr. Bentinck) could not accord in those sentiments. As a Conservative Member of that House he felt it was his duty to lend his support to the interests that were attacked, without reference to any political circumstances of past years. He had heard another speech from an hon. and learned Gentleman opposite (Mr. Ayrton), who spoke in a manner that did honour to his head and heart. The hon. Gentlemen represented a large constituency, a portion of whom were likely to be serious sufferers from the proposed abolition of those duties. But how was the hon. Gentleman's speech received? He was taunted with having relinquished free trade and adopted protection as his principles. He (Mr. Bentinck) was one of those who had never varied from his principles, and he should hail with pleasure so great a convert.

MR. SPEAKER: The hon. Member is not in order in referring to past debates, and in replying to speeches that have been made in a past debate.

MR. BENTINCK said, he thought he had kept within order by referring to an indefinite time. He was not discussing the principles of Protection or Free-trade, but arguing a particular case, involving the interests of an industrious class of operatives. Whenever an appeal of such a kind was made to the Chancellor of the Exchequer, that right hon. Gentleman immediately fled off at a tangent, and made one of those brilliant speeches which were more calculated to charm the ear than to convince the understanding. Such speeches, however eloquent, contained nothing but Free-trade claptraps. The late Sir Robert Peel never contended for Free-trade in the manner in which the right hon. Gentleman did. That great statesman always attended to the interests and the welfare of the labouring classes, with but one memorable exception. But the Chancellor of the Exchequer passed by all such vulgar considerations, and urged forward his Free-trade principles, utterly regardless of the interests he was sacrificing. The right hon. Gentleman appeared to him (Mr. Bentinck) to be the advocate not of the rational principles of Free-trade, but of Free-trade gone mad. If the Chancellor of the Exchequer persevered in carrying out his opinions to the utmost, he could only do so at the cost of great suffering, and possibly of the lives of thousands of the most helpless and dependent of our fellow-countrymen. The right hon. Gentleman had never yet ventured to grapple with that part of the subject, or how he meant to avert the disastrous consequences of his policy. He would by his measures, without any rational object whatever, reduce to possible starvation hundreds, if not thousands of those who were solely dependent upon their industry for their subsistence. He knew that those arguments could make no impression on the right hon. Gentleman, but when the time came for him to witness the sufferings he had occasioned, he (Mr. Bentinck) would not envy the feelings of the right hon. Gentleman on beholding the results of his legislation.

Mr. DODSON said, he could understand several menaced interests huddling together, like a flock of frightened sheep, for the general safety; but he could not understand why the representatives of the agricultural interest, which was no longer protected, should fight the Budget inch by inch. What had they to lose by free trade? If the meat, wool, and dairy produce of the English farmer were exposed to unrestricted competition in the market of the world, surely he had a right to claim that the paper on which he wrote, or with which he hung his rooms, as well as the silks, bonnets, and artificial flowers which any member of his family might choose to wear, should not be artificially enhanced by legislative protection. If they were to have free trade on one side let it be fully and fairly carried out. The dismal vaticinations of the hon. Member for Norfolk had been resorted to every time during the last fourteen years that any protective duty was to be removed from the tariff; and he felt confident if this measure were crrried out, as he trusted it would be, with regard to silk, in a very few years that trade, instead of being depressed, would be in a more flourishing and healthy state than it was at present.

Mr. SPEAKER reminded the House that they were now discussing the subject of "corks, ready made, and squared for rounding."

The CHANCELLOR of the EXCHEQUER said, he would not only confine himself to "corks," but to "corks squared for rounding." What he had now to propose was in order to meet a wish expressed by the hon. Member for Finsbury—namely, that "corks squared for rounding" should be admitted duty free, in order, as far as possible, to meet the claim of the workmen and manufacturers to what was much more in the nature of a raw material than a manufactured article, although it had undergone a certain extent of manufacture.

Sir MORTON PETO inquired whether the Government had any proposal now to make with regard to the cork-wood from Catalonia?

The CHANCELLOR of the EXCHEQUER said, the Article referred strictly to "the produce or manufacture of or imported from France or Algeria." The subject to which reference had just been made was beyond the scope of the Commercial Treaty with France. But he would be prepared to make a proposal on that part of the subject when they came to the next Resolution. With respect to another suggestion that had been made, that his noble Friend at the head of the Foreign Office should use the influence of the Government with Spain to procure a repeal of the prohibition to export cork wood from Catalonia, he was quite sure there would be every disposition to do so; at the same time, as the question had been raised, he wished to disabuse the minds of hon. Gentlemen of the belief that the removal of that prohibition would be of any great consequence to the cork-cutters of this country. In the first place, it was quite a mistake to suppose that the prohibition had been imposed subsequent to, or in consequence of, our alterations in the Tariff of 1842. It existed when there was a protective duty in this country, and was directed against export to France, not to England. Between France and Spain, both being capable of producing cork-wood, and both having workmen who were very clever in the trade, there was a natural rivalry. In Girona, a town of Catalonia, there was a population of cork-cutters. The cork-cutters of Catalonia were subject to very much the same depressions as the cork-cutters in England, and, although there was no Spanish law on the subject prohibiting exportation, yet there was a municipal restriction enforced by the local

Governments, under a violent apprehension lest they should be robbed of their raw material and means of livelihood:—just as if the words used that night by the hon. Member for Norfolk were translated into Spanish. This prohibition was of no importance to the British cork trade, and the reason was, that the Catalonians, from long usage, and from the nature of their social organization, were very superior cork-cutters to the British. They cut the cork with less waste than the English; and the price of cork in Catalonia was higher than any one could afford to give for it to send to this country. So far from a displacement having taking place in the cork trade in consequence of previous remissions, the number of cork-cutters had greatly increased in this country owing to the measures which were taken for liberating the trade. Before 1842 the cork-cutters did not amount to 1,200; they were now estimated at nearly 2,000; yet such was the demand for this labour that it could not be supplied, and various masters in the trade were absolutely at this moment importing Spanish and French workmen. Perhaps the hon. Member for Norfolk would place a duty of £1 or £5 a-head on these men coming into this country. The Catalonian cork-cutters were receiving in this country higher wages than the British cork-cutters, because the trade was a domestic or native one which they understood better than our workmen did. A Catalonian cut corks with less waste of the material, got a greater number of corks out of the same quantity of cork wood, and made better corks than the British cork-cutter. He held in his hand two corks; one of them was a specimen of the Catalonian trade and the other of English manufacture, and they bore a different price in the market in consequence of the superiority of the Catalonian workmanship. The Catalonian cork was a perfect cylinder, the British-made cork would be found to have corners all round it. He agreed with his right hon. Friend the Member for Portsmouth and the hon. Member for Finsbury that nothing could be more creditable than the demeanour of the workmen who represented the cork trade; but he must add that the real cause of the difficulty in the trade here arose from some of the rules of the societies to which, unhappily, many of the workmen belonged, requiring the same price to be paid for coarse as fine work. By the rules of the society a workman was bound to take not less for cutting a gross of sodawater corks, which were very inferior, than for cutting wine corks, which were of the finest quality. When the hon. Member for Norfolk spoke of this business being carried on by women and children he little knew how entirely the reverse was the case. One of the rules of the society was that no master should employ more than a certain number of apprentices to a given number of men. In Catalonia the cork-cutter worked in the cottage of his ancestors, with his family around him. His wife and children were employed in the inferior sort of work while he was doing the better sort, and thus acquired training in the art. But in our own country the cork-cutters absolutely deprived themselves of the services of their families in consequence of the rule of the societies he had mentioned. The result of this was that there were a few masters who employed boys because the society's men, who formed the bulk of the trade, were not permitted to work for them; and these boys of eighteen or nineteen years of age were earning from 20*s.* to 25*s.* a week. That was the state of the case at this moment. In 1842, no doubt, a great deal of alarm prevailed because there was then a transition from absolute monopoly to comparative freedom of trade, though still under the limitation of a somewhat high duty. The consequence of that alarm was that in 1843 wages were reduced by 10 per cent; but as soon as that alarm was dissipated, and as soon as they found out that the trade was not going to dwindle away, but to grow, wages were raised in 1844 to the old point. From that time forward the trade had gone on satisfactorily, and this important difference was perceptible in the condition of the men—while the monopoly was in full force almost every winter there was a very considerable number of journeymen out of work and dependent on the workhouse; but now, since the change had been made, neither in winter nor summer could the masters find men enough to do the work they had in hand. He assured the hon. Member for Norfolk if he had had a tenth part of his experience on this subject, if he had heard as often as he had done in 1842 and in every subsequent year, without exception, the same doleful, dismal, lugubrious prophecies repeated in every case, with an equal absence of reason and with a total contradiction afforded by subsequent experience, he would not have exhibited the credulity he had done. In 1853 the duty on corks stood at 8*d.* per lb., and the preposal which he made on behalf of Lord Aberdeen's Government was to reduce the duty from 8*d.* to 4*d.* Such strong remonstrance, however, was made by the journeymen of the trade as unfortunately induced him to modify that proposal, and raise it to 6*d.* instead of 4*d.* The consequence of that was an immediate strike for an increase of wages, which lasted for ten months; and in almost every instance the increase demanded was obtained. Such a movement, of course, could only last for a time. Some of the masters held out against the strike, and took boys into their employment, who had shown themselves perfectly fit for the work; and by degrees it died away. The enormous evil of a prolonged struggle was thus inflicted on the trade in consequence of the reliance placed on a high protective duty. He would next show the House the inconvenient working of the existing system, by which the free importation of corks was prevented. There was an immense demand for cork in Australia; but the space it occupied rendered the freight very costly. The consequence was that almost all commodities sent to Australia that had the power of containing anything had their interstices filled up with cork. Hats, carriages, pieces of furniture, everything that admitted of it, was filled with cork when exported to Australia; and the effect of the high duty was to compel the use of the inferior corks of English workmanship, instead of the superior corks from abroad, upon which the exporters from this country could not afford to pay the duty. These facts showed, he thought, in this particular case almost more than any other he had ever known, that the influence of perfect freedom of trade was absolutely required for the benefit not only of the public but likewise of the workmen themselves. His right hon. Friend the President of the Board of Trade stated the other night that a great impulse would be given to the cork trade by the reduction of the wine duty; and so far from exciting the incredulity it did on the part of some Members, that observation, if liable to any criticism whatever, was liable to the remark that it was little more than a truism. There could be no doubt that the demand for cork would be greatly increased by the reduction of the wine duty, and with that enlarged demand it was exceedingly desirable there should be also the further advantage of an open trade, without any restrictions upon the employment of apprentices, and without those strikes and suspensions of labour for months together by which the journeymen, imagining they had got possession of some talisman which gave them the command of the market, were induced to inflict the severest injuries on themselves. If there had been an error in the proposal at all, it had been in postponing to too distant a date the final abolition of the duty; but he knew the House liked to lean to the side of indulgence in these cases, and perhaps on that ground the delay might be justified in a transition of such importance. He wished the House to know that, in point of fact, that portion of his Resolution which was required by the Treaty of France, if adopted, constituted the material portion of it, and the only point they would probably think worth contending about. We imported from France three-fourths of the consumption of corks, and from Portugal and Spain together only about a seventh. The imports from France might be said to absorb the whole of the imports to this country. In 1859 the total import was 452,000lbs., of which 409,000lbs. came from France. A very large part of that was, no doubt, Spanish cork; but he put it to them whether it was possible to make a distinction. It was contrary to the genius of our legislation, and he thought they would not think it either necessary or desirable. As he said on a former occasion, he wished the proposition to be considered on its own merits, and not merely as part of the Treaty.

Mr. T. DUNCOMBE thought they had sufficient elements of discord in the House already without the right hon. Gentleman being at the trouble to introduce the various subjects he had referred to in regard to this trade. He denied many of the right hon. Gentleman's assertions altogether, for he had evidently been misinformed. The cork-cutters were not that exclusive body he had tried to make them out. What they wanted was not protection. They were quite ready to enter into competition with the whole world; but they demanded that if the Government reduced the duty they should take care to secure to them a supply of the raw material by the manufacture of which they gained their livelihood. The Chancellor of the Exchequer said, that the difficulties of the trade had been caused by trades' unions, and that some of the masters had sent to Catalonia to obtain a supply of labour. He (Mr. Duncombe) should like to know who these masters were; for he felt assured that such immigrants could do no good in England unless they could obtain a sufficient supply of the raw material, especially when Estramadura and Portugal were preparing to deprive us entirely of the supply of the raw material. The right hon. Gentleman had produced two corks, one of Spanish and the other of English manufacture; but why had he not asked the cork interest in this country to produce a cork of their manufacture? The right hon. Gentleman said that three-fourths of the corks imported into this country came from France; but they really came from Spain through France; they paid no duty into France, and all that France gained was the carriage and transit. He was, however, satisfied with the concession which the right hon. Gentleman was going to make. The cork-cutters thought it was better than nothing. There had been, they thought, a gross blunder on the part of the Government, and he left the working classes and the Government to settle this blunder between them. He had heard from the hon. Member for Birmingham that the cork-cutters were in a trade's union, and five minutes afterwards he heard the same thing from the Chancellor of the Exchequer. Accordingly he went out and asked these persons whether the fact had been correctly stated. The men admitted that they had formed themselves into a trade's union for their own protection, and they added that there was not a place in England which could say that one of their men was ever thrown upon the parish.

COLONEL SYKES said, he had received a memorial from the cork-cutters of Aberdeen, who complained that the original proposition of the Chancellor of the Exchequer would operate almost entirely to the advantage of the Spanish and French manufacturers.

MR. POTTS stated that information had been forwarded to him from the constituency which he represented (Barnstaple), to the effect that the trade would be ruined if the duties were abolished. He was unable, however, to explain the special grounds for that conclusion.

MR. CLAY thought that no rule could be of so cast-iron a character as to be incapable of bending to circumstances; and in cases of this kind he would ask, first, what would be the result to our own trade, and then the effect upon the consumer. He believed that the original proposal of the Government, coupled with the prohibition of the exportation of cork wood from Spain, would be ruin to the trade at home, while the injury to the consumer from a departure from the usual rule would be but trifling. In such a case, he thought, they might depart from the general rule. He believed that if the duty on Spanish corks were retained the Foreign Secretary's representations to the Spanish Government might lead to reciprocal advantages and concessions. The noble Lord might direct the British Minister in Spain to say, "See the temper of the House of Commons. Remove your obnoxious prohibition of the exportation of cork wood, or do not be too sure that they will not take the same course with regard to Spanish wines that they have taken on corks." He did not know whether they would have another opportunity of voting on this particular question, but if they had not, he should not regret that no opportunity had been lost of doing justice to an interest that he expected would suffer very materially, if it were not entirely extinguished.

Amendment *agreed to.*

Resolution amended accordingly.

Resolution *agreed to*, as far as "Quinine, sulphate of."

"Silk, Millinery, or Manufactures of Silk, and any other material, as denominated in the Tariff."

Amendment proposed after the word "Tariff," to insert the words "after the 1st day of October, 1861."

MR. ELLICE (Coventry) said, that, although he was sensible of the exertions which the hon. Member for North Warwickshire had made for what he believed to be the interest of the silk manufacturers in the county of Warwick and the city of Coventry, and the labourers employed by them, he did not think that the proposition which he had now submitted to the House would be for their benefit. If the duty was to be abolished, the only effect of agreeing to that proposition would be to continue for an indefinite period the panic and suspense which had followed the declaration of the Chancellor of the Exchequer with respect to the Treaty with France. He (Mr. Ellice) had on the strength of the declarations made last year by Members of Her Majesty's Government, stated to his constituents that there would be no treaty with France, and that he should therefore vote for the abolition of all duties upon French silk manufactures, in the confidence that the manufactures of his constituents would be admitted on an equal footing into France. He wished, therefore, to set himself right as regarded his seeming deviation in this instance from the advocacy of free trade. He was one of a deputation who accompanied the late Mr. Tooke to wait upon Mr. Huskisson and Lord Wallace for the purpose of promoting free trade. In the discussion of Mr. Huskisson's measures subsequently, he certainly maintained the interest of the silkweavers of Coventry, because he considered that it would be unfair to make them the first subjects of the experiment; and he demanded the reduction of the duty on corn as an equivalent. He denied, therefore, that he was inconsistent, and he said the late Sir Robert Peel had always stated that he referred in vain to his (Mr. Ellice's) speeches to find an argument in favour of protection. Since then all restrictions had disappeared. He (Mr. Ellice) had voted for a repeal of the corn laws in 1828 long before that repeal took place. In consequence the silk trade had emerged from the state of misery and periodical ruin in which it was plunged while the system of protection prevailed; and he was not now afraid with a little time the panic would cease, and the silk trade become righted. He would not be a party to raising a panic with regard to the ability of English artisans to compete with those of any country in the world. All he asked was that in making treaties of commerce, the Government should satisfy those who were affected by them that in dealing for equivalents they had been treated with fairness and justice. If these duties had been reduced upon principles of trade or revenue, the Coventry people would have had no right to complain; but they had a right to demand that their interests should not be sacrificed for political objects. He hoped that in the convention which was to follow the confirmation of this Treaty the Chancellor of the Exchequer would induce the French Government to abolish the duties on silk manufactures imported from this country. If that were done the silk trade would not have so much reason to complain. Nothing could be so great a mistake as to say that the silk duty acted as a protection; that it did not do so was proved by the fact that under the present system we exported annually £2,000,000 worth of silk. An additional argument was to be found in the memorial of the silk manufacturers of St. Etienne, who stated that they were not opposed to the abolition of the protection. He thought that, in the present state of the measure, they should be very careful how they remitted duties that fell on articles of luxury.

MR. ROLT said, he had always thought that the less legislation there was on the subject of trade the better, and that it was impossible to have too great freedom of trade with a view to the accumulation and distribution of wealth by the employment of capital on labour. In other words, he thought that trade for those purposes should be perfectly free. At the same time, it also appeared to him that the accumulation and distribution of wealth were not the only objects they had to take into their consideration. They were bound to see whether that principle, as applied to any particular case, was or was not affected by moral, political, for fiscal considerations. Admitting the principle to be correct, one of the first things they were bound to do, when they came to apply it, was to ask what changes it was likely to produce in the channels of trade, and what the probable effect of those changes would be. If there was a sudden change in the channel of any particular trade, the great probability was that there would be loss and suffering; capital employed in one direction could not find immediate employment elsewhere, and a year or more might elapse before the trade could right itself. These were considerations which they ought to apply to the case before them. It was argued on the Ministerial side of the House that it was far from clear that in the case of silk there would be any change in the channel of trade; that the silk manufacturers would go on just as before, only stimulated to greater exertions by the necessity for increased and improved production; and former reductions of duty were pointed to as proving these assertions. But any former case in which a reduction of duty had been made furnished no precedent for what was likely to occur when the duty was wholly abolished. They could not refer to former cases to prove, to anything like reasonable certainty, what would happen now—all they could arrive at was probability. Now, no wise man would propose to act on a probability without considering what were the chances of things turning out contrary to his expectation, and whether without any great sacrifice provision might not be made for the contingency. When it was considered that probable anticipations might fail—that they might find themselves deceived—that a change in the channel of the silk trade might take place, and capital go elsewhere, leaving thousands of suffering workmen behind—the least they could do was to take precautions for providing, as far as they could, against such an event. He would admit, looking only to the principles of free trade, that it would be wise to sweep away those duties; but then there arose not only questions as to revenue, but also the consideration that results of a most serious kind might follow—that the change might be attended with suffering and misery, compared with which the losses sustained in the most severe campaigns in the field would be as nothing. In the face of such contingencies he asked if it was not prudent to guard, as far as possible, against them? Was the delay of a few months unreasonable? Might not this delay prevent these serious consequences, and in any view of the case could it be seriously prejudicial. The right hon. Member for Coventry (Mr. Ellice), said he was informed by manufacturers of Coventry that delay would be of no use, and the hon. Member for North Warwickshire was told by the same class of manufacturers that delay would be of great consequence to them. It appeared to him, however, that this matter hardly required evidence. The danger apprehended was possible—nay probable. The contrary had not been and could not be proved. The silk manufacturers ought to be allowed time to turn round, and to see how, if that became necessary, they could employ their capital elsewhere. He asked why silk had been specially excepted from the operation of the 14th article of the Treaty, in which Her Majesty reserved to herself the power of retaining, on special grounds, for a limited period half of the duties on articles the free admission of which was stipulated by the Treaty? The people engaged in the silk trade could not more readily than those engaged in other trades all at once turn to other employments for a subsistence; their numbers were as large and their prospects of misery as great as were those of persons employed in branches of industry in respect to which the power of exception reserved by that 14th Article might be exercised. Even now, if the matter were brought under the consideration of the French Government, they could scarcely hesitate to modify the Treaty so as to postpone its operation for a given time with respect to silk. Such a postponement would have no serious effect on the general operation of the Treaty, while it would afford time to some 200,000 of our fellow-countrymen to adapt themselves to the altered circumstances in which their industry would be placed.

MR. BASS said, he could not see the equity of immediately remitting the duties on French goods, while the reduction on those of English origin imported into France was to be postponed some fifteen months. The silk manufacturers complained that a very considerable portion of their manufactures would be replaced in that interval by French goods, and they asked, as he thought very reasonably, for time to adapt themselves to their new position. Delay had been conceded in the case of gloves and various other articles, and why should it not be granted in that of silk? It was not a question of free trade or protection, but one of wisdom and prudence in carrying out an important arrangement. He trusted the Government would take the matter into consideration.

MR. BROCKLEHURST said, that the point at issue was a very simple point. Those engaged in the silk trade made, he thought, a very fair and equitable request—they asked that their goods in France should be received upon the same terms as French goods were received here. They had taken alarm at the position of inequality in which they would be placed in the competition they would have to wage with the French manufacturers, and they naturally looked to a House of Commons composed of English gentlemen to interpose to protect them from that injustice. If the Government would give them an assurance that in any convention that might be entered into they would do their best to see that their industry had fair play they would be satisfied.

MR. BARROW said, the advocates of free trade were now driving their train at something more than express speed, and this was just one of those cases in which they might slacken their pace in order to avoid injuring those who, in being shunted, stood in such danger of violent collision. His common sense told him that the artisans in this branch of manufacture would want time to transfer the industry of themselves and their families to new fields, if they should find it necessary to do so; and it was only fair and right that a reasonable interval should be allowed them for that purpose. It had been insinuated that a Member representing agricultural interests had no right to interest himself in this question. He certainly represented an agricultural constituency, but he came there to consult with a view to the benefit of the whole nation; and when he believed that the interests of an important body of the labouring population were likely to be seriously prejudiced by hasty legislation, he held himself bound to interfere in their behalf, and to vote for what he believed would conduce to their benefit, regardless of the circumstance that they did not form part of the agricultural community. Therefore, believing that the Amendment would afford some relief to a large industrial interest he should give it his support.

THE CHANCELLOR OF THE EXCHEQUER said, he was bound to say that his right hon. Friend the Member for Coventry, and the hon. Member for Macclesfield (Mr. Brocklehurst) had treated this question in a liberal manner, showing what great progress had been made in appreciating its whole scope and bearing. His right hon. Friend and other hon. Members had asked no more than for an engagement on the part of the Government to do all that they could to liberate English silks imported into France from the payment of duty. He thought he might say, on behalf of his noble Friend the Foreign Secretary, that it would give him great pleasure to labour for such an end; but he could not presume to predict the degree of success his noble Friend might be able to attain in any particular case. When, however, once a country like France had taken so great a step as was involved in the engagements of the present Treaty, and had performed a double process—on the one hand opening to her producers, the great mass of the people, the English market; and, on the other hand, depriving her great protected interests of that description and degree of protection which they had hitherto had, and putting them in a position essentially different from that in which they heretofore stood, he must say, after such a change as that had been effected, all that remained to be done would be comparatively easy. We should stand, after this engagement had been once contracted, in a very different position in relation to France, from that in which we had stood heretofore. Hitherto there had been an idea, whenever we had asked for any relaxation of Customs laws, that we had some selfish object in view—that, in fact, free trade was a system through which we hoped to enrich ourselves and rob the rest of the world. Until we got rid of that fundamental fallacy, there was very little chance of making any progress; but he thought that fallacy would be effectually exploded by the Treaty we had concluded with the Government of France. There would, for the future, be not only the interest of the consumers working in the direction of free trade, but the classes who had been deprived of protection, who having for the most part learnt that it had been a fictitious and unreal advantage, would be disposed to require the universal and impartial application of the new system. The hon. and learned Member for Gloucestershire (Mr. Rolt) had said that the abolition of duty had been postponed in other cases, and he seemed to complain that silk had been made an exception. The reason why silk had been made an exception in the Treaty was, that the Government felt they should look at the silk trade as a whole; and so regarding it, they came to the conclusion that it should be dealt with immediately. He thought they had been supported in a marked manner by the testimony of those Gentlemen who were most intimately acquainted with the wishes of the silk trade. For example, his right hon. Friend the Member for Coventry, a very high authority, had told the House that in the interests of the silk trade, of which he had always been a faithful and hardy champion, he deprecated entirely the Motion made by the hon. Member for North Warwickshire. Considering that the testimony from so experienced and enlightened a guardian of the special interests of the silk trade, considering also that the commercial world in general deprecated delay, and that, according to the hon. and learned Member for Gloucestershire himself, there was a high probability that there would be no distress, no displacement of labour, and no change in the channels of trade, he thought nothing more was required to induce the House to confirm the Resolution at which the Committee arrived last night, and to reject the Motion of the hon. Member for North Warwickshire.

MR. FRANK CROSSLEY said, he had known the hon. Member for North Warwickshire as a prophet for many years; but fortunately for the country he had been a false and not a true prophet; and now very little reliance should be placed on his predictions of the ruin of the silk trade. The hon. Member said that within the last few years we had doubled our exports of silk manufactured goods:—Now, could we have exported these goods if they were dearer here than abroad? The hon. Member had given us one reason for affording protection to the British silk manufacturer, that in France the dyes were superior to those of this country. On this point he begged leave to join issue with the hon. Gentleman. He believed that our dyes, both from vegetable and animal substances, were in many instances superior to those of France; and he knew that not only had articles containing a mixture of materials been sent from France to Bradford to be dyed, but Bradford dyers had been induced by the offer of high wages to go to France, on account of their superior skill and the excellence of their colours. So also with regard to "taste" in design. Superiority in taste was not the peculiarity of any particular country; but even admitting that France excelled us in that matter, we could no doubt prevail upon French artists to come here, just as Bradford dyers had been persuaded to go to France. If he were engaged in the silk trade he should have no objection whatever to the removal of protection to-morrow, because in spite of the prophecies of Gentlemen opposite, he had never known a trade that was injured by the withdrawal of an artificial protection. The great advantage of there being no import duty was that the goods made there would be as cheap or cheaper than in any other country, consequently manufacturers would have the world for their market rather than be shut up to the island on which they lived.

MR. NEWDEGATE said, the hon. Member for the West Riding evidently did not understand the silk trade. He seemed to wonder how a protected country could extend its export trade. Why, France and Belgium, in both of which countries protection was the rule, had increased their export trade in a much greater ratio than this country within the last few years, and so had the United States. It was stated a short time since by the Duke of Brabant in the Senate of Belgium, that since 1842 the trade of England had increased by 124 per cent, but the trade of France had increased 159 per cent, and the trade of Belgium 204 per cent; France and Belgium maintained protective tariffs. The hon. Member could not account for these facts according to his system, for he seemed to think that trade extends only by means of free imports. It was also a fact that large quantities of silk were sent from the West Riding to be dyed in France, and the French Government charged a very heavy export duty upon them on their return. All the silk trade wanted was an assurance from the Government that they would in earnest negotiate for the removal of the prohibition in France which excluded the great bulk of the silk goods manufactured in the Coventry districts, before we were asked to admit, duty free, all the products of France, and that the change in the terms of importation should take place at the same time in England as in France. Surely, a more reasonable request could not be made to any English Administration.

COLONEL DICKSON said, it was with reluctance he rose to add a few words to the debate at this late hour, but he had failed on former occasions to catch the Speaker's eye, and therefore he had contented himself with giving a silent vote in the minority in each division, though he must add that to that minority he was proud to belong. The discussion had been confined, for the most part, to those who were older in debate than he was; and he felt that the question which had been put from his side of the House had not drawn forth those answers from the Ministerial bench which he and every lover of his country had a right to expect. If he had doubts before, those doubts were greatly increased by the contradictory arguments in favour of the silk manufacturers, which were used on the different sides of the House. The arguments of his hon. Friend the Member for Warwickshire, and the arguments of the right hon. Member for Coventry, though both were in favour of the silk manufacturers, were so different that he would have been puzzled how to decide between them if he had not observed that his hon. Friend the Member for Warwickshire backed out his opinions by his vote, while the right hon. Member for Coventry spoke one way while he voted the other. If there was another reason to induce him to oppose the Budget, it was the speech he had heard from the hon. Member for Birmingham last night.

MR. SPEAKER: The hon. Gentleman is out of order in referring to a speech made in a past debate.

COLONEL DICKSON apologized for his involuntary breach of the rules of the House, but he must say that the whole debate appeared to him to be characterized by an undue reference to the influence of France. He was himself most anxious for an amity with France, and he was for peace at any price except that of national honour; but he could not agree to remove these duties in the hurried manner that was proposed.

Sir JOSEPH PAXTON said, that the remarks of the last speaker with respect to himself and his colleague were entirely unwarranted. On the part of his constituents there was no wish for delay; both the merchants and the weavers wished this matter to be settled, one way or the other, as soon as possible. To continue the existing state of things another year would only keep up the agitation, and the interests of those concerned would suffer in the meantime.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 51; Noes 179: Majority 128.

Resolution, as amended, *agreed to.*

Bill *ordered* to be brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Mr. Laing.

CUSTOMS ACTS.—COMMITTEE.

House in Committee, according to order.

Mr. Massey in the Chair.

(In the Committee.)

Resolution 4, That the Duties of Customs chargeable upon the Goods, Wares, and Merchandise hereinafter mentioned, imported into Great Britain and Ireland, shall cease and determine, namely,—

Goods, being either in part or wholly manufactured, and not being enumerated or described, nor otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland; but if any such Goods shall be composed of any Article liable to Duty, as a part or ingredient thereof, then such Goods shall be chargeable with the full duty payable on such Article, or if composed of more than one Article liable to Duty, then with the full Duty payable on the Article charged with the highest rate of Duty.

5. Cork Duties.

Resolved,

"That the Duties of Customs charged upon Corks, ready made, shall cease and determine after the 31st March, 1862.

6. Resolution Reducing the Duty on Corks, Hats, and Gloves (Under Treaty).

The CHANCELLOR of the EXCHEQUER said, with regard to gloves he believed there was a general desire for an earlier abolition of duty. The object of fixing the date as it stood in the Resolution was to secure the present season, but that terminated on the 1st of August; and if nothing occurred to alter his determination he should substitute at a subsequent opportunity the date of August 1, 1860, for the date of February 1, 1861.

Resolved,

"That, in lieu of the Duties of Customs now chargeable on the under-mentioned Articles on their Importation into Great Britain and Ireland, the following Duties shall be charged until the days hereinafter mentioned, and that from and after those days the Duties shall cease and determine, namely,—

		s.	d.
Until the 31*st day of March* 1862, *inclusive.*			
Corks, namely, ready made	the lb.	0	3
Until the 31*st day of March* 1861, *inclusive.*			
Hats or Bonnets, namely,			
Of chip	the lb.	1	3
Of Bast, Cane, or Horsehair	the lb.	1	3
Of Straw . . .	the lb.	1	3
Until the 1*st day of February*, 1861, *inclusive.*			
Leather Manufactures, namely,			
Gloves of Leather.			
Habit Mitts .	the dozen pairs	1	2
—— Gloves,	the dozen pairs	1	9
Men's Gloves .	the dozen pairs	1	9
Women's Gloves or Mitts,	the dozen pairs	2	3

Agreed to.

7. Paper Hangings to be reduced (Under Treaty).

The CHANCELLOR of the EXCHEQUER said, he should not attempt to prejudge the important question of the paper duties now leviable under the Excise. He hoped, however, that the Committee would agree to this Resolution, so that there might be no delay, on the understanding that the subject should be revived in case the House should decide against the remission of the paper duties generally. A report had within the last few days been addressed to the Treasury by the Board of Inland Revenue on this subject, and as it contained some useful information he proposed to lay it before the House.

Sir FITZROY KELLY asked when the general question of the paper duties would be considered?

The CHANCELLOR of the EXCHEQUER had addressed a letter to the hon. Member for Somersetshire (Sir W. Miles) stating that the regular form of raising the question would be when the Bill for abolishing the paper duties should be introduced. It would be for the hon. Member to decide in what stage of the Bill he would take the sense of the House as to the proposed abolition of the paper duties.

Mr. BRIGHT said, that it would be very convenient if the day could be at once fixed. Could the Chancellor of the Exchequer say Monday?

SIR FITZROY KELLY objected to so early a day as Monday; but said ample notice would be given with respect to the proposed Amendment.

In reply to Mr. PULLER,

THE CHANCELLOR OF THE EXCHEQUER said, he hoped that the Committee would go through the Resolutions to-night, in which case the Address in approval of the Treaty would be moved on Monday.

MR. LIDDELL asked whether a drawback would be allowed on the stocks held by the paper manufacturers? He was told that those stocks were very large, and he hoped that the right hon. Gentleman, in spite of his inexorable mood during the last few days, would consider their claims to a drawback.

THE CHANCELLOR OF THE EXCHEQUER said, he had been in communication with the parties on this subject, and begged it would be understood that he had not refused the concession of the drawback. He hoped to be able to announce the intentions of the Government in the course of a few days.

SIR FITZROY KELLY wished, with reference to the drawback upon wines, to ask what time, and in what form, this question of construction would be submitted to the House, as the decision very much depended upon the will of the Government.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. and learned Gentleman must be aware that it was impossible for him to enter into that question. He was not prepared to submit the question to the House, but he would take care that upon as early a day as possible an opportunity should be given to hon. Members of expressing their views on the subject.

SIR FITZROY KELLY gave notice, that, if no substantive Motion were submitted to the House, whenever a Bill was brought forward, he should take that opportunity of raising the direct question.

LORD WILLIAM GRAHAM wished to ask whether the duty on paper would be immediately lowered, or whether the reduction would be postponed till the decision of the House on the general question was arrived at.

THE CHANCELLOR OF THE EXCHEQUER stated that he was in communication with certain parties relative to the drawback to be allowed on paper, but no decision had yet been arrived at on the subject. He would take care to submit to the Committee at as early a date as possible the decisions of the Government. As to wines, the duties would be immediately lowered, a bond being taken from the importers to abide by the decision of the House on the whole question of the Excise duties.

Resolved,

"That, in lieu of the Duties of Customs now chargeable on the undermentioned articles on their importation into Great Britain and Ireland, the following Duties shall be charged until the 15th day of August 1860, inclusive; and that from and after that date the Duties shall be the same as the Excise Duties for time being on Paper of British manufacture."

		s.	d.
Paper, namely,—			
Printed, Painted, or Stained Paper Hangings, or Flock Paper,	the cwt.	14	0
Pasteboard . .	the cwt.	15	0

Afterwards,

SIR WILLIAM MILES said, he understood it had been asked whether he intended to proceed with his Motion on the paper duty. He did intend to proceed with it. The Chancellor of the Exchequer was kind enough to say he would consult his convenience. His convenience was the public convenience. Having had some conversation with the right hon. Gentleman, it was his intention to move the Amendment on the second reading of the Bill, and he understood that the Bill would be brought in at the early part of the week, and that the second reading would be taken on Friday.

THE CHANCELLOR OF THE EXCHEQUER: The Bill will be brought in early on Monday evening, and on that evening we shall be able finally to fix on the day for the second reading.

Resolution proposed—

"That Spirits or Strong Waters not being sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes' Hydrometer, pay for every gallon of the strength or proof by such Hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon, 8*s*. 6*d*."

8. Spirit Duties.

MR. T. DUNCOMBE moved an Amendment, "That the duty on Foreign Spirits be 9*s*., instead of 8*s*. 6*d*. a gallon." He thought that an error had been made in the calculation. He said that, unless this change was made, strong foreign spirits would be smuggled into this country under the name of cheap wine, at a great loss to the revenue, and also to the British distiller. He found by the instructions sent by the noble Lord to the negotiators, it was proposed that the import duty should be 10*s*.

If he had been correctly informed, the present suggestion had come as a surprise upon the Commissioners of Excise. [The CHANCELLOR of the EXCHEQUER: No!] If the right hon. Gentleman contradicted this, how was it that the duty was raised to 8*s*. 6*d*., and even then the Excise officers were not satisfied? The Excise officers would tell them that the duty of 8*s*. 6*d*. was not sufficient to enable the British distiller to compete with the foreigner. At present the British distiller was taxed at no less than 450 per cent, while the foreigner was taxed only 150. The British distiller, too, was subject to all sorts of regulations and restrictions which impede him in his operations. It should be remembered that the foreign distiller had no Excisemen about him. He had been informed by one of his constituents that under the terms of this Resolution his plant, worth £30,000, would be reduced one-half in value, but if the rise to 9*s*. were agreed to, he would just be enabled to cover his outlay. In the British manufactures there were two distinct processes. There was first the corn distiller who produced what might be called the raw material. Then the raw material was kept in hand until the distiller required it. A duty of 8*s*. had to be paid before the rectifying distiller could touch it. Nor could he touch it in bond, he was obliged to carry it away in order that no fraud might be committed on the revenue. If they allowed the British distiller to take the spirit in this state free, he would not want a 6*d*. of duty on foreign spirits. Then besides that the subsequent rectifying was a very expensive process. Having read some further extracts from the correspondence, the hon. Member concluded by moving his Amendment.

Amendment proposed to leave out "8*s*. 6*d*." and insert "9*s*."

MR. HORSFALL said, the hon. Member, in reducing the scale proposed by the Amendment from 10*s*. to 9*s*., had followed in the steps of the negotiators at Paris, whose conduct in this particular he condemned. The rate if fixed at 10*s*. would have tended towards an equalization of the spirit duties, which would yield an additional revenue of £2,000,000 to the Exchequer, without, he believed, any proportionate danger from smuggling. He should like to know the reason that had induced the negotiators at Paris to deviate from the instructions originally given to them on this subject.

Mr. T. Duncombe

MR. T. DUNCOMBE explained that he had reduced the amount of duty proposed by his Amendment, with the view of meeting the Chancellor of the Exchequer half way, and he thought he ought now in his turn to make the very slight advance which was required.

MR. CRAWFORD said, that the proposed scale of the Chancellor of the Exchequer entirely met with the approval of those in the City he had been in communication with, and that he was instructed to oppose the Amendment of the hon. Gentleman. They said that the difference between 8*s*. 2*d*. and 8*s*. 6*d*. was sufficient to cover them against the charges imposed on them by the necessity of the Excise supervision, and to enable them to compete with the French distillers.

MR. CRAUFURD wished to know whether, in the allowances made with regard to the 1*s*. duty on foreign grain, the distillers were to have a drawback on the grain used in distilling, in the same way as on molasses. He wished also to know why French rums should be placed on a different footing.

SIR MORTON PETO approved the Amendment of the hon. Member for Finsbury.

MR. WHITESIDE observed that M'Culloch, in discussing the reduction of the duty on brandy, showed how the consumption was increased, and that the same result followed the policy of Sir Robert Peel. His argument was this—that if the superior article were produced by the foreigner and the inferior one at home—if the same duty be levied upon both—it would practically amount to a differential duty in favour of the foreigner. He believed the reduction of the duty would be injurious to the Irish distiller, and should support the Amendment.

MR. BEAMISH felt he would not be justified in voting against the proposition of the Chancellor of the Exchequer.

MR. BASS said, that the duty proposed by the Resolution was not adequate, considering the embarrassment caused to the distillers by the Excise. He believed, however, that the question was one not so much between the British and the foreign distillers, as one that concerned the rectifier, whose business, he was informed, would be destroyed. The history of the duty on French brandy was a curious one. In 1845, Sir Robert Peel reduced it from 22*s*. 6*d*. to 15*s*. per gallon, and the result was, that while in 1844 the import was

1,073,000 gallons, yielding a revenue of £1,225,000, the import in 1848 only reached 1,107,000 gallons, and the duty fell off to £830,000. He (Mr. Bass) was apprehensive that similar results might arise from this further reduction. It might be said that the great increase in price, namely, from 4*s.* 6*d.* in 1845 to 11*s.* at the present time, was owing to the vine disease ; but he was assured that the vineyards which produced the wine used for distilling had been but slightly affected, though it was quite true that the wine might have been used to some extent in lieu of other wines.

SIR EDWARD GROGAN said, that as he had received no communication from his constituents after the supplemental Treaty was published as to the duty fixed for foreign spirits, he was bound to conclude that they were satisfied. He wished, however, to know whether any steps would be taken to procure the admission of British spirits into France at a reduced duty?

THE CHANCELLOR OF THE EXCHEQUER said, he was not aware that there were any very strong reasons why we should enter into a communication with France with respect to the duties which she levied on the importation of spirits. There were, however, no good grounds why France should refuse to admit British spirits on liberal terms—inasmuch as she exported that article herself to a very considerable extent. In answer to the hon. and learned Member for Ayr (Mr. Craufurd), he might observe that no plan had been organized for the purpose of allowing a drawback upon foreign grain in distilleries. He wished, at the same time, to add that the matter was open to consideration, although it was a point with respect to which he was prepared to give no positive assurance. In reference to the arrangement which was proposed by the Government in the case of the duty under discussion, he could only say that it was one which had been adopted after very careful examination, and after the holding of repeated communications with members of the spirit trade who, he was bound to say, were gentlemen characterized by much intelligence as well as much moderation in the advocacy of their claims. He might here take the opportunity of observing that the statement of his hon. Friend the Member for Finsbury, to the effect that somebody had been despatched by the Government to Paris immediately after he had given notice of his Amendment, was only of value so far as that both circumstances had taken place. The truth was that the Government, owing to communications which had been made to them by the distillers of the three kingdoms, stating that they would labour under a disadvantage under the operation of the Excise laws which had not been calculated upon, and which, under minute examination, it was found would be likely to arise—had deemed it right to send an intelligent gentleman to Paris with the view of effecting certain arrangements in consequence ; and it was, perhaps, not unnatural that the hon. Gentleman should attribute that circumstance to alarm on the part of the Government as the probable result of his Amendment. Now, the hon. Gentleman had gone on to contend that the original duty of 8*s.* 2*d.* a gallon had been fixed upon foreign spirits without consultation with the Customs and Excise; but he could assure his hon. Friend that the contrary was the fact; and that he had taken no step in this direction without consulting the officers of Inland Revenue, who differed entirely from the hon. Member. In answer to the question why the proposal of a 10*s.* duty had not been adopted he might state that, after due consideration, it had been deemed inadequate to meet the circumstances of the case. The operation of a 22*s.* and a 15*s.* duty on brandy had been to exclude from any competition with British spirits all but the finest qualities of French brandy; so that the argument with respect to levying a higher duty on brandy in consequence of its greater value was not so strong as it appeared to be at the first blush. Another reason why a 10*s.* duty had not been adopted was that it was found necessary to provide not only for the importation of French brandy, but also for that of other descriptions of spirits manufactured in France from corn and beet-root as well as the spirit made in Holland, and more especially the cheap spirit manufactured in Germany, on which it would be impossible to justify the imposition of a The basis upon which negotiations had been entered into with France on the question 10*s.* duty by any reference to their value. was that of perfect freedom of trade, so far as regarded the abandonment of differential duties; so that the Government had, in the first instance, been very naturally led to impose the same rate of duty as had, for a series of years, been fixed on colonial spirits. When, however, the statement of the distillers and rectifiers had been submitted to the consideration of the

Government, it was found that the matter stood in a different position from that which they had supposed. It was the general opinion of the distillers that the surcharge of *5d.* would be sufficient; and with the exception of some of the rectifiers, he believed there was a general disposition to recognize this as an arrangement which ought to be satisfactory. The article of rum, he admitted, stood in a position altogether anomalous. He did not think it possible to increase the rates of duty on rum, as the disadvantages of the Excise laws would not admit of it. But rum was a limited production, proceeding from the tropics, and therefore it was an article in which the distiller at home did not very much fear competition. It was quite necessary, however, to afford the same advantage to the rum of foreign countries as to rum from our own colonies. The article of tafia from any colony of France looked rather suspicious; but as regarded Martinique there was a *bonâ fide* trade in that kind of spirit, and it was a well-known commodity. This was a general answer to the questions which had been put, and this was the arrangement which, upon the authority of the best practical officers and the heads of the Board of Inland Revenue, he thought well suited to meet difficulties which, he admitted, were complicated and to solve them in the fairest manner of which they were susceptible.

MR. T. DUNCOMBE said, that by the Supplemental Treaty the Government had confessed their ignorance and their error. If they had consulted the Excise, how came it they had originally fixed the duty at 8*s.* 2*d.*? The differential duty was not sufficient, even as arranged by the amended article. That duty was in favour of foreign brandy. It was not the gin-distiller, but the distiller of brandy in this country who wouldd be ruined by the arrangement.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman was not justified in the contradiction which he had offered to him. The hon. Gentleman ought to have known that it had never been the practice for Chancellors of the Exchequer to send for whole Boards and enter into consultation with them as to any proposed changes. What he did was to send for the head of a Board, and upon all occasions his communications to the Board were made to the head. Who was the hon. Gentleman's informant on the subject he knew not, but this he could tell him, that with regard to the frequent alterations in these duties the head of the Board of Excise was fully informed from the first.

Question put, "That '8*s.* 6*d.*' stand part of the proposed Resolution."

The Committee *divided:*—Ayes 191; Noes 48: Majority 143.

LORD CLAUD HAMILTON asked, Whether there had been any correspondence with the French Government to obtain the same remission of the amount of duties payable on rum from the British Colonies admitted into France.

THE CHANCELLOR OF THE EXCHEQUER said, there had been no negotiation as to British spirits imported into France, and he was not prepared to state accurately what was the precise difference between the import duty in France levied on British colonial spirits and the duties of excise levied on spirits in France. He thought, however, that the changes made by France under this Treaty were much larger than those made by England, if measured by the relative position of the two countries.

MR. E. CRAUFURD said, he hoped the British distillers would be allowed to supply the Navy. He wished also to ask, whether the allowance for wastage in bond would be made according to the actual quantity wasted?

THE CHANCELLOR OF THE EXCHEQUER said, the question had been brought under his notice during this discussion for the first time, and he would consider it.

Resolution *agreed to.*

Resolved,

"That in lieu of the Duties of Customs now charged on the articles undermentioned, the following Duties shall be charged thereon, on importation into Great Britain and Ireland, namely,—

	s.	*d.*
Spirits or Strong Waters, not being sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Syke's Hydrometer, for every gallon of the strength of proof by such Hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon . . . . the gallon	8	6
Of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possessions within the limits of the East India Company's Charter, in regard to which the conditions of the Act 4 *Vic.* c. 8, have or shall have been fulfilled . the gallon	8	3
Rum Shrub, Liqueurs, and Cordials of and from a British Possession in America or the Island of Mauritius,		

or a British Possession within the limits of the East India Company's Charter, qualified as aforesaid . . . . the gallon	8	3
Rum of and from any Foreign Country being the country of its production . . . . the gallon	8	3
Tafia, of and from any Colony of France . . the gallon	8	3
Other Spirits, being sweetened or mixed so that the degree of strength cannot be ascertained as aforesaid, and Perfumed Spirits to be used as Perfumery only . . the gallon	12	0
Spirits, or Strong Waters, imported into the United Kingdom, mixed with any ingredient, and, although thereby coming under some other denomination, except Varnish, shall nevertheless be deemed to be Spirits or Storng Waters, and be subject to Duty as such.		
Water, Cologne, the flask (thirty of such flasks containing not more than one gallon) . . each	0	5
——— when not in flasks, as Perfumed Spirits . . the gallon	12	0

Resolutions to be reported.

To report Progress, and ask leave to sit again.

House *resumed.*

Resolutions to be reported on *Monday* next.

Committee report Progress; to sit again on *Monday* next.

MR. JOHN POPE HENNESSY.

Mr. John Pope Hennessy, being in his place pursuant to the Order of the House of the 28th day of February, expressed his regret that having, through inadvertence, neglected to sign the Declaration required by the Standing Orders, and forgetting his summons to attend the Committee on Group 1 of Railway Bills, he had started for Ireland, whence he had immediately returned on being served with the Order of the House; and then he withdrew.

Colonel WILSON PATTEN, as he was the Member who moved the issue of the order for the hon. Member's attendance, wished to say that it was with the deepest regret that the Committee of Selection had felt it to be their duty to report his absence. Nothing but the extreme inconvenience which that absence had caused would have induced them to take the step, particularly as there was reason to believe that the hon. Member acted in forgetfulness. But he was sure that the hon. Member was totally unacquainted with the extreme inconvenience he had caused to the parties appearing before the Committee. That inconvenience had been not only one of delay, but one of very great expense to the parties—not only to the railway company, but to private individuals, who had been put to expense in having to retain counsel for another day. But as he (Colonel W. Patten) understood, from the expressions of the hon. Member, that he regretted the inconvenience he had caused, his duty would probably be performed if he now moved that the hon. Member be directed to attend the Committee on Monday next, at twelve o'clock.

Ordered, That Mr. John Pope Hennessy do attend the Committee on Monday next, at Twelve of the clock.

THE FRENCH TREATY.

NOTICE.

Mr. BYNG gave notice that on Monday after the report of the Resolutions, it was his intention to move that a humble address be presented to Her Majesty expressing the concurrence and approval of the House in regard to the Commercial treaty between Her Majesty and the Emperor of the French.

Mr. AYRTON said, the hon. Member for Sunderland, having given notice of an Amendment on the Address, was anxious that the terms of it should be put in writing in order that he might know how to meet it.

Mr. BYNG promised that the hon. Member for Sunderland should be in possession of the terms of the Address on Monday morning.

Mr. BLACKBURN asked the noble Lord at the head of the Government whether it was their intention to move that the Motion of the hon. Member for Middlesex (Mr. Byng) with reference to the French Treaty should have precedence of the other orders on Monday.

Viscount PALMERSTON:—It is intended to move the Address in question after the Resolutions of the Committee have been reported. I apprehend it will be competent for the House to allow the Motion to come on then.

Mr. BLACKBURN: Does the Government intend to move that the Motion shall have precedence of the orders of the day?

Viscount PALMERSTON: Care will be taken to do only what is regular.

House adjourned at half after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, March 5, 1860.

MINUTES.] PUBLIC BILLS.—1ª Qualification for Offices Abolition ;
2ª Administering of Poison.
3ª Companies (1860) ;

ADDRESS ON THE COMMERCIAL TREATY WITH FRANCE.

THE ADDRESS. NOTICE.

THE DUKE OF NEWCASTLE said, it would be probably a convenience to their Lordships that he should state the course which Her Majesty's Government intend to take with respect to a Vote of this House in reference to the Treaty of Commerce with France, Their Lordships would recollect that his noble Friend the President of the Council stated that as soon as the different Votes on Customs and Excise duties passed the House of Commons, a Resolution for an Address to the Crown would be moved there, according to the precedent set by Mr. Pitt. That Address would be moved in the House of Commons to-day, and, in the event of its passing this evening, and being brought up to this House to-morrow, he would venture to propose to fix Friday as the day on which the Address would be taken into consideration. His noble Friend behind him would give notice of a Motion as soon as the Address of the House of Commons was brought up; of course it would be impossible to give a formal notice earlier. It was not absolutely certain that the discussion would take place on Friday, because, in the event of there being an adjourned debate in the House of Commons, the Resolution could not come up until Thursday, and the next day would be too short a notice for proceeding upon a matter of such importance. If the Address did not come up until Thursday his noble Friend would name Monday instead. But if the more definite day were preferred, he would name Monday in either case, although some noble Peers, he believed, would prefer Friday, if possible.

THE EARL OF DERBY said, he would throw no obstacle in the way of the Government bringing the question forward when they deemed it most convenient. It did, however, happen that it would be more convenient to him if the discussion was on Friday rather than Monday; but that was a matter that was not for a moment to be considered. He could only say that whatever day the Government might fix upon for the discussion, he would endeavour to be in attendance. He should certainly throw no obstacle in the way of the subject being fully considered. It was most important that the whole subject should be considered, commercially and politically.

EARL GREY said, that while he concurred with the noble Earl in not wishing to throw any obstacle in the execution of the Treaty, he felt so strongly on the subject that he did not join in any Address which would express the approbation of their Lordships' House to it. He apprehended that the assent of the House to the Address was not essential to the operation of the Treaty, and that being so, he should not concur in an Address which he held to be unnecessary, and which would make the House partly responsible for the Treaty.

THE DUKE OF NEWCASTLE said, that if the Address were brought up to-morrow, his noble Friend would give notice to move a similar Address on Friday. If it were not brought up to-morrow, he would give notice on Thursday for Monday.

LACE FACTORIES.—PETITION.

THE EARL OF SHAFTESBURY *presented* a Petition from Inhabitants of Nottingham and its vicinity, signed by 10,000 persons, including merchants, manufacturers, magistrates, clergymen, and members of the town council, and praying that the Lace Factories be brought under the Operation of the Factory Act. They stated that when the Factory Act was passed the lace trade by machinery was very peculiar in its nature, and limited to a few factories, whereby the bobbin-net machines in the lace trade were omitted from the Factory Act, but since then the trade, through the many improvements in the machinery itself, and also in the fabrics, had become, and was now, almost as important a branch of manufacture as any in England ; and that many thousands of women and children were now engaged in the lace manufacture without any official control of parties in authority. It was unnecessary to detain their Lordships by stating the many reasons which rendered the change desirable. The principle reasons were :—First, the many and irregular hours at which women and children are called upon to work in the lace factories have a most pernicious effect both on the mind and body. Night labour of the juvenile population is especially destructive of their health and morality. Children of both sexes are liable to be called upon at any hour of the night or day, and as it is "quite uncertain how long they may be required, whether for two hours or the whole night—a ready excuse is found for staying out, and every facility afforded for forming improper connections." The absence of proper restraints, "the entire want of parental control," accruing from the present system of employing children and young persons as threaders and winders is the most prolific source of immorality. Secondly, perhaps the greatest evil is the entire neglect of instruction; the great majority of children employed at lace factories begin first to work from seven, eight, and nine, to thirteen years of age. Thirdly, the absence of legislative provision to guard dangerous machinery renders the workers peculiarly liable to accidents, which are often of the most serious and fatal character. Fourthly, the entire absence also of legislative sanitary measures—as lime washing, painting, &c., the heat and effluvia of the rooms in which they work, and the exposure on winter nights to excessive cold on leaving the factories—all seriously impair the constitution of the young, and render them peculiarly susceptible of disease. The master manufacturers themselves were, almost without exception, anxious that the trade should be brought under the operation of the Factory Act; and, as they had seen the benefits which that Act conferred on many thousands of workpeople, he intended to bring in a Bill to extend it to lace factories.

The Earl of FAVERSHAM supported the prayer of the petition.

The Duke of NEWCASTLE said, it was unnecessary for him to say more than a single word on this subject, and that word was in justice to the manufacturers of a large and important town with which he was personally connected, and the seat and centre of this lace manufacture. It was only due to them to say that the principal manufacturers of the town were ready to give the noble Earl the most liberal support in attaining the object he had in view. He did not mean to say but that some of the manufacturers, of small capital, might deprecate the enactment of such a measure; but if the small manufacturers were dealt with liberally and gently and the system introduced gradually, he believed there would be no opposition to the noble Earl's Bill.

The Earl of SHAFTESBURY said, he would show every consideration to the small manufacturers.

Petition to lie on the Table.

COMPANIES (1860) BILL.

BILL READ 3ª AND PASSED.

Bill read 3ª (according to Order).

On Question That the Bill do pass,

Lord WENSLEYDALE proposed certain Amendments to the Bill, the effect of one of which was to make it compulsory on all companies to publish half-yearly statements of their affairs.

The LORD CHANCELLOR said, he felt bound to oppose this Amendment. The Bill had been prepared under the direction of the Board of Trade, and he considered the Amendments objectionable.

Amendments *withdrawn.*

Bill *passed,* and sent to the Commons.

ADMINISTERING OF POISON BILL.

SECOND READING.

The LORD CHANCELLOR, in moving the second reading of the Administering of Poison Bill, said it had for its object to correct a serious defect in the existing law in regard to the administration of noxious substances. As the law now stood, if poison was administered with intent to murder it was a capital offence, and in his own experience he had seen it punished by the extreme penalty of the law; but if no intent to murder could be proved, the law was most deplorably defective, because it was held that by common law it was not an offence to administer poison unless with intent to murder. The effect of this state of things had been that in various cases where poisonous substances had been administered, and had produced the most serious and distressing results, the offenders had escaped punishment, because it could not be proved that they had given the poison with intent to murder. The Bill consisted of two clauses. The first provided that the administration of poison with intent to endanger life or to do grevious bodily harm should be regarded as felony, and punished with penal servitude. The other provided that in the event of the administration of poison being without intent to do grievous bodily harm, and with intent only to annoy and aggrieve it should be regarded as a misdemeanour, and punished with three years' imprisonment.

Bill read 2ª.

House adjourned at a Quarter before
Six o'clock, till To-morrow
half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 5, 1860.

MINUTES.] NEW WRIT ISSUED.—For Roscommon, *v.* Thomas William Goff, esquire, void election.
PUBLIC BILLS. — 1° Indictable Offences (Metropolitan District; Paper Duty Repeal; Customs; 2° Savings Banks and Friendly Societies Investments.

ROSCOMMON ELECTION.

House informed, that the Committee had determined,—

"That Thomas William Goff, esquire, is not duly elected a Knight of the Shire to serve in this present Parliament for the County of Roscommon.

"That the last Election for the County of Roscommon, so far as regards the Return of Thomas William Goff, esquire, is a void Election.

"And the said Determinations were ordered to be entered in the Journals of this House."

DEFENCES OF PORTSMOUTH.

QUESTION.

LORD ASHLEY said, he wished to ask the Secretary of State for War, Whether his attention has been drawn to the fact that the Fortifications now in progress at Hilsea for the defence of Portsmouth are commanded, at a distance of 2,000 yards, by Portsdown Hill, and whether the Government intend to take any measures for putting Portsdown Hill in a proper state of defence?

SIR DE LACY EVANS said, he should be glad to know if these works were conducted by Officers of skill and experience?

CAVALRY FIELD OFFICERS.

QUESTION.

CAPTAIN ARCHDALL said, he rose to ask the Secretary of State for War, Why Field Officers of the Cavalry are excluded from the advantages of the late Warrant, being prohibited from taking troop horses as chargers; whether he is aware that the receipts of a Lieutenant Colonel of Cavalry from his pay and allowances are 1*s.* 10*d.* a day less than the pay and allowances of a Lieutenant Colonel of Infantry; and whether, such being the case, he will raise the pay and allowances of a Lieutenant Colonel of Cavalry equal to those of a Lieutenant Colonel of Infantry?

SIR HENRY STRACEY said, he also would beg to ask the Secretary of State for War, Whether General Officers appointed to Regiments of Cavalry will in future be obliged to repay the difference, although the prices of Commissions in the Infantry and Cavalry have been equalized?

MR. SIDNEY HERBERT said, with regard to the question put by the noble Lord (Lord Ashley), the House must be aware that in consequence of the great additional range now attained by rifle ordnance, the lines at Hilsea were commanded by the works on Portsdown Hill, at the same time that these works still added greatly to the strength of the fortress. However, the whole subject was under the consideration of the Government, and formed part of the inquiry under the review of the Commission on Fortifications; and he could inform the hon. and gallant Member for Westminster (Sir De L. Evans) tha the was assured the officers in charge of the works at Hilsea were highly competent for the duties imposed upon them. With regard to the Question of the hon. and gallant Member for Fermanagh (Capt. Archdall) he had in the first place to state that he believed he and the hon. and gallant Member were at issue as to the facts, for he believed that Lieutenant Colonels of Cavalry received 2*d.* a day more than Lieutenant Colonels of Infantry, the fact being that in the one case forage was supplied by the Commissariat, and in the other money to pay for forage was given; hence the difference. With reference to what fell from the hon. Baronet (Sir H. Stracey), he had only to say that, as for the future, Officers of Cavalry would not receive any difference, so also would they not have to pay any difference.

THE ARMY IN THE COLONIES.

QUESTION.

MR. ADDERLEY said, he wished to ask the Secretary for War whether the Committee has yet reported, which he stated last Session to be sitting, on the subject of the Expenditure from the British Treasury on the Military Defences of the Colonies, and on the principle on which such expenses ought to be apportioned between the Imperial and Colonial Treasuries, and on the best mode of carrying out such apportionment; and, if they have made their Report, whether he will present it to the House?

MR. SIDNEY HERBERT, in reply, said that the Committee on this subject had been appointed before he came into office. They had made their Report, but he had consulted his noble Friend the Secretary for the Colonies as to its production, and his noble Friend was of opinion that for the present there was an objection to its being laid upon the Table; it being, in fact, a confidential Report to that Department.

CLANDESTINE MARRIAGES.

QUESTION.

Mr. COLLINS said, he would beg to ask the Secretary of State for the Home Department, Whether, having regard to the wilful and notorious violation of the Law by Edward James and Jane James at the Shrewsbury Register Office, in December last, and their non-prosecution for the same, he is prepared to recommend any mode for giving greater efficiency to the Law for the prevention of clandestine and fraudulent Marriages in Register Offices.

Sir GEORGE LEWIS said, that since he had replied to the hon. Gentleman upon a former occasion he had received a letter from the Clergyman of the parish stating that the attempt at prosecution in the locality had failed, and in consequence of that he (Sir G. Lewis) had taken steps to direct that a prosecution should be instituted against the parties.

THE ARMSTRONG AND WHITWORTH CANNON.—QUESTION.

Mr. H. BAILLIE said, he rose pursuant to notice to ask the Secretary of State for War, Whether he intends to continue the manufacture of Armstrong's Guns after the remarkable results of recent experiments with Whitworth's Guns, both as to their range and the accuracy of their fire; whether it is an ascertained fact that Armstrong's Guns cannot be used unless there is at hand a large supply of water, so that the Gun may be washed out after each shot; and whether the Whitworth Gun may not be used for any length of time without the aid of water; and whether the Committee appointed to decide on the respective merits of the Armstrong and Whitworth Cannon adopted the Armstrong Gun without going to Manchester to look at Mr. Whitworth's Gun, after having previously fixed a day on which they were to have visited Mr. Whitworth's works for the purpose of examining his Gun?

Mr. SIDNEY HERBERT said, that nothing could apparently be more satisfactory, considering the small number of experiments which had been made, than the result in the case of Mr. Whitworth's gun, so far as fouling was concerned. He might also state, in reference to Sir William Armstrong's gun, that when it had been first used it had been found necessary to employ a wet sponge, not indeed at every discharge, but at certain intervals. A new lubricating wad had, however, been introduced by him, by the operation of which that objection had been obviated, and the guns could now be used without the application of water. With respect to the question whether the Committee which had been appointed to decide on the respective merits of the Armstrong and the Whitworth cannon had adopted the former without going to Manchester to look at Mr. Whitworth's gun, he could only say that he was not in a position to give to it a positive answer. He believed, however, that it was quite true that the Committee had not visited Manchester, but had taken the Report of another Committee who had inspected the Whitworth gun. It must be borne in mind, however, that at the time to which the hon. Gentleman's question related, Mr. Whitworth's present gun, which had produced those admirable results which had since been accomplished, did not exist; and he might, perhaps, be permitted to take the present opportunity to state the course in the matter which he had determined to pursue. He had invited Mr. Whitworth to send his gun or guns to Shoeburyness, and there, not by means of short trials, but of those lengthened experiments which were necessary, to test the relative merits of the two guns in question for all purposes, including not only accuracy of aim and distance, but, above all, efficiency as used against an enemy. By such competition he had no doubt useful results would be attained and great improvements effected. As the case at present stood the Whitworth gun had, so far as he was aware, exceeded the Armstrong in range, and very nearly, if not quite, equalled it in accuracy. The subject was one, he might add, to which the Government felt it to be their duty to pay the utmost attention. They deemed it, therefore, to be the best course to try both guns, and he was certainly by no means prepared to say that there existed any such difference between them as to induce the Government to prevent the completion of the Armstrong guns which were now being made.

THE ARMSTRONG GUNS SENT TO CHINA.

QUESTION.

Captain LEICESTER VERNON said, he would beg to ask the Secretary of State for War, Whether there be any foundation for the rumour that, with the Armstrong Guns sent to China, under command of Colonel Crofton, Royal Artillery, it has been found expedient to send civilian workmen belonging to Sir William Armstrong's manufactory, for the purpose of attending to details which in ordinary cases fall within the duties of the gunners?

MR. SIDNEY HERBERT said, he did not believe that it was necessary that any large number of skilled workmen should be sent out with the object to which the question of the hon. and gallant Gentleman related, inasmuch as the ordinary gunners could work the guns referred to as well as anybody else. At the same time it was manifest that whatever was new required more than the usual amount of care and experience in order to be efficiently dealt with, and the Government had therefore deemed it right that there should be somebody at hand who might be able to remedy at once any defects in the guns which might arise. He was informed that only two such persons accompanied the expedition.

UNIFORM SYSTEM OF VALUATION.

QUESTION.

MR. HUNT said, he wished to ask the Secretary of State for the Home Department, Whether there will be any objection on the part of the Government to introduce into the House, on an early day, the Bill which he stated on the 1st instant, to be already prepared, providing for a uniform system of Valuation throughout England.

SIR GEORGE LEWIS said, he had already introduced several Bills, which had been postponed from day to day owing to the pressure of more important business. There was now in print a Bill on the subject to which the hon. Gentleman alluded, which there would be no difficulty in at once introducing; but he was not aware that it was such as to enable the hon. Gentleman to form a judgment on the point involved in his Question, inasmuch as it would not provide immediately such a valuation as to lay at once the foundation of a Parliamentary Franchise.

CHARITABLE BEQUESTS ACT (IRELAND).

QUESTION.

SIR WILLIAM SOMERVILLE said, he rose to ask the Chief Secretary for Ireland if it is intended during the present Session to introduce a Bill for the Amendment of the Charitable Bequests Act (Ireland)?

MR. CARDWELL said, he was in communication with the Board, and that a Bill upon the subject had been prepared.

ECCLESIASTICAL COMMISSION.

QUESTION.

MR. RIDLEY said, he would beg to ask the Secretary of State for the Home Department how soon he proposes to introduce the Ecclesiastical Commission Bill?

SIR GEORGE LEWIS said, he hoped to be able soon to introduce a Bill on the subject.

VALUATION IN SCOTLAND.

QUESTION.

In reply to Mr. HOPE,

THE LORD ADVOCATE said, that the Valuation Roll as it stood would be taken for the basis of the new constituencies.

ROMAN CATHOLIC CHARITIES BILL.

QUESTION.

In answer to Sir ANDREW AGNEW,

MR. BOWYER said, he was in communication with the Government with respect to this Bill, and that when certain amendments which it was deemed desirable to introduce into it had been agreed upon between himself and the Attorney General, which he hoped would be soon, it would be introduced.

BREECH-LOADING CARBINES.

QUESTION.

In answer to Mr. DAMER,

MR. SIDNEY HERBERT said, breech-loading carbines would be issued to the Yeomanry Regiments, called out for a week's training, if they could be provided.

THE FRENCH TREATY.—EXPORT OF RAGS.

QUESTION.

MR. HANKEY said, he would beg to ask the Secretary of State for Foreign Affairs, Whether the provisions of the French Treaty applied to French Colonies in respect of duties upon British goods imported by those Colonies; and if goods shipped to Bourbon, Martinique, &c. from England, or from an English Colony will be admitted on the same terms as if shipped to France?

Lord JOHN RUSSELL said, the provisions of the French Treaty did not apply to the French Colonies, with the exception of Algeria; so that goods shipped from England would not be admitted to Martinique and the other French Colonies on the same terms as if they were shipped to France. He might at the same time observe that he hoped no long period would elapse before the provisions of the Treaty would be extended to the French Colonies. He might add, also, that the influence of the Government would be used in favour of that extension. He also wished to take the present opportunity to state that the repeal of the Duty upon the admission of rags into this country for the purpose of manufacturing paper had been under the consideration of the French Government, and that the Council of Ministers were prepared to recommend to the Legislative Body the removal of that prohibition.

ANNEXATION OF SAVOY AND NICE WITH FRANCE.—QUESTION.

Mr. SEYMOUR FITZGERALD said, he wished to ask the noble Lord the Secretary for Foreign Affairs a question, of which he had not been able to give him notice, inasmuch as the Papers to which it related had not—although they had been sent to all the morning journals of Saturday—been placed in the hands of Members until that day. In page 12 of those papers he found that Lord Cowley, under date of the 25th January, thus addressed the noble Lord:—"My Lord,—Since I addressed your Lordship yesterday on the subject of the annexation of Savoy to France." Now, there was none of the Papers which had been laid before the House dated January 24th, so that it was clear the noble Lord had received a Despatch which he had omitted from the correspondence. What he desired under these circumstances to ascertain was, how the omission occurred, and when the noble Lord will lay the Despatch to which he had alluded on the table.

Lord JOHN RUSSELL said, he would have been prepared, had he received any notice of the Question to give an answer. At present he could only say he would examine the Papers and see for what reason that Despatch, to which the hon. Gentleman had alluded, had been omitted. There had been a great hurry to get the Papers printed, and he was in hopes that they would have been all delivered on Saturday, but it appeared that been had not the fact.

BERKELEY HOUSE—QUESTION.

Mr. EWDIN JAMES said, he would beg to ask the First Commissioner of Works, Whether he can state to the House the sum paid by the Metropolitan Board of Works for the site of Berkeley-house, upon which that Board is erecting a building for their own use; and what sum is to be expended by the said Board in the construction of such building?

Mr. COWPER said, that the Board had purchased the expiring lease for the sum of £500, and had sold the old materials for £799. They held under a lease of ninety-nine years at a rent of £500 a year for the first ten, and £350 for the remainder of the term, and the amount they had contracted to expend in the erection of the building, including extras, was £16,000.

Sir HENRY WILLOUGHBY said, he desired to know whether the right hon. Gentleman exercised any control over the Board?

Mr. COWPER stated that it was only through the courtesy of the Chairman of the Metropolitan Board of Works that he was enabled to give the reply he had done to the question of the hon. and learned Member for Marylebone. He had no authority to interfere with their proceedings.

SCOTCH HERITABLE BONDS.

QUESTION.

In answer to Mr. Craufurd,

The LORD ADVOCATE expressed a hope that he would be enabled in two or three weeks to lay on the Table a Bill on the subject of Heritable Bonds in Scotland?

OUR RELATIONS WITH CHINA.

QUESTION.

Sir DE LACY EVANS said, he would beg to ask the noble Lord the Secretary of State for Foreign Affairs when he proposes to allow the House to express its opinion upon the policy of the Government in reference to our relations with China, and whether the noble Lord will have any objection to lay upon the Table a statement of the present expenses, and of the salaries of those Gentlemen who form the Diplomatic Mission, and he should be glad to see an estimate of the probable expenses both of this Mission and the nature of the charges that would be required for maintaining our relations with that Nation.

LORD JOHN RUSSELL said, when the hon. and gallant Member brought forward the Motion of which he had given notice, he would make a statement of the estimated expenses of the Mission. Perhaps the hon. and gallant Gentleman would assign a day for the purpose. With regard to the other question, he should have no objection to lay upon the Table a return of the whole of the expenses and salaries.

SIR DE LACY EVANS said, the noble Lord would perhaps allow him to state that he would put his Notice on the paper for the next night of Supply.

CUSTOMS ACTS.—REPORT.

Fourth Resolution *agreed to.*

Fifth Resolution, That the Duties of Customs chargeable upon Corks ready made shall cease and determine after the 31st March, 1862,

THE CHANCELLOR OF THE EXCHEQUER stated, that it had been agreed in Committee that the duty on "Corks squared for rounding" should cease and determine forthwith; and he therefore moved that words to that effect should be added to the Resolution.

Fifth Resolution amended, by inserting before the word "That" the words "That the Duties of Customs chargeable upon Corks squared for rounding shall cease and determine:—

Resolution as amended, *agreed to.*

Sixth Resolution, "Gloves."

THE CHANCELLOR OF THE EXCHEQUER said, he should move the substitution of August, 1860, for February, 1861, as the day when the abolition of the duties should take effect.

Sixth Resolution amended, by leaving out the words "February 1861," and inserting the words "August 1860," instead thereof.

Resolution, as amended, *agreed to.*

Seventh Resolution, "Paperhangings, and Pasteboard."

SIR HENRY WILLOUGHBY said, he wished to inquire, whether the Resolution on this subject was not merely provisional and dependent on what the House should ultimately determine in regard to the paper duties. He also wished to know whether the contemplated abolition of the French export duty on rags would come under a special Article of the Treaty?

THE CHANCELLOR OF THE EXCHEQUER said, the subject of the abolition of the export duty on rags was to be considered by France; but there was no intention of embodying it in the Treaty. The items of paper manufacture in the article now before the House were quite distinct from the general question. The duties were inserted in this place, exactly corresponding with what was stipulated in the French Treaty; but they did not essentially involve the general question. Besides the Resolutions were revocable by the House. They had no final or binding force until they were embodied in Bills and received the assent of the Crown.

Other Resolutions *agreed to.*

On the Question that leave be given to bring in the Bill,

THE CHANCELLOR OF THE EXCHEQUER said, that the House having now voted the duties on spirits for the ensuing year as enumerated in the schedule, he would have to ask it to go into Committee of Ways and Means that night in order to vote certain drawbacks on both rectified and unrectified spirits.

Leave given.

Bill *ordered* to be brought in by Mr. MASSEY, Mr. CHANCELLOR of the EXCHEQUER, and Mr. LAING.

THE COMMERCIAL TREATY.—ADDRESS TO HER MAJESTY.—SAVOY AND NICE.

VISCOUNT PALMERSTON: I rise, Sir, to make the Motion of which I gave notice, That the other Orders of the day be postponed till after the Motion for an Address to Her Majesty on the Treaty with France shall have been disposed of; and I take this opportunity of making an appeal to my hon. Friend the Member for Sunderland (Mr. Lindsay), who has given notice of an addition to the intended Address, which may create a very considerable difference of opinion. That addition relates to the differential duties on shipping—a matter that may very fairly be brought under the consideration of this House. But it would, I think, be undesirable to insert it in an Address approving the Treaty, which does not touch the question of those duties. And if my hon. Friend would be kind enough to separate the two subjects, and take the discussion on his proposal on another day, I undertake on the part of the Government to assist him in obtaining an opportunity of bringing it on as a substantive Motion some day before Easter; which I suppose will be sufficient for his purpose.

Motion made, and Question proposed,—

"That the other Orders of the Day be postponed until after the Notice of Motion for an Address to Her Majesty on the subject of the Commercial Treaty with France.

MR. LINDSAY said, that he was unable to answer the noble Lord's appeal until he had himself, in turn, made an appeal to the hon, Member for Middlesex (Mr. Byng). That hon. Gentleman had given a notice of Motion for an Address respecting the Treaty with France; but the terms of that Address were not before the House. It was the general rule on so important a matter that the House should be in possession of the words of the Address at least one clear day before they were called upon to discuss it. The terms of the Address itself not being before the House, of course the terms of his own proposed addition to it were not before the House either. They could therefore have no opportunity of judging whether the words he proposed to add were consistent with the Address and should be discussed in conjunction with it, or whether they should form the subject of a separate and substantive Motion. He thought the words which he wished to add ought to be discussed at the same time as the Address to Her Majesty; because the noble Lord forgot that the 3rd Article of the Treaty distinctly referred to the dues on British shipping, as it specified that the differential duties levied by France against the shipping of England entering her ports were in nowise to be altered. If, therefore, he knew whether or not they were to defer the discussion of the Address until its terms were regularly before the House he would be better able to respond to the noble Lord's appeal.

MR. KINGLAKE said, he rose to state very briefly the grounds on which he intended to oppose the Motion of the noble Viscount. At an unusually late hour for notices of Motion on Friday night, and after a very extraordinary speech from the hon. Member for Birmingham (Mr. Bright) the noble Viscount at the head of the Government gave notice of the present Motion, and requested, as it seemed, the hon. Member for Middlesex (Mr. Byng) to give notice of the Address, the discussion of which they were now called upon to accelerate by that Motion. The very preamble of the Treaty which they were asked to sanction began by declaring that it was the object of the high contracting parties "to draw closer the ties of friendship which united their two people." Now, they would be trifling with that great subject and taking part in the emptiest of all imaginable forms if they consented to enter on the question presented to their attention without having a far more accurate knowledge than they now had of the relations really subsisting between this country and France. As lately as Tuesday last the noble Lord who was the constitutional exponent of the views and opinions of Her Majesty's Government on foreign affairs stated in that House, with a frankness which was characteristic of him, that if the proposed annexation of Savoy and Nice should unfortunately be persisted in, the Emperor of the French would expose himself to the distrust and hostility of Europe. On the day when the noble Lord made that statement he had himself been pressed to postpone his Motion, but he had persevered in going on with it because he knew that in this matter time was a vital element. The correctness of his conclusion was verified by the fact that within forty-eight hours of the moment at which the noble Lord the Foreign Secretary made that statement the Emperor of the French pronounced a speech from the throne, which seemed, as far as he could understand its somewhat ambiguous phraseology, to place the great empire of France in a position of something like antagonism to this country. One portion of the Emperor's speech was, he thought, perfectly unexceptionable in its tone and language; and if he could only bring himself to believe that that part of the speech represented the real views of His Majesty he would not be there endeavouring to postpone the Motion of which his hon. Friend the Member for Middlesex had given notice for that evening. The Emperor said:—

> "This reassertion of a claim to a territory of small extent has nothing in it of a nature to alarm Europe and give a denial to the policy of disinterestedness which I have proclaimed more than once, for France does not wish to proceed to this aggrandizement, however small it may be, either by military occupation or by provoked insurrection, or by underhand manœuvres, but by frankly explaining the question to the Great Powers."

If he could only bring himself to believe that that was all he would be very well content to let the Motion proceed. But he found that in other passages His Majesty spoke of the proposal for annexing Savoy and Nice, as though it were a matter resulting from some right possessed by the Emperor of the French. The Emperor also appealed to one of the most dangerous principles to which any potentate could appeal—namely, the principle of natural boundaries. Now, one plain sentence might remove all the obscurity which hung upon that question; let it be said that the determination to consult the great Powers of Europe meant that which any plain man would understand when he spoke of consulting another. Let it only be understood that France would not proceed to this annexation without the assent of the other great Powers, and then they would all enter on the discussion of the Commercial Treaty in a spirit that would conduce to the peace and tranquillity of Europe. It, however, so happened that rumour rather supported those questionable portions of the Imperial speech which spoke of the proposed annexation as a matter of necessity, and left them less room than they would like for believing that the fair and courteous expressions contained in other passages were the true indication of the Emperor's meaning. As a ground for postponing the debate on which they were now invited to enter, he must beg the House to remember that from July to the present time two negotiations, or to speak more accurately, one negotiation and one discussion, had been going on simultaneously. He alluded, first, to the negotiation with respect to the Commercial Treaty, which had ripened into the instrument with which they were now acquainted. But, unfortunately, the discussion relating to the proposed annexation of Savoy seemed—as far as he could judge from the hasty perusal of the correspondence which the late delivery of the papers had permitted him to bestow upon them—to have dragged on and reached an unfavourable phase precisely after that period when the assent of our Government to the Commercial Treaty was obtained. It was of the utmost importance that the House should have had the opportunity not only of glancing at these papers, but of reading them, and carefully collecting their meaning, before they were called upon to express an opinion upon the Commercial Treaty. When he spoke of the opinion which they might express with regard to that Treaty he did not refer so much to the vote to which the House might be invited to come as to that plainer and clearer expression of opinion which might perhaps be elicited in the course of the debate. It being of the utmost importance that in the approaching discussion of this Treaty they should have a clear view of the relations actually subsisting between this country and France, he hoped that the House would not depart from its ordinary course of proceeding, or, by the vote for which the noble Lord had asked, accelerate the consideration of this Address. Had the question come on in its ordinary course, he should have felt very much disposed to submit to the consideration of the House some Amendment which might have given them an opportunity of deciding whether they ought not to have better means than they now possessed of forming an opinion upon this subject before they voted an address to the Crown. As it was, it of course followed that he felt no difficulty in opposing the Motion of the noble Lord, as one which tended to accelerate the consideration of a question which, in his opinion, was not ripe for discussion.

Mr. BYNG said, that having been appealed to by his hon. Friends the Members for Sunderland and Bridgwater, it was only respectful to them and to the House that he should answer that appeal at once and in the shortest possible manner. If the House generally was anxious to see the terms of the Motion in which he should have the honour of proposing that an Address should be presented to Her Majesty approving the Commercial Treaty with France, he felt that he had no course open to him but that of postponing the Motion for that Address until Thursday, in the meantime placing upon the paper the exact terms in which he should propose it. As he was sure that his hon. Friend the Member for Bridgwater (Mr. Kinglake) would not wish him to go into a long discussion of foreign affairs, he would only say by way of explanation that he understood a fortnight ago from the Chancellor of the Exchequer that it was intended that an Address of this kind should be proposed at the earliest possible moment after the House had in Committee approved the various reductions of the Customs' duties. It was on that account only that he had given notice of his intention to make this proposal to the House, and if it was the general wish that the Motion should be postponed to Thursday next, he would accede to that desire.

VISCOUNT PALMERSTON: In accordance with what has fallen from my hon. Friend (Mr. Byng), and in deference to what is evidently the wish of the House, I beg leave to withdraw the Motion which I have made. I will only say, in explanation, that in the course of the discussions which took place upon the previous stages of this matter, my right hon. Friend stated, in deference to what we believed to be the general wish of the House, that at the earliest moment after the Resolutions had been gone through and reported, an Address would be proposed to the House in confirmation and approval of the Treaty in general; therefore, if the course which has been pursued appears to hon. Members to have been more sudden and rapid than usual, it was adopted in deference to what we supposed to be the wishes of the House. The right hon. Gentleman opposite (Mr. Disraeli), the hon. Member for Sunderland (Mr. Lindsay), and another active Member of this House were in possession of the words of the Address yesterday, or certainly this morning. I beg leave to withdraw the Motion for the postponement of the Orders.

MR. ROEBUCK said, he wished to ask whether the hon. Member would lay the terms of his Motion on the table before Thursday next.

MR. BYNG said, he was prepared then to read the terms in which it was couched if his hon. and learned Friend wished it.

MR. DISRAELI: I have always understood that the earliest moment convenient for taking into consideration any matter of importance is the earliest moment consistent with the House having the opportunity of consideration. I am very glad that Her Majesty's Government have changed their course, because I do not think that the Members of this House would have had an opportunity for consideration if they had been called upon to vote an Address to the Crown with which they had not, speaking generally, had any opportunity of becoming acquainted. Nor was the course originally adopted by Her Majesty's Ministers consistent with the usual custom of this House, because on the last occasion of similar importance which I can recall—namely, when the treaty of peace with Russia was concluded—notice of an Address to the Crown was given on Monday for that day week, and upon the Saturday following the language of the Address was laid upon the table, so that not only had we a week's notice of the intention of the Government, but we had also forty-eight hours' notice of the language of the intended Address. That is a precedent which I am sure none of us will question, and of which I am sure that you, Sir, will approve, because I believe that the hon. Gentleman who moved that Address was Mr. Evelyn Denison. As the noble Lord has referred to my being in possession of the language of the proposed Address, I cannot but say that it appears to me that Her Majesty's Ministers, with a desire to conclude this business which is hardly well considered, have followed the precedent of Mr. Pitt's time, without reflecting that the circumstances of the two cases are, owing to the course which they have followed, very different. In the Address which hon. Gentlemen will see upon the paper to-morrow, having expressed our duty and satisfaction, we are requested to go on to say, " We shall proceed to take such steps as may be necessary for giving effect." The fact is we have already taken those steps. ["No, no! The Bills."] That is a formal affair; the decision of the House has been arrived at. In the case of 1787, when the Address from which this is copied was moved, not a single vote in the Committee of Customs had been taken, the mode of levying the duties had not been altered, and therefore there is a great difference between the two cases. However, that is a question on which I will not dwell now. I am extremely glad that the noble Lord has taken the course which he has done of postponing the Motion, and I am sure he must see its propriety, because it was, I believe, past midnight on Friday when the notice was given. At that time a great number of Gentlemen, including my right hon. Friend the Member for Droitwich (Sir J. Pakington) had left the House, and many of them left town on the following morning. However, the House will now have an opportunity of becoming acquainted with the language of the Address and weighing the whole subject. With regard to the time for its consideration, I should think Friday would be a more convenient day than Thursday, as it would interfere with no other arrangements, and I would therefore suggest to the noble Lord that it would be more acceptable to the House if he would fix the later day instead of the earlier.

VISCOUNT PALMERSTON was understood to say that this would lead to inconvenience in case of the adjournment of the debate.

MR. HORSMAN said, he wanted to call the attention of the House to the fact, that during the present Session they had willingly given to the Government facilities for conducting business such as had been asked by or accorded to no Government before. Since the night when the right hon. Gentleman the Chancellor of the Exchequer introduced his Budget the Government had been allowed to appropriate every notice day for the discussion of their financial Resolutions—a circumstance unknown till the present Session. No such indulgence was given to Sir Robert Peel in 1842 or 1845, nor was it asked by or granted to the right hon. Gentleman himself in 1853, although on all those occasions the fiscal changes and the unsettlement of the trading interests of the country were greater than they had been on the present occasion. More than this, the Government, to facilitate the passing of the Customs' duties, had been allowed to appropriate Thursday for the introduction of the Reform Bill. All this had been cheerfully conceded; but he thought the House ought to put a limit upon these concessions, which had in no previous Session been demanded by any Government. There had, of course, been occasions on which there had been adjourned debates upon the Budget which had, to suit the general convenience, taken precedence of notices of Motion; but to the present Government had been readily and cheerfully conceded that which had never been asked before. He was apprehensive that this course might be drawn into a precedent for the future, and he therefore submitted that the Government ought not to press the House too far, and that, instead of asking for next Thursday evening, they ought, in accordance with previous usage, to fix the consideration of this Address for Friday.

SIR JOHN PAKINGTON: Sir, I cannot allow this conversation to close without expressing my satisfaction that the Government and the hon. Gentleman opposite (Mr. Byng) have thought it right to take the course which they have done, and my earnest hope that the extraordinary notice given on Friday night will not be drawn into a precedent. I must say that since I have had the honour of a seat in this House I can remember no instance in which the conduct of the Government had so much the appearance of an intention to take the House by surprise, and, if possible, to prevent or strangle the discussion upon a question of great interest and importance, as the notice which was given by the hon. Member for Middlesex between twelve and one o'clock on Saturday morning. In my opinion, the course which was then taken by the Government and by the hon. Member on their behalf was, not only most unusual, but also most discourteous to the House; and I am very glad that the Government have seen fit to change their course. I entirely concur with my right hon. Friend the Member for Stroud (Mr. Horsman) in what he has said as to the practice of occupying Thursday nights with Government business. It is not unusual, perhaps, at a certain period after Easter, and on Motion made for that purpose, to give up the Thursday evenings to Government business, but the course now proposed is one of a very different kind. I hope, therefore, that the Government will not persevere in their intention to bring on this Motion on Thursday evening. The noble Viscount has intimated across the table that the reason for taking that course is the possibility of the debate being adjourned. In answer to that, I will say that the Government must take the chance which all Governments have on all occasions taken when bringing forward Bills on Government nights; and, therefore, hope that the House will not sanction this proposal.

THE CHANCELLOR OF THE EXCHEQUER: I think, Sir, that the right hon. Baronet (Sir John Pakington) seeing there is no difference of opinion as to the course which ought to be pursued, might have abstained from making the deliberate charge which he has thought proper to prefer against the Government of endeavouring to stifle discussion upon the Commercial Treaty with France. I do not think the Government have shown any desire to stifle discussion. We are perfectly satisfied with the results of the discussion which has taken place, and perhaps it is some dissatisfaction with those results that has induced the right hon. Baronet to make his unnecessary charge. But, however that may be, I think my right hon. Friend the Member for Stroud (Mr. Horsman) is labouring under a misapprehension with respect both to principle and to fact. In the first place, with regard to the acceleration of public business, I must always, whether in or out of office, protest, as I have always protested, against the assumption that it is a favour to the Government to allow them to proceed with their measures on days that do not properly belong to them. It is not at all for the convenience of the Government that they should be permitted to take a larger share than usual of the time of the House. My right hon. Friend must know that a rapid rate of proceeding brings an additional and a very inconvenient amount of labour upon the Government. It is not a regard for our own convenience then, but a regard for the general interests of the country and the very definite and pressing interests of the whole commercial and trading classes that makes us anxious to arrive at an early conclusion on the Budget. But I think likewise my right hon. Friend is quite wrong in point of fact. I am not prepared to quote chapter and verse of the precedents at the present moment, but, unless my recollection greatly deceives me, we did, upon many nights in 1842, proceed with the tariff when the Government had not regular precedence. Undoubtedly that was not the only instance, for under all Governments, when the case has appeared to be of sufficient urgency to the public interests to justify it, a similar demand has been made and acceded to by the House. Of course that is a question entirely in the discretion of the House; and whenever the Government perceives the existence of a general adverse disposition on the part of the House it will at once withdraw such a demand. But I think my noble Friend (Viscount Palmerston) has given on this occasion one very special reason why it is eminently for the convenience of all parties that we should go on, as proposed on Thursday. If there is to be an adjourned debate we shall be able to carry it on after an interval of only a few hours, instead of one of three days, and those gentlemen who may wish not to be detained in London will be liberated at a much earlier period. But it so happens that if any one will take the trouble to turn to the notices which stand for Thursday he will see that it is a day eminently convenient for the Motion of the hon. Member for Middlesex (Mr. Byng) to be made. It must also be remembered that it is not the case of the Government endeavouring to bring forward an order upon a notice night. The hon. Member for Middlesex gives notice of a Motion, and proposes to place it on the paper for Thursday. It may stand very well upon its own merits as a notice which will only compete with other notices, and which will not displace any without the full consent of the movers. It seems to be forgotten that the Government have not, after all, received the favours of which we have heard so much. All we have been enabled to do by the aid and kindness of many hon. Members has been to occupy the later portions of two or three evenings which otherwise might not have been occupied at all. On Thursday night, it is true, my noble Friend the Secretary for Foreign Affairs was permitted to bring forward a very important subject at an early hour; but on Tuesday night the hon. Member for Bridgwater (Mr. Kinglake) in the exercise of his discretion, called the attention of the House to a question of which he had given notice, and although we were allowed to occupy the latter portion of the evening no inconvenience was experienced by any one. It so happens, however, as I have already said, that the notices for Thursday next are not very numerous, and I believe they will be found to be either such as are not likely to lead to prolonged discussions, from the nature of the subjects, or such as cannot lead to prolonged discussion because they are agreed to. The Motion relating to dockyards has been agreed to, and the Motion on our relations with the Neapolitan Government is, I understand, one that cannot be conveniently discussed in detail in the present state of affairs and the present state of the House as to information. I must say, therefore, it would be little better than a waste of time if we were not to take the convenient opportunity of proceeding with the important Motion of my hon. Friend the Member for Middlesex on Thursday, with the view of closing the discussion on Friday in case the House should wish for an adjourned debate. But that rests in the discretion of the House, only we are not disposed to take the opinion of two or three hon. Members for the general wish of the House, as is sometimes done. My belief is, that the general inclination of the House, as far as we are able to gather it, is in conformity with the notice given by the hon. Member for Middlesex—namely, that he should proceed with his Motion on Thursday.

MR. SEYMOUR FITZGERALD said, he wished to remind the House that the Government had done no more than accede to the suggestion of the hon. Member for Sunderland (Mr. Lindsay), that the Motion for an Address on the subject of the French Treaty should be postponed for a day or two. It seemed to him, however, that the question which had been raised by the hon. Member for Bridgwater (Mr. Kinglake) was one of still greater importance, or rather one the importance of which could scarcely be exaggerated. It was not simply a question whether on Thursday or Friday the House should signify its assent to or disapproval of a Commercial Treaty, or whether that discussion should be deferred till another occasion. Neither was it a question whether the House should express its opinion on the contemplated annexation of Savoy and Nice to France. The question was, whether the House should embrace the present opportunity, when matters seriously affecting the relations of this country and the whole of Europe with France were before the public, of signifying its assent to a treaty, by which, in the words of the noble Lord at the head of the Foreign Office, our relations with France were to be rendered closer and more intimate. The hon. Member for Bridgwater had well pointed out that the question raised by him in his speech was of far greater importance than the mere annexation of a small portion of territory. It not only affected the independence and security of Switzerland, as the hon. Baronet the Member for Tamworth had stated, in such eloquent and forcible language, but any one who looked at the map must see that it had a very important bearing upon the relations of France with Germany. It had also an important bearing upon the relations of France with Italy, where in consequence of the proposed annexation France might exercise an influence far more commanding and a power far more formidable than had at any time been exercised by Austria. But the question was one of still greater importance to Europe, which might possibly see in the project of annexation, said to be entertained by the Emperor of the French, a key to the claims and the future policy of France. The hon. Baronet the Member for Tamworth (Sir Robert Peel) had the other evening called attention to the language used by his Majesty, and the noble Lord (Lord John Russell) would see by the authorized version of that speech in The *Moniteur* that the hon. Baronet was correct in his interpretation. But there were other passages in the speech of the Emperor eminently calculated to raise the suspicion and misgivings of Europe. His Majesty spoke, for example, of what he called the "natural limits" of France. The House would see, therefore, that the question was of the greatest European importance, and one in which this country was deeply interested. What was the position of Europe at the present moment? There was not a single country in Europe that did not regard the policy of the extraordinary man, who now wielded the destinies of France, with anxiety and alarm. There was not a country in Europe the statesmen of which did not look to France with something like fear. Yet there was not a country in Europe that was prepared to take the initiative in such a matter. All the nations of Europe looked to England, where there was a free Parliament, a free press, a free expression of public opinion. They relied upon us to take the initiative, and he believed that if we did so they would follow our example. What, however, was the position in which the Government wished to place this country? Instead of using language, not such as the noble Lord at the head of the Foreign Office had used, but language recording our earnest, emphatic, and unflinching protest against the annexation of Savoy and Nice, the Government proposed that, passing by the discussion to which the noble Lord the Foreign Minister had himself invited the House, Parliament should take into consideration the clauses of a Commercial Treaty with France at the very moment when the policy of France was creating distrust and alarm throughout Europe. On Friday night the noble Lord opposite declared that the question of the annexation of Savoy and Nice was one for the consideration, not of the Crown or of the Government, but of the people of England and the House of Commons, and yet he was now asking the House to parade itself before Europe in the act of drawing closer the bonds of alliance with France, as if there was an identity of policy and of interest between the two countries. The present was not the time for such language as the Foreign Minister had held. He granted that the noble Lord, as appeared from the recently published correspondence had remonstrated against the course pursued by France, and against the project said to be entertained by the Emperor, and so far as it went he did not complain of the attitude of the noble Lord. But we wanted more than the mere language of remonstrance. It was not sufficient for the noble Lord to write to Turin that the surrender of the cradle of his illustrious family would be "a blot on the escutcheon" of the King of Sardinia. That was mere rhetoric, rather than the earnest and vigorous protest which we desired. We were bound by the faith of solemn treaties. We had treaties with Austria, with Prussia, and with Russia, and what the country wanted was a solemn protest against a project which, he feared, was not only entertained, but in part accomplished, and which he believed to be dangerous alike to the interests and the tranquillity of Europe. Under these circumstances, he would suggest to the noble Lord that the consideration of the clauses of the Commercial Treaty should not take place until the House had the opportunity of clearly and decidedly expressing an opinion as to this annexation of Savoy and Nice. He did not doubt that that opportunity would be found, either by the action of some Independent Member, or by some proposition on the part of the Government, to take the papers into consideration; and then, on Monday next, if the noble Lord proceeded to the consideration of the clauses of the Commercial Treaty, a course would be adopted by which the public service would be greatly benefited.

MR. BRIGHT said, that he should like to know, though perhaps he might assume, that the language of the hon. Gentleman who had just sat down was the language of the right hon. Member for Buckinghamshire and of the Earl of Derby, who, in "another place," was the leader of the party to which the right hon. Gentleman belonged. The hon. Gentleman has been for many years a Member of the House, but he had not taken a very active part in the discussions until within the last twelve months, when, from the official position in which he was placed, it was necessary for him to do so; and it must be admitted that the hon. Gentleman, when in office, conducted the business of his department, as far as that House was concerned, in a satisfactory manner. He, therefore, the more regretted to be obliged to say that he observed that a very remarkable change had taken place since the hon. Gentleman quitted office; and he did not know that he had heard for a long time a speech in that House which had given him more astonishment and pain than that which the hon. Gentleman had just delivered. He did not ask the hon. Gentleman to please him in the speeches which the hon. Gentleman made; and he certainly in his speeches did not try to please hon. Gentlemen opposite; but he did ask that when hon. Gentlemen addressed the House, they should well consider the gravity of the question, and endeavour, as far as other countries were concerned, not to import into the discussion any unnecessary irritation. From what had been observable during the last fortnight or three weeks, it was quite obvious that the Commercial Treaty with France was very unpleasant to hon. Gentlemen opposite. There were many reasons why it should be so, some which they were not likely to admit, and which it was not necessary for him to state; but he would ask them whether it was a manly course to endeavour, when the Commercial Treaty was on the point of being concluded by the ratification of the House, and when throughout the country there was but one voice with respect to it, and when that House had already shown itself most unmistakeably in its favour—was it manly, he would ask, to associate the treatment of that particular question, and of the Government in respect to it, with another question which might or might not be important, but which necessarily involved considerations likely to create irritation here and perhaps elsewhere? The hon. Member for Bridgwater and many other hon. Members had strong feelings on this question of Savoy. What course did they propose to take? Did they propose to take out of the hands of the Crown or of the Government the management or control of the matter? If they believed that there was anything in the papers not creditable to the noble Lord who had the management of the Foreign Affairs of the country or to the honour of the Crown of England, was not the floor of the House open to them, and could they not propose a Motion with respect to those papers on any night in this or next week to the effect that the conduct of the Government was not creditable, and that the interests of the country had not been duly regarded? Then the matter would be fairly discussed and battled out, and if the hon. Gentlemen opposite could carry a vote of censure, then the great object of their ambition would be attained; the Government would be turned out, and hon. Gentlemen opposite would sit on the Ministerial benches, and when they did they would, he presumed, from the force of circumstances, carry out precisely the same policy. There was not a few persons in this country who regretted the course taken by the right hon. Member for Buckinghamshire (Mr. Disraeli) on this question, for no doubt that right hon. Gentleman prompted the virtuous indignation of the hon. Member for Horsham (Mr. S. FitzGerald). That course was one not void of some considerable peril. He (Mr. Bright) had seen the course followed by the party opposite in 1853 and 1854. There was not an insinuation of any kind which was not resorted to at that time with the view of damaging the Earl of Aberdeen's Government, and more especially the Earl of Aberdeen himself, though such a course might occasion war and did, no doubt, much to make the unfortunate war that ensued inevitable. ["Oh, oh!"] He did not ask hon. Gentlemen opposite to agree with him; he was only telling them what a great number of people believed, and the opinion was growing stronger every day, that there were persons occupying high positions before the public who would rather see a great alienation from France—even though it might lead to the terrific consequences of another war—than a growing friendship between England and France, which was likely to result from the Commercial Treaty. He agreed with the right hon. Member for Buckinghamshire very much in this, that Government could not be very well carried on in this Parliament without something that assumed the character of party, but still he had no great affection for what were called great party fights. At any rate, there were many subjects in the course of a Session on which party fights might be taken, but, in the name of all that was sensible, all that was humane and just to mankind—he would not say to England—let them banish from their party discussions questions of irritation like that raised to-night—questions which grew by this sort of discussion, and, sometimes in a very short time, acquired a magnitude beyond the control of those who first raised them. If they could conceive themselves for a moment to be sitting in France, instead of in England, and hearing this kind of discussion—if they could suppose England and France to change places on the question of Savoy, and England to desire annexation, while France was opposed to it, could not hon. Gentlemen then perceive that the sort of tone in which the matter was taken up, and the sort of menace which the hon. Gentleman offered, was precisely the kind of thing which made—if such a thing were possible — war absolutely inevitable? The hon. Gentleman proposed, in effect, that the House should not proceed with the Commercial Treaty until the question of Savoy should be settled. [Mr. S. FITZGERALD: No, no!] Did he misunderstand the hon. Gentleman? [Mr. S. FITZGERALD: Yes.] Then he retracted the statement; but he was quite sure that the tone of the hon. Gentleman's observations led to that conclusion. Besides, he would ask, what was the object of tying the two things up together, unless one was to be made dependent on the other? He ventured to say that no words that could be put into a Resolution would more decidedly cause a rupture between France and England than words declaring that the House would not consider the Commercial Treaty until the question of the annexation of Savoy was settled. Now, he was not going to discuss that question; but a great deal might be said for it on the part of France, and against it on the part of England. It appeared to him one of those questions which had better not be stirred, but which, being stirred, concerned the people of France, of Sardinia, and of Savoy much more than the people of England. As a matter of material interest it did not concern England at all, but only as a matter of sentiment, as all were desirous here that nobody should destroy the old landmarks of Europe. It was impossible, however, for any person in the position of the governor of a great country to have stated his case, his wishes and intentions, in more fair and open language than that read by the hon. Member for Bridgwater. The hon. and learned Member, indeed, admitted that if the words he read were the only words in the matter he would take the same view of them; but those were the only words which referred to the action of the Emperor. The other words referred solely to the Emperor's wishes and rights, but the words which the hon. and learned Member read to the House are the only words which referred to what the Emperor proposed to do. If, however, any hon. Gentleman felt aggrieved on the subject, let him bring forward a specific Resolution, and then the noble Lord the Member for London would be enabled to defend his course on this question; but he implored the House not to let it appear that it preferred a party embarrassment, a party victory if it might be—or the peril of breaking up the friendly relations between this country and France, to the acceptance of that great Treaty, on which the people of England believed their future commercial interests to a very considerable extent depended. He had not risen to defend the Government, but when a question of this sort was made a ground of attack from night to night, he was anxious to place it in its real light, and he believed he placed these attacks, which tended to sacrifice the commercial interests of the country, imperil peace with France and therefore with Europe, in their real light when he stated that they were made for a party object, of which a great party ought to be ashamed.

MR. LIDDELL said, he was prepared to answer the question of the hon. Member for Birmingham (Mr. Bright), and in doing so he believed he would be giving expression to a feeling which prevailed among a large portion of the House. The hon. Gentleman had asked what they were prepared to do in reference to that question of Savoy; and he (Mr. Liddell) had to reply that he for one was not prepared to take the course which the hon. Gentleman had marked out for himself—namely, to treat the annexation of Savoy to France with a pusillanimous indifference, if with nothing more. It was very convenient for the hon. Member (Mr. Bright) to evade the main point of this question, but the fact was that England stood pledged to maintain the independence of Switzerland, and that independence was seriously endangered by the proposed annexation. He rose, however, principally for the purpose of urging his hon. Friend the Member for Sunderland (Mr. Lindsay) not to accept the offer which had been made to him by the noble Lord at the head of the Government. His hon. Friend had given notice of an Amendment in the third Article of the Treaty; but if his hon. Friend were to accede to the suggestion of the noble Lord he would find himself placed very much in the position of the man who shut the stable door when the steed was gone, for his Motion would be fixed for some day after the House had given its assent to the Treaty. He did not wish in any way to endanger the success of the Treaty; on the contrary, he believed that it would be eminently advantageous to this country; but he was anxious that the third Article, which would subject British shipping to an unjust charge, should be discussed by the House under the circumstances which would afford them the best chance of obtaining its alteration.

MR. WHITESIDE: The hon. Member (Mr. Bright) has entirely misunderstood what fell from my hon. Friend near me (Mr. S. FitzGerald). The hon. Member has imputed to Gentlemen on this side of the House, that, for a party object, they are desirous of catching at this question of Savoy in order to expel the Ministry from their places. Now, I think he will see upon reflection that that imputation is not one which he ought to have made. How has this difficulty arisen? Has it been created by any act of those around me? By no means. The person who jeopardizes the peace of Europe is he who does not respect the faith of treaties—who says that geographically he is entitled to one country, and that logically he is entitled to another. That is the argument in reference to Savoy and Nice. Does any imputation rest on the Foreign Secretary? No. I have only looked into these despatches; but as far as I have read them I think that they reflect honour upon the noble Lord, and that throughout the correspondence he has asserted the interests of peace, the interests of his country, and the interests of Europe. But our object is, in accordance with the noble Lord's own speech the other evening, to strengthen the hands of the Ministry by expressing clearly and distinctly the opinion of Parliament, not as the hon. Member (Mr. Bright) supposes, upon the internal affairs of France, but upon an intended encroachment by one Power on the territories of another country, guaranteed to that other country by the faith of treaties. The effect of such an expression of opinion by Parliament, as I believe, will be not to create war, but to prevent it; and the hon. Gentleman wholly mistook what my hon. Friend said, because, when he expressed a hope that Parliament would protest against annexation, the hon. Gentleman should recollect that a protest is not war, but a substitute for war. For example, when the French army marched into Switzerland, the Earl of Malmesbury protested, but we did not go to war. And I venture to say that, if a distinct and manly protest be made by England and the other great Powers of Europe against this first attempt to violate the treaties which guarantee the peace of Europe, that protest will be attended with better results than even the manful despatches of the noble Lord the Foreign Secretary. The hon. Member (Mr. Bright) was therefore rash in his imputation upon my hon. Friend and the Gentlemen near me, who are desirous to maintain peace, but at the same time are desirous to preserve the faith of treaties and the honour of their country.

MR. BERNAL OSBORNE: I will not attempt to impugn the motives of the hon. Member (Mr. S. FitzGerald). His motives may be pure and honourable, but I do take upon myself to question the discretion of his speech. When an hon. Gentleman who has occupied the position of Under Secretary for Foreign Affairs makes such a speech respecting the Emperor of the French, I must say that I think it highly indiscreet and very much to be deprecated. What must be the effect produced on the highly inflammatory susceptibilities of the

French people when they hear of such observations made, amid the cheers of his party, by a Gentleman who has held so high a position? I do not believe the right hon. Gentleman (Mr. Disraeli) inspired him with that speech, or that he approves of the statements expressed in it, for the right hon. Gentleman is far too sensible of the value of the French alliance; and the right hon. Gentleman who has just spoken also sees so fully the indiscretion of the speech that he has endeavoured to explain it away to the satisfaction of this House and of our neighbours across the water. But if we are every night to be making this an opportunity for discussing the affairs of the French Government and of Sardinia, what is to come of it? Are we to lay hold of this Commercial Treaty, which is meant to be one of amity, and turn it, instead, into a source of war? By the course you are pursuing I firmly believe that you are laying the foundations of enmity between the two countries. As to the policy of annexation, I do not agree with the views of the hon. Member (Mr. Bright). I think he made that speech under some momentary irritation, and I am sure that after consideration has led him to repent of many of those sentiments. If, however, the question may be regarded from another point of view, let us, when the proper time arrives for doing so, give it a calm, candid, and open discussion; but do not let us have hon. Members rising and giving utterance, night after night, upon the mere withdrawal of a Motion, to such irritating sentiments. I heard with great pleasure the speech made the other night by the hon. Baronet (Sir R. Peel). It was a speech distinguished by a strain of eloquence such as is seldom heard within these walls, and I trust that we shall often hear the hon. Baronet again, but I also hope that to eloquence he will join discretion, and will not on every possible occasion make Savoy the staple of debate in this House. I have confidence in the noble Lord the Foreign Secretary. From the remarks of the right hon. Gentleman (Mr. Whiteside) it would seem that we all agree that the noble Lord is conducting these very difficult affairs with judgment and moderation. Let us, then, assist him in the best way we are able—namely, by so debating the subject in this House as not to embarrass him, but to strengthen his hands in negotiating. Without impugning the motives of hon. Gentlemen opposite, I ask the House not to be led away by any anti-Gallican feeling, and not to mix up this Savoy question with the Commercial Treaty, which we have a fair prospect of debating on Thursday evening.

MR. ROEBUCK: Not being of any party whatever, I think I may reply to the question of the hon. Member for Birmingham (Mr. Bright), why we mix up the two subjects of the Commercial Treaty and Savoy. For the Treaty of Commerce no man is more anxious than I am; but, at the same time, I have my own opinion about the annexation of Savoy. I will tell the hon. Gentleman, then, why we connect the two. With the internal affairs of France we have nothing to do. The French place whom they please at the head of their Government. They present him to the world, and with him we negotiate. It is, therefore, the duty of England to negotiate with the present Emperor of the French. We do not ask how he came to the Throne. We do not ask what is his character. We do not, when negotiating with him, express what we think of the man. All these questions must enter into our minds; but we negotiate with him candidly, freely, honestly, though we have our own opinion as to the result of that negotiation. Now being, as I said, of no party, and not being a Government official, I think it my duty on the present occasion, simply as a representative of the people of England, to state frankly what I accept as the result of the Commercial Treaty, supposing it had passed. With the great people of France I have the most earnest desire to maintain the most friendly relations. I believe it is for the happiness of mankind that these two great nations should be upon relations of amity. As the French nation has chosen its governor, with him I am quite prepared to deal; but I cannot help forming my own conclusions as to the result of this negotiation. The result of this negotiation will, I believe, very much depend upon the character of the man with whom we have to deal. Now, what does that man do? Upon this occasion I am not simply to consider what the hon. Member for Birmingham calls the danger of the question. I have to consider the honour of England. I say that if at this time we did not speak our minds, we should be truckling to the Emperor of the French. We should not be the England which I believe we are. I say that this man even now when he is entering into friendly relations with us, is breaking all the treaties we have made, and is casting dishonour upon England by making it appear that we are his friends, while he is doing a disgraceful and dishonourable act. ["Oh, oh!"] I do not mince my language. I do not fear that man, but I have a fear lest England be thought to truckle to him. What is he doing? He invites us to enter into friendly intercourse. To that invitation I willingly accede. I think he has done boldly by so doing. I think he has acted doubly boldly, when, having quarrelled with his priests, he ventures to quarrel with his Prohibitionists at the same time. But he has done a bolder act. At the same time that he invites England to be his friend, he seeks to break the treaties which England has made. He talks of acquiring *les versants des Alpes*. If I understand what that means, he will go still further. The man who talks of geographical reasons for wishing to approach the Alps, may for the same reasons desire to approach the Rhine. And so, if we now stand by with "bated breath" while he approaches the Alps, we shall by-and-by see him acquire the Rhenish provinces of Prussia, and crush Belgium in his grasp. What shall we do then? We shall be driven to do that which we ought to do now, and proclaim boldly that we think it would be dishonourable to do that which he is about to do. I do not ask for war; I know there is pugnacity at the bottom of all the hon. Member for Birmingham does. When I say I do not wish to fight he laughs at me. But, Sir, there is something in the grave and solemn declaration of a great people like the people of England even that the Emperor of the French must regard. I have known the time when a declaration of this House stopped him short in his career. I think the noble Lord at the head of the Government will remember that time. I recollect the time when this House was solicited to alter the legislation of England to please him. This House refused to consent to that. We stopped him short in his career then, and what has been his course since then? During the Italian war, and after it, the Emperor of the French did all he could to make friends with the despots of Europe, and all he could to throw off the English alliance. Why do I say that? I take the expression of opinion in the press of France to be the expression of the Emperor's opinions. Having failed to win the friendship of the despots of Europe, he fell back upon his old Ally, and then he silenced by one blow the press of France. ["Oh!"] Hon. Gentlemen may cry "Oh," but is that not true? Did he not issue his *fiat*, and did not all the insolence and all the impertinence against England at once cease? Aye, I have faith in the English House of Commons, although some may be base enough to truckle to an Emperor; and I am sure this House of Commons will maintain the character, the dignity, and the honour of England. To go back to what I was saying:—the Emperor of the French turned round, and again cultivated the friendship of his old Ally. We were sworn friends again, but I cannot forget what that phase of that man's life disclosed. ["Question!"] You may not like what I say, but I am sure it is the question for us to consider. I say, what are we to do? Are we at once, and without consideration, to accede to this Treaty of Commerce? I am most anxious at once to close with this Treaty of Commerce if we can. But I would not close with it in such a way as to appear to sanction the proceedings of the Emperor of the French in the annexation of Savoy. Therefore, I say the consideration of this question ought to be deferred until the House has had an opportunity of declaring its opinion as to the annexation of Savoy. I am quite sure a large majority of the House would at once adopt the honourable language of the noble Lord the Member for London and declare itself hostile to that annexation. And here I must say, if the noble Lord will permit me, that I think the honour of England is quite safe in his hands—that his language has been in accordance with the views of the people, and that nothing could be better than the manner in which he has declared his honest feelings upon this matter. I call upon the House of Commons to say what the noble Lord has said, and to declare its opinion upon this matter before we say that we are willing to enter into a Treaty of Commerce between the two nations. I only ask the House to do that, and then when it has declared the annexation of Savoy to be against the honour and dignity of England to say to France, "If you will enter into negotiations, we wish to have peace and content between the two countries, and we will even sacrifice our feelings to gain that end."

MR. CONINGHAM said, that although for one he was not at all disposed to truckle to the Emperor of the French, he felt bound to protest against the use of such language as they had just listened to as applied to the ruler of a friendly nation. He knew that the language applied in that House to the Emperor was in France considered to be the expression of the sentiments of that House towards the French nation. Nothing could be more injurious to the interests of both nations, more injurious to the interests of civilization. Hon. Gentlemen opposite professed now great sympathy for Savoy, but when Poland was divided, when Cracow was absorbed, when the Russians marched into Hungary, he did not remember there was any protest on the part of the great Conservative party. The annexation of Savoy was a question in which England had an interest, but if the districts contiguous to Switzerland were to be given to that republic he thought that arrangement would much modify the views which would otherwise be entertained of the proposed transaction. He would add that the whole discussion that evening had been of a most irregular character, and he earnestly deprecated the repetition of sentiments which he believed were calculated to sow the seeds of distrust and hostility between the two most civilized countries of the world.

LORD JOHN RUSSELL: Sir, if any hon. Gentleman in this House thought it necessary to propose for consideration the whole question of Savoy, to find fault with the mode in which that question has been treated by Her Majesty's Ministers, or to take the matter entirely out of the hands of the present Government, that would be an intelligible and, may be, a useful course of proceeding. It may be that we have spoken too tamely upon the subject, that men of higher abilities and more animated spirit may be able by the use of other language to deter the Government of France from proceeding in any way with the annexation of Savoy. Those who could succeed in persuading the House to adopt that view might take the place of those who have hitherto conducted the negotiations and proceed to put their views in practice. But there is one course which is neither consistent with constitutional proceedings in this House, nor consistent with the ordinary confidence reposed in Her Majesty's Government, and which, above all, is not consistent with the maintenance of amicable feelings between this country and France. That course is the renewal, day after day, of irritating discussions, putting forward particular points and incidents, asking for no decisive vote, proposing no definite resolution, but always pointing out the person whom the French by immense majorities have chosen to rule over them as a ruler whom we must distrust, against whom we ought to be perpetually prepared. That course must tend to alienate the two countries, and to bring about at length a total rupture of amicable relations. Now, I am sorry to say that that is a course which some hon. Gentlemen think it convenient to take, and I must on this occasion ask them really to come to some definite Resolution as to what they themselves propose by their speeches on this question. What has happened is this, —I must again state it as the matter has been so prominently brought forward.—It appears that when there was a discussion between France and Sardinia—when there was a measure of concert arranged between them with respect to the defence of Sardinia against Austria—some question was raised, or some conversation passed, on the subject of annexing Savoy to France. The war began; the war ended with the annexation of Lombardy to Sardinia, and with no further conquest on the part of France. It was understood, that, according to the preliminary treaty of Villafranca and the subsequent treaty of Zurich, the Grand Dukes of Tuscany and Modena were to return to their dominions; that the Pope was again to have possession of the Romagna; and that Lombardy alone was to be the prize of the King of Sardinia. The Emperor of France was the man who promoted that arrangement, and did all he could to bring it to a successful result; and it was fully understood that in that case there would be no question of the annexation of Savoy. Well, that arrangement did not please the Italian people; the Emperor of France said he would not use force to coerce their inclinations; and those inclinations were evidently in favour of their living under the rule of the King of Sardinia. The Emperor of France, when it was tolerably clear that such would be the probable result, said, it was desirable for the security of France that she should have the slopes of the Alps that lay towards France, and that she should have her frontier strengthened. On that question Her Majesty's Government differed with the Emperor of France; and I will say for myself that I never for a moment concealed our opinions upon it from the Emperor of France. I was not wanting in telling him, frankly and plainly, what our opinions were of that annexation, and what were the consequences which we feared might follow in Europe from carrying it into practical effect. But other Powers have to take their part. The Emperor of the French took his part so far that he declared to Her Majesty's Government, both through his own Ambassador and through his Minister for Foreign Affairs, that he would not proceed to that annexation without consulting the great Powers of Europe. It might be feared that by a sudden military occupation he might seize the capital of Savoy and the passes of the Alps ; but he has declared in the face of all Europe that he will not so proceed. Those other Powers to which he has referred have to be consulted. We have told him frankly our sentiments on the subject, and I do not know that we could have done so in language stronger or more direct. But the question remains still to be decided in what way the other Powers of Europe will be consulted. Will they be asked to give their opinion to the Emperor of the French? Will it be expected by the French Government that if those Powers maintain objections to this annexation, they will speak out on the subject? All I can say is, that hitherto they have not done so. Her Majesty's Government have spoken out on the subject, as has also the British Parliament; and the British public, and I may say all Europe, will soon know the manner in which we have spoken. But the other Powers have not yet spoken; I cannot doubt what the opinion of those Powers is on the subject in question, but I doubt in what way they will express themselves. Now, is it at such a moment, let me ask, and upon such a subject, that the House of Commons will consent, day after day, to listen to vague discussions founded on no definite Resolution? It is my persuasion—I may be totally mistaken on that point, because other circumstances may occur to disappoint any such prophecy—but my persuasion is that if the language of disapproval is held in Berlin, is held in Vienna, and is held in St. Petersburg, that this project of annexation will not be persevered in. I have said we do not know as yet in what language those great Powers will express themselves. Nay, more; the very Power which is most interested in this question—the Government of Sardinia itself—has not yet spoken on this subject. The Members of this House and the public may have seen two despatches which have appeared in the *Moniteur*, and have since been reproduced in the newspapers here, which contain a project for the settlement of Italy, suggested by France, and one of which despatches ends by stating that in case that project were adopted it would still be necessary, for the security of the frontiers of France, to add Savoy to the dominions of the Emperor. That question concerns Sardinia more than any other Power in the world. The province to be annexed is naturally the part of his dominions of which the King of Sardinia must be the most proud; it is the country in which his house arose; and in the course of time it has numbered among its people many of the most gallant and skilful of officers and many of the bravest of men, who fought to maintain the rights and power of his family, and who by their deeds have adorned the page of history. The King of Sardinia must, therefore, be much interested in that province. Yet, while the Government of the King of Sardinia have answered at great length, and with much detail, so much of the French proposal as relates to Italy, with regard to Savoy, Count Cavour has said that he reserves that as the subject for a separate despatch, and that he will treat it very soon in that separate despatch, which he will communicate to the Government of France. Then, I say again, when the Power most of all interested in this question has not yet decided in what way it will act, that this is not the moment in which we should come to a precipitate conclusion. But this I will say, that whatever may be said with respect to Savoy, my opinion is that the Treaty of Commerce with France is destined, if it obtains the approbation of the Parliament of this country, to strengthen the ties of friendship between the two nations, to increase the wealth and stimulate the industry of both, and that by thus giving a greater number of our own people and a greater number of the people of France an interest in the blessings of peace we shall delay, perhaps prevent, that calamity of war which, I think, it is the business of every European statesman to use his utmost efforts to avert. With these convictions I shall be ready, without entering into this question of Savoy, to give my earnest support to the Motion of my hon. Friend the Member for Middlesex (Mr. Byng) whenever he may bring that Motion forward; and when he does so, I trust the House will consider the question of the Treaty of Commerce as the main subject of our deliberations. Is there anything, I ask, connected with this question of Savoy to prevent our strengthening those relations which already exist with France by ties of commerce? I believe there is not, for my part. I cannot understand the part which the hon. Member for Sheffield (Mr. Roebuck) takes in this matter. I cannot imagine anything more pernicious than to indulge in invective on such a subject against a neighbouring Sovereign without any definite object. If we have to bring forward at a future time the question of Savoy, after having disposed of coals and other matters of commerce germane to the Treaty, do not let hon. Gentlemen confine themselves to those general terms of solemn protest. The hon. Member for Horsham (Mr. S. FitzGerald) says we are to make a solemn protest. What is the meaning of that? I can understand the rest of the great Powers telling the Emperor of France, in a manner perfectly friendly, but, at the same time, in a manner perfectly firm, that this annexation would alarm Europe, and that the additional territory he would gain would be as nothing to the consequences it might entail upon him. I can understand that being said by the Powers of Europe in terms which would give it due force. But I can understand nothing by "a solemn protest" but this—"We offer our Resolution; accept it, and we will remain on friendly terms with you; refuse it, and we shall go to war!" I cannot imagine the great Powers of Europe going to the Emperor of the French with "a solemn protest" and then remaining contented with a flat refusal. It does not appear to me, therefore, that that is a course likely to lead to peace, or one calculated to prevent the Emperor of France carrying out the object he has in view. It does not appear that when the hon. Member (Mr. S. FitzGerald) was in office any great concern was felt on this subject. The Earl of Malmesbury was informed, as I am told, at the time that there was a story going about—said to rest on authority—of an agreement between France and Sardinia for the cession of Savoy. When I was told of it I said to my informant he should go to the Earl of Malmesbury. It did appear that the Earl of Malmesbury directed Earl Cowley to make inquiry on the subject, but in doing so he mixed it up with several other matters. Earl Cowley replied that he had asked Count Walewski about these several matters, and that Count Walewski did not make any observation with regard to the territorial question. If the Earl of Malmesbury had been very serious on this subject, he would surely have written again to Earl Cowley, and would not have been content with Earl Cowley saying that Count Walewski had made no observation on the territorial question. He would have asked of Earl Cowley, "Do they deny what is alleged with respect to Savoy? or, if they ever entertained it, have they given it up?" If I had been in office and Earl Cowley had written to me that he had received an unsatisfactory answer, I should certainly have asked him to put the question again. But this extreme zeal which we now see on the subject—a zeal which I must say, with all respect for the hon. Gentleman, goes beyond the mark, because it tends to endanger the continuance of the peaceful relations that exist between the two countries—is a newborn zeal, which the hon. Gentleman did not exhibit when he was in office. I wish to maintain the honour and dignity of the Queen and the honour and dignity of Parliament, but it does not seem to me that irritating discussions and imputations cast upon the French Government which are not to lead to any practical result or vote of the House can in any way contribute to that object. There was a discussion, the newspapers told us, some evenings ago in the other House of Parliament on this subject. I read with great pleasure the various speeches said to have been made on that occasion by the Members of different parties. It appears to me that they expressed in a grave and solemn way their opinions upon this question, and, if the House of Commons comes to give its opinion on the same question, I trust it will do so in the same spirit. The hon. Member for Tamworth (Sir Robert Peel) delighted the House the other night with his eloquence, and the language he employed was such as became the gravity of the subject; but I am sure that the use of exciting and irritating language and casting imputations on foreign Governments will add nothing to the dignity of this House, and nothing to the security of the peace of Europe.

LORD JOHN MANNERS said, the noble Lord had, unintentionally he was sure, done injustice to his predecessors in office. The noble Lord had informed the House that the Earl of Malmesbury on hearing the rumour of a treaty between France and Sardinia had contented himself with instructing Earl Cowley to demand an explanation from the Government of France, and that upon Earl Cowley stating that

Count Walewski gave no answer whatever to his application, the Earl of Malmesbury allowed the matter to rest there. Now, the noble Lord, speaking from memory, had forgotten the state of the facts, and had—unintentionally, no doubt—misstated them. The late Government did not allow the matter to drop, in the way stated by the noble Lord, but obtained from the French Government a positive contradiction of the rumour that Earl Cowley had been instructed to bring before them. He hoped therefore that the noble Lord would take the earliest opportunity of unsaying what, from momentary forgetfulness, he had stated to the House on this subject. With reference to the question immediately before the House, he could not reconcile the tone of the noble Lord's speech that night with the one which he had delivered on Friday evening. The noble Lord on Friday invited the co-operation of both Houses of Parliament in the protest he was making against the proposed annexation of Savoy; but on the present occasion he understood him to deprecate discussion in that House, and that, too, while he seemed to approve the discussions which took place in the other House of Parliament. The noble Lord objected to what he called a precipitate judgment on the part of that House; but those who, like the hon. Member for Sheffield and himself, held that the Commercial Treaty ought not to receive the final sanction of Parliament till some deliberate expression of its opinion was given on this most momentous of all the questions of the day, found that the noble Lord himself had laid the foundation for the view they took in the first despatch he wrote on the subject of the Commercial Treaty. In that despatch the noble Lord gave special prominence to the importance of the Commercial Treaty in a European and political sense, though now he wished them to look at it simply on commercial grounds. The noble Lord said:—

> "Its general tendency would be to lay broad and deep foundations in common interest and in friendly intercourse for the confirmation of the amicable relations that so happily exist between the two countries; and, while thus making a provision for the future, which would progressively become more and more solid and efficacious, its significance at the present moment, when the condition of some parts of the Continent is critical, would be at once understood, and would powerfully reassure the public mind in the various countries of Europe."

After this announcement on the part of the noble Lord, how was it possible for him now to ask Parliament to dissever, in their consideration of this question, the Commercial Treaty and the "critical condition of some parts of the Continent of Europe?" Would he deny that the condition of some parts of Europe was at this moment "critical?" And was the noble Lord entitled to ask them to refrain from giving an opinion on the causes that led to this critical condition of certain portions of Europe before their assent was given to the Treaty which the noble Lord said would enable France and England to lay deep the foundations of a common interest and a friendly intercourse? The noble Lord objected to what he seemed to think were teasing repetitions of the debate on the subject of Savoy. Everybody would agree with the noble Lord that they ought to discuss the question in a fair and legitimate manner, but he and those around him thought that that discussion should take precedence of the one in reference to the Treaty, which, according to the noble Lord was to prove to Europe that England and France marched side by side in general policy.

LORD HARRY VANE said, he thought they would hardly accomplish the object they all had in view, namely, to deprecate the annexation of Savoy to France, if they coupled that subject with the commercial Treaty. And if it were declared that Parliament would not assent to the latter unless the Emperor first gave an assurance that he would not proceed with his project in regard to the former. The country was unanimous in the desire to prevent the accomplishment of that annexation, and he agreed with the noble Lord (Lord J. Manners) in thinking that much value was to be attached to an expression of the opinion of Parliament on the subject; but he could not countenance the idea that any advantage would attend the use of violent and vituperative language towards the head of the French Government. He agreed with the noble Lord the Foreign Secretary in thinking that if this annexation was to be prevented it must be done by the united action of Europe, and not by a single protest of our own. The House was quite prepared to express its disapproval of the annexation, but to couple the two questions together, as had been proposed, might have a most injurious effect, as leading to an opinion in France that the Parliament of England were animated by feelings hostile to the Emperor of the French.

MR. NEWDEGATE said, that as an independent Member of the House he wished to point out that they ought to alter the course of proceeding they had marked out. When the treaty of 1786 was negotiated preliminary Resolutions were laid on the table, so that the House of Commons of that day had an opportunity of discussing the political bearing of the proposed Treaty independently of its commercial and financial phases. Had the Government pursued that course on the present occasion the difficulties the obstacles of which they now complained would not have arisen. Instead of pursuing that course the Government had preferred to plunge the House into a consideration of the Treaty in a Committee of Ways and Means, telling them they were bound to accept it by important political considerations, yet defeating all discussion upon the Treaty, which involved these very political considerations. It was most unfair on the part of the Government, when such an eventuality as the proposed annexation of Savoy was occuring, to ask the House to express an opinion upon the Treaty without placing any Resolution before them for their consideration. The hon. Member for Birmingham said, "Perish Savoy!" And, as if to accomplish the object which the hon. Member seemed to desire, the House was about to enter into commercial transactions with France affecting £1,000,000 of our revenue, and the Government were offering whatever advantage that sacrifice of revenue entailed as a subsidy to France? The House of Commons was perfectly right in demanding a fair opportunity of deliberately stating that if they granted commercial and financial advantages to France through a commercial Treaty, they did not do it with a view of subsidizing France that she might crush the freedom of Savoy. He had been delighted to hear the speech of the hon. and learned Member for Sheffield (Mr. Roebuck). Some of his expressions with respect to the Emperor of the French were, perhaps, too severe; but he rejoiced to hear an independent Member vindicate the right of the British House of Commons to put its own interpretation upon its own language and its own acts. He would repeat that, whatever the inconvenience might be of which the Government might consider themselves entitled to complain, was entirely attributable to the fact that they had departed from the precedents of the House. Due time should have been and ought still to be given for the consideration of the proposed address to the Throne, Because they were in danger, by hasty action, of having their friendship for France misinterpreted into a feeling of indifference to the interests of Savoy.

MR. BENTINCK said, he only differed from his hon. Friend who had just spoken upon one point. He went all lengths in the opinion that the House ought to have ample time for considering this question of Savoy before they accepted the Treaty with France. He would even go further, and say that the worst thing that could happen for the honour and happiness of England was that the Treaty should ever be ratified at all. But concurring, as he did cordially, in the strongest language that could be used against such a course being pursued, he as heartily deprecated the use of personal language and coarse invective. Such language never hurt those against whom it was addressed; it only recoiled upon those who uttered it; but whatever its effect might be it was discreditable both to the House of Commons and to the country which they represented. He agreed with the hon. Gentleman who last addressed them, that the Government had only themselves to blame for the difficulty in which they were placed; they should have placed a definite Resolution before the House, and courted its opinion; bnt, instead of taking that course, they had simply followed the same course they had pursued from the commencement of the Session, and endeavoured by every means in their power to stifle discussion. He could not admit the representations of the right hon. Gentleman the Chancellor of the Exchequer that the general interests of the community required that there should be no delay in passing the Resolutions. It was, of course, natural that the class represented by the hon. Member for Birmingham (Mr. Bright) should be in favour of it, because they were pecuniarily interested in the successful termination of the negotiation; and as the hon. Member for Birmingham evidently exercised a powerful control over the proceedings of Her Majesty's Government, he (Mr. Bentinck) was not surprised at the Government endeavouring to hurry the proceedings before the House, and to stifle all discussion. Indeed, so much had the right hon. Gentleman the Chancellor of the Exchequer endeavoured to stifle discussion, that it had given rise to the belief that there must be some object in thus precipitating matters, and that an apprehension was felt that, if certain negotiations were not explained satisfactorily, some obstacles might arise to the completion of the pending arrangements. Now, he confessed he should be too glad to see any obstacle interposed to the success of the proposed Treaty. He believed that almost every interest in England was opposed to this Treaty. [*A laugh.*] Hon. Members might laugh; but let them compare the number of hon. Gentlemen representing commercial interests who have spoken favourably of this Treaty with the number who had spoken against it. The reason why the Government had carried their Resolutions was that those who opposed the Treaty, instead of wisely uniting for a common purpose, had been cut to pieces in detail. The hon. Gentleman (Mr. Bright) had charged those who sat upon the Opposition benches with not pursuing a manly course in regard to this Treaty. But he (Mr. Bentinck) would ask the hon. Member for Birmingham whether it was manly to sacrifice the honour and interests of England merely for the beneficial results to a particular class of a Commercial Treaty? Because such was the result of the hon. Member's observations: there was nothing that he would not sacrifice for that Treaty. If that was the hon. Member's opinion of what constituted a manly course he (Mr. Bentinck) could only say their views differed very materially. The hon. Gentleman had taken occasion to observe that they were sitting in the English House of Commons and not in the Parliament of France; but many speeches of the hon. Gentleman had given him the impression that they ought rather to be addressed to the Congress of the United States, to the proceedings of which it was the avowed object of the hon. Gentleman to assimilate their debates. With regard to the hon. Gentleman's imputation that Members on the Opposition side of the House were actuated by party feelings, he totally disclaimed it. They were only actuated by a conviction that the Treaty was alike prejudicial to the honour and interests of this country.

MR. BAILLIE COCHRANE inquired whether the Motion with respect to an Address to Her Majesty regarding the Commercial Treaty with France would be brought forward on Thursday or Friday?

LORD JOHN RUSSELL: On Thursday.

MR. STIRLING said, some very important papers had been published that morning in the newspapers, which formed no part of the Correspondence that had been laid on the table of the House. The noble Lord likewise had stated that a very important despatch might be expected from Count Cavour in reply to that addressed to him by the French Government. As it was natural to suppose that the Sardinian Government would wish the greatest publicity to be given to their opinions, he had no doubt, copies of both documents would be forwarded to this country. He wished, therefore, to inquire whether these papers would be laid on the table before the debate was taken on the Address to the Crown, respecting the Commercial Treaty with France. He put this question because, like many eminent Members of the House, he felt unable to separate the question of Savoy from the other matters involved in the Treaty. By this instrument they were about to enter into new and unnatural engagements with the Emperor of the French,—engagements which in July last the noble Lord on the Treasury bench had several times declared ought not to be entered into with any Power whatever. As an independent Member of Parliament, before he gave his assent to engagements with a foreign Power he had a right to ask how the Sovereign of that State observed older and more important engagements with other free States of Europe. He had a right to know how far the rights guaranteed by Treaty to Switzerland would be respected. On this subject the papers on the table of the House gave no satisfaction whatever, save that the representative of Switzerland in Paris was utterly unable to obtain information, and seemed to be haunting the British Embassy for the sake of the intelligence which might be gained in that quarter. It was, therefore, but reasonable that hon. Members, by the production of those papers, should be afforded an opportunity of making up their minds before they were called on to vote an Address to the Crown.

MR. COLLIER said, an appeal had been made by the noble Lord the Member for Tiverton to his hon. Friend the Member for Sunderland to withdraw his Motion, which proposed that further negotiations should be entered into for the purpose of inducing the French Government to enter into a supplementary treaty of navigation, and to relax their laws in favour of British shipping. He understood the noble Lord to make this appeal chiefly on the ground that to propose an addition of this kind to the Address, would be very inconvenient ;

but he understood him at the same time to say that if the Motion were brought forward in a substantive form, a day would be given for the purpose, and he also collected that the noble Lord would not be disposed to give any opposition to the principle of the Motion. On the question of navigation he considered the Commercial Treaty to be defective, and the country, he thought, had reason to complain of the stringency of the French regulations, while our restrictions had all been abolished. He ventured to ask whether he had correctly understood the statement of the noble Lord? If he were correct he would advise his hon. Friend (Mr. Lindsay) to accede to the proposal of the Government.

Sir HENRY WILLOUGHBY said, the noble Lord the Secretary for Foreign Affairs gave an assurance last year that the Emperor of the French had abstained from all intention of annexing Savoy.

Lord JOHN RUSSELL: At that time he did, as will appear by the despatch of Count Walewski.

Sir HENRY WILLOUGHBY said, the despatch of Count Walewski did state a possible event in which the Emperor of the French, even at that time, considered the annexation of Savoy indispensable; which was, in case any addition were made to Piedmont on the side of the Duchies or the Legations. He wished to know whether the noble Lord had any objection to produce the correspondence in which that eventuality was described, because it was quite clear that so far back as July, 1859, the Emperor of the French and his Government, in some way or other, declared to Earl Cowley that the annexation of Savoy should follow the occurrence of certain contingencies with regard to Sardinia. It was quite clear that if such a distinct declaration had been made, the Emperor of the French had a right to say that Her Majesty's Government received full warning.

Lord JOHN RUSSELL: In answer to the question of the hon. Member for Perthshire (Mr. Stirling) with respect to certain despatches relating to France and Savoy, I have to state that no such despatch has yet arrived, and I do not know if it has yet been written. As soon as the reply of the Sardinian Government has been communicated I shall be ready to lay it on the table of the House, but it is impossible for me to say when that may occur, or to what further correspondence it may give rise. The despatches of M. Thouvenel have appeared in all the newspapers, but if the House wish for copies they will of course be laid on the Table. Respecting the discussion of the question of annexation in 1859 there is no public despatch whatever on the subject. Earl Cowley, from time to time in his private letters, said Count Walewski agreed that the annexation of Tuscany to Sardinia was impossible, but if such a case should ever by possibility occur, it would then be for France to consider whether her frontiers would be safe without the annexation of Savoy. But Earl Cowley, who has acted throughout with great discretion, did not think proper to introduce loose conversations or casual intimations into his official correspondence.

Viscount PALMERSTON: I wish to explain a matter which is not clearly understood by the hon. and learned Member for Plymouth (Mr. Collier). What I did state to the hon. Member for Sunderland was, that if he would suffer us to discuss the proposition which he proposed as an addition to the Address to Her Majesty as a separate and substantive Motion, the Government could have no possible objection to the opinions which it embodied being expressed to the House; and they might even think that such an expression would assist them in any negotiation which might be made officially with France.

Motion, by leave, *withdrawn*.

CUSTOMS ACTS.—COMMITTEE.

House in Committee according to Order.
Mr. Massey in the Chair.

(In the Committee.)

Moved, That the Duties of Customs chargeable upon the goods, wares, and merchandise hereinafter mentioned, imported into Great Britain and Ireland, shall cease and determine, namely:—

"Ammunition, as denominated in the tariff."

Colonel SYKES inquired, whether there would not be some restriction on the importation of arms, such as existed with respect to the sale of fire arms manufactured in this country, which required to have the Tower brand upon them?

Mr. LAING said, that the present Resolution only affected the import duties upon the articles specified, and had nothing to do with police regulations for the public safety.

"Butter."

In reply to Colonel Upton,

Mr. LAING said, that it would be declared duty free, and that if there was anything deleterious combined with it, it would be the duty of the Excise to interfere. As regarded the item of dates, they had gone on the principle of protecting the sugar revenue.

9. *Resolved,*

"That the Duties of Customs chargeable upon the Goods, Wares, and Merchandise hereinafter mentioned, imported into Great Britain and Ireland, shall cease and determine, namely,—

Almonds, not Jordan nor bitter.
——— Jordan.
Ammunition, as denominated in the Tariff.
Apples, dried.
Baskets.
Beads, as denominated in the Tariff.
Boxes, namely, Brass.
——— not otherwise charged with Duty.
Butter.
——— of and from a British Possession.
Candles, as denominated in the Tariff.
Capers, including the Pickle.
Cassia Lignea.
Cheese.
——— of and from a British Possession.
Cinnamon.
Cloves.
Coculus Indicus.
Copper, Manufactures of, not otherwise enumerated or described, and Copper Plates engraved.
Coral negligées.
Daguerreotype Plates.
Dates.
Eggs.
—— of and from a British Possession.
Extracts, as denominated in the Tariff.
Ginger.
Glass, Flint Cut Glass, Flint Coloured Glass, and Fancy Ornamental Glass of whatever kind.
Gongs.
Grains, Guinea and of Paradise.
Japanned or Lacquered Ware.
Liquorice Paste.
————— of and from British Possessions.
———— Powder.
————— of and from British Possessions.
———— Juice.
Mace.
Mustard, Flour.
——— Mixed or Manufactured, except Flour.
Nutmegs, as denominated in the Tariff.
Nuts, small nuts.
—— Walnuts.
Nux Vomica.
Oilcloth.
Onions.
Opium.
Oranges and Lemons.
Pears, dried.
Pewter, Manufactures of, not otherwise enumerated.
Pimento.
Platting, as denominated in the Tariff.
Pomatum.
Quassia.
Rice, not rough nor in the husk.
—— rough and in the husk.
Salacine.
Sauces, not otherwise enumerated.
Scaleboards.
Seeds, Caraway.
————— of and from British Possessions.
Ships, Foreign built, broken up, or sold to be broken up or abandoned by the owners, or sold as wreck, whether afterwards recovered or repaired or not.
Soap, as denominated in the Tariff.
Soy.
Spa Ware.
Spelter or Zinc, manufactures of, not otherwise enumerated.
Stearine.
Tallow.
——— of and from British Possessions.
Tin, foil.
—— manufactures of, not otherwise enumerated.
Veneers.
Washing Balls.
Yarn, namely, Woollen or Worsted, as denominated in the Tariff.

Resolution 10.

"Gold Plate."

Mr. AYRTON said, that no homelmanufacturer could sell an article of god or silver till it had been submitted to the assay of Goldsmith's Hall, and obtained their stamp as a proof of genuineness. If it was not exactly up to the standard, the article was liable to be broken up. This was often the cause of great expense to the manufacturer, and involved the necessity of being a little above the standard. He thought that gold and silver plate imported into this country ought to pay some amount of duty above that proposed (17*s.* per oz. troy for gold plate, and 1*s.* 6*d.* per oz. troy for silver) to represent the expenses of this process of assay, or be made liable to some similar process after importation.

Colonel SYKES thought the public should be assured that the articles imported were really gold and silver.

Mr. LAING said, the measures necessary to ascertain the purity of the articles would be taken by the Customs on the clearance, and the proper place to introduce the requisite provisions would be in the Customs Bill. He would take care before this Resolution was reported to be in a position to give full information to the hon. Member of what was intended to be done when the Customs Bill was introduced. He should be able to say, at a later stage, what those measures were.

10. *Resolved,*

"That, in lieu of the Duties of Customs now chargeable on the articles undermentioned imported into Great Britain and Ireland, the following Duties shall be charged,—

		s.	d.
Plate of Gold	the oz. troy	17	0
——— Silver, gilt or ungilt, the	oz. troy	1	6
Powder, namely,—			
Hair Powder	the cwt.	0	4½
Perfumed	the cwt.	0	4½
Vermicelli and Macaroni	the cwt.	0	4½
Currants	the cwt.	7	0
Figs	the cwt.	7	0
Fig Cake	the cwt.	7	0
Raisins	the cwt.	7	0

Resolution 11.

"Wood and Timber, hewn, and Lathwood."

COLONEL SYKES asked, whether any drawback would be allowed for the duty paid on stocks in hand?

MR. LAING said, the payment of drawbacks, unless under special arrangements, had been discontinued. On timber no drawbacks was intended to be given as there was no Excise survey.

COLONEL SYKES said, there were some kinds of timber that could be identified, and which were fairly entitled to a drawback.

THE CHANCELLOR OF THE EXCHEQUER observed, that this was a question not affecting timber only, but was applicable to almost all descriptions of foreign goods liable to the law and duties of Customs, although there were some that could not be identified from their appearance with others that could. The holders of silks and of French gloves were in the same position with those of wood, and there was no way of dealing with the question except by drawing a line between those goods that were under survey and those that were not.

11. *Resolved,*

"That in lieu of the Duties of Customs now chargeable on Wood and Timber, as denominated in the Tariff, Foreign and Colonial, on importation into the United Kingdom, the following Duties shall be charged:—

		s.	d.
Wood and Timber, hewn, and Lathwood	the load	1	0
——— sawn or split, planed or dressed	the load	2	0
Firewood, not exceeding three feet in length	the load	1	0

Resolution 12.

"Teak and Wood for ship-building purposes 1*s.* the load."

MR. AYRTON moved the substitution of 5*s.* for 1*s.*

Amendment proposed to leave out 1*s.* and insert 5*s.* instead thereof.

Question proposed, "That 1*s.* stand part of the proposed Resolution."

THE CHANCELLOR OF THE EXCHEQUER said, that the nominal duty of 1*s.* had been put on in compliance with the representations of the trade. So far as the Government could ascertain, the general feeling of the trade was in favour of this nominal imposition which would afford the parties an opportunity of obtaining a correct idea of the quantity, measurement, &c., through the Customs-house lists.

MR. AYRTON said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Original Question put, and *agreed to.*

		s.	d.
Mahogany, Hard Wood, or Furniture Wood	the ton	1	0
Staves, not exceeding 72 inches in length nor 7 inches in breadth nor 3½ inches in thickness (except Staves for Herring Barrels)	the load	1	0

13. *Resolved,*

"That so much of Act 16th and 17th *Vic.* c. 107, sec. 44, as prohibits the Importation of Malt, be repealed, and that the following Duty be charged thereon, on importation into Great Britain and Ireland, namely,—

		£	s.	d.
Malt	the quarter	1	5	0

14. *Resolved,*

"That the Duties and drawbacks of Customs now charged and allowed on the articles undermentioned shall continue to be levied, charged and allowed, on and after the 1st of April 1860, until the 1st of July 1861, on Importation into the United Kingdom, or on Exportation therefrom to Foreign parts, or on removal to the Isle of Man for consumption therein, namely,—

Tea.
Sugar, as denominated in the Tariff.
Molasses.
Cherries, dried.
Comfits, dry.
Confectionary.
Ginger, preserved.
Marmalade.
Plums, preserved in Sugar.
Succades, including all Fruits and Vegetables preserved in Sugar not otherwise enumerated.

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee report Progress; to sit again on *Wednesday.*

WAYS AND MEANS.—COMMITTEE.

House in Committee according to Order, Mr. MASSEY in the Chair.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER said, he would now move the Resolutions by which he proposed to allow the British distillers a drawback of 2*d.* per gallon on raw spirits, and of 3*d.* on rectified in the case of exportation. These amounts were calculated by the officers of revenue as a just compensation to the distillers in respect of their Excise disadvantages.

Sir HENRY WILLOUGHBY said, that it was usual to print Resolutions of this kind, in order that those who took an interest in such matters might have an opportunity of being present at the discussion of them.

The CHANCELLOR of the EXCHEQUER said, the substance of the Resolution had been printed, and had been in the hands of Members some four or five days ago ; so that full notice had been given to everybody interested.

Mr. W. WILLIAMS said, that manufacturers of British wine had complained that by the propositions of the Chancellor of the Exchequer they were unfairly placed with regard to the foreign manufacturers, and he wished to know whether any relief could be afforded to them?

The CHANCELLOR of the EXCHEQUER said, he had taken the case of the British wine manufacturers into his consideration, and could not see that they had any claim for relief. The articles of which they manufactured their wines were sugar, on which the duty would be reduced if we could have afforded it, and brandy and raisins, on which the duty would actually be reduced considerably. In fact, the manufacturers of British wines would pay less duty on their materials than the importers of foreign wines would pay under the reduced scale of duty. They could not therefore have much claim for relief.

Resolved,

"That, in consideration of the loss and hindrance caused by Excise regulations in the distillation and rectification of Spirits in the United Kingdom, there shall be paid to any distiller or proprietor of such Spirits in a duty-free warehouse, on the exportation thereof, on or after the date of this Resolution, an allowance of two pence per proof gallon.

"And to any licensed rectifier, who on or after the date of this Resolution, shall have deposited in a Customs warehouse for exportation Spirits distilled and rectified in the United Kingdom, the following allowances on the exportation thereof (that is to say) : On rectified Spirits of the nature of British compounds, not exceeding 11°/° O.P., as ascertained by Sykes' Hydrometer, an allowance of three pence per proof gallon ; and on Spirits of the nature of Spirits of Wine, an allowance of two pence per proof gallon.

House *resumed.*

Resolution to be reported *To-morrow.*

Committee to sit again on *Wednesday.*

SAVINGS BANKS AND FRIENDLY SOCIETIES INVESTMENTS BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

Sir HENRY WILLOUGHBY said, he hoped the right hon. Gentleman the Chancellor of the Exchequer would not proceed with this Bill in the absence of several hon. Members who were interested in the discussions on the Bill, but who had left the House not believing that there was any chance of the second reading being moved that evening. The question was an unfortunate one involving as it did the sum of £43,000,000 of money, while many savings banks objected to the measure. Perceiving by a gesture of the right hon. Gentleman, however, that he meant to press the second reading, he (Sir Henry Willoughby) begged to move the adjournment of the debate on the second reading.

The CHANCELLOR of the EXCHEQUER observed that when the House was in Committee he made a full statement of the nature of the Bill ; and in accordance with the pledge then given, he had allowed it to remain for several weeks in the hands of hon. Members before he had placed a notice of the second reading on the paper. Not having had the slightest reason to suppose that the proposed legislation was really deemed objectionable, he felt bound to persevere, knowing, as every hon. Gentleman must know, the difficulty he should otherwise have, in the pressure of business, to find opportunities for carrying forward a Bill of this kind. The hon. Baronet (Sir Henry Willoughby) said, that some savings banks had objections to the Bill. Why, savings banks could have nothing to say against it ; for what it proposed was that every depositor in a savings bank should have an absolute legal title against the State—as absolute as that possessed by the holder of Three per Cents. The hon. Baronet himself had often complained that the depositors in savings banks had not that security. If this Bill passed they would have it by as strong a title as it was in the wit of man to devise. If the hon. Baronet wished him to again explain all the provisions of the Bill he would repeat what he had stated when introducing it.

Mr. GREGSON said, he took as great an interest in savings banks and friendly societies as the hon. Baronet could do; and he regarded the measure as one of great importance to the interests of the depositors in those institutions. He hoped the Bill was to be read a second time, and the discussion taken on the Speaker's leaving the chair.

Colonel SYKES said, it was expected that a great political question would occupy the greater part of the night, and that the Customs Committee would take up the remainder; and under these circumstances he put it to the right hon. Gentleman whether it was fair in the then state of the House to proceed with the second reading? The Bill was a most important one and reserved an objectionable power to the Chancellor of the Exchequer which he, in common with other hon. Members, had always opposed.

Mr. J. L. RICARDO said, he would appeal to the Chancellor of the Exchequer to postpone the Motion. He could not see that under its provisions the functions of the Chancellor of the Exchequer were much less powerful than they were under the present arrangement. He had himself asked several questions on this subject, and he understood that the Chancellor of the Exchequer promised to explain the provisions of the Bill fully on the second reading. He had no idea that the Bill would be discussed that night, and he had been in communication with several other Members, who agreed with him that the discussion should be taken when due notice had been given, and when all were prepared for it.

Mr. AYRTON said, that he confessed he had understood the right hon. Gentleman to promise an explanation of the measure on the second reading. He (Mr. Ayrton) had moved for some Returns which he thought necessary to demonstrate the operation of the existing system. These had not yet been produced, and he felt it impossible to go into the discussion without them. The House was entirely taken by surprise, this Bill having come on when the whole evening was expected to be occupied with a great debate. The measure was most important both in its principle and in the application of it. They were to begin a new system—the Chancellor of the Exchequer was to sit before a great book, on which he was to inscribe debts against the nation, and what the effect might be it was extremely difficult to foretell. He objected to going on now with the second reading of the Bill, unless the Chancellor of the Exchequer stated it to be a matter of paramount necessity. If, however, he gave that assurance, he would offer no impediment, although he considered the plan of taking discussions on going into Committee, as a rule, very objectionable.

Lord ROBERT CECIL said, he very much doubted whether, if notice were given, a fuller House could be got together than was then assembled. If Bills were not read a second time after notice given, the business of the House must come to a stand-still; and Governments had often been justly blamed for not pushing through their measures when they had the opportunity.

Mr. W. WILLIAMS thought that the subject ought to undergo a full discussion, and as the Chancellor of the Exchequer had offered an opportunity for its consideration at a future stage, it might be as well taken then.

Mr. BENTINCK said, he could not agree with the noble Lord the Member for Stamford, and he thought the second reading ought not to be taken that evening. The House was quite taken by surprise, in consequence of the rapidity with which they had gone through the various articles in the Customs Acts Resolutions during the half-hour that Members were absent at dinner. He begged to give notice that it was his intention, in the course of the evening, to ask the right hon. Gentleman when it was his intention to bring up the Report on the Customs Acts.

Mr. LONGFIELD remarked, that he did not wish to obstruct the progress of the measure, but he thought it would give more satisfaction if it were brought forward after due notice.

Mr. EDWIN JAMES said, he thought this Bill extremely important. Many thousands were interested in it, and it was a little unfair to proceed with it after the notice given by the noble Lord at the head of the Government, to move "That the other Orders of the Day be postponed until after the notice of Motion for an Address to Her Majesty on the subject of the Commercial Treaty with France."

The CHANCELLOR of the EXCHEQUER said, he must protest against the course taken by hon. Gentlemen on this matter. He was quite ready at that moment to explain the provisions of the Bill, and he hoped that this stage would be allowed to pass.

Motion made, and Question, "That the Debate be now adjourned," put, and *negatived.*

THE CHANCELLOR OF THE EXCHEQUER said, it would, perhaps, be agreeable to some hon. Members that he should state the general objects of the Bill. They were of such a character that he did not expect any opposition to the second reading. He could conceive it possible that there might be some difference of opinion on some points in the clauses, and he quite agreed that great attention ought to be paid to the Bill when in Committee. But those who spoke of the enormous powers conferred on the Executive Government by the measure, should bear in mind that, if the Bill dropped, the Executive Government would retain their present powers intact, and that by passing the measure they would impose material limitations and restrictions on the powers which the Executive Government now possessed. The hon. Member for the Tower Hamlets (Mr. Ayrton) said, the Chancellor of the Exchequer was going to write down obligations against the public in a book, and was greatly alarmed at the consequences which might ensue. The Chancellor of the Exchequer was only taking power to write down against the public a debt for which the State was already, partly in law, and partly in honour and equity, entirely liable. The present law authorized certain institutions called savings banks, acting to a great extent under voluntary and independent management, to receive the monies of those who were disposed to place them in their custody, with conditions as to interest and as to time and amounts of deposit and withdrawal, which were fixed in a certain degree by law, and in some points left to discretion. The law likewise presumed that these institutions would forward the monies which they received to an institution in London, where they passed into the immediate custody of the Government. The House would observe then, that the savings banks constituted an intermediate body between the Government and the depositor, and it was essential to keep that distinction in view, because the subject divided itself into two great departments, one which related to the conditions upon which the savings banks were constituted, and on which they received the money of depositors; the other which related to the receipt of monies from the savings banks by the Government, and the manner in which the Government managed the monies while they retained them in their custody until they restored them in answer to the calls of the savings banks. With the first of these departments the present Bill had nothing whatever to do. The government and management of savings banks, the responsibility or irresponsibility of the trustees or their officers, and the security which the depositor should, might, or did enjoy, constituted a subject well demanding the attention of the House; and he confessed it was a great disappointment to him to find that the Committee appointed a short time ago for the purpose of investigating the subject of savings banks paid no attention to the constitution or management of savings banks, or to the relations between them and the depositors, but confined their inquiry mainly to the management of the monies by the Government, which was, in point of fact, a great question of State policy, and absolutely distinct from that of the management of the banks themselves, when once they had complied with the conditions which were necessary to give an absolute title to the depositor for everything which had been received by the savings banks. The great principle advocated by the Committee and the first principle contained in this Bill was a substitution of a real and correct statement of that portion of the National Debt, which represented those monies, in lieu of an uncertain and untrue statement. At present the system was this,—The Commissioners for the Reduction of the National Debt, who received the funds of savings' banks and friendly societies, invested those funds in Government securities, retaining such balances as they pleased. But from various causes, some of them political causes, some relating directly to the interests of savings banks, the money value of stocks held by the Commissioners, added to the cash in their hands, did not represent a sum precisely equal to the obligations. Their assets, in point of fact, were not equal to their liabilities. It was very much disputed as to what cause or what class of causes the deficiency was to be attributed. Those who had had the financial management considered, and he thought rightly considered, that it was mainly owing to the nature of the terms on which the monies were received. A fixed rate of interest was allowed by the State to the savings banks. It followed that when the funds were high and the rate of interest generally low there was great disposition to invest in savings banks, because then the fixed rate of interest offered to depositors something better than they were likely to obtain elsewhere; but when the Funds were low the case was exactly opposite. There was a great inducement for depositors to call for money, and sales of stock must take place to satisfy those calls. Therefore, the normal operation of the system was that the Commissioners were buyers of stock when the market was high, and sellers when the market was low. That was an obvious cause, and he believed the main cause, of the difference which existed between assets and liabilities. But, on the other hand, these funds were also made subservient to great public objects. At times, when financial operations of the utmost benefit and advantage to the public were in prospect, the purchases made on account of the nation through the medium of these funds greatly facilitated those operations. The examination of these proceedings was a matter of great consequence to the House, but had nothing to do with the security of the savings-banks depositors. However well the Government managed, and whatever profit they might make, it was admitted that the depositors had no claim to a single farthing. On the other hand, if the Government made ducks and drakes of £20,000,000 out of £40,000,000, the moral obligation existed for the restoration, entire and scathless, of the monies which the State had received. Therefore the financial part of the question was not a part in which the depositors were interested, and, to his mind, nothing could be more mischievous to the depositors than to pretend they had any concern in it, because it would recognize a liability in respect of it in them which they had not at present. At present there was no liability on the part of the depositors. They were entitled to say, "We have a fixed definite contract with you, and we do not expect or desire to claim anything beyond that contract." The management, however, was a matter of great importance to the public and one of the consequences of the mode of investment up to the present time had been that there was no correct statement of the liabilities of the State. At the present moment there was a difference of somewhat more than £2,000,000 between the sums of which the Commissioners stood possessed—if they realized all the stock they held—and the sums for which they were liable to different savings banks. The mode in which they proposed to manage the finances in future was, as the hon. Member for the Tower Hamlets (Mr. Ayrton) truly said, by opening a great book, in which would be written the sums themselves, with a provision for the rectification of the account from year to year. Instead of holding that vast amount of stock, with its varied and fluctuating value, they would cancel a great part of it, and in lieu of it enter in a book, which would contain the State deposit account No. 1, the capital sum. From time to time, when the accounts were nearly balanced, that capital sum would be so regulated as to represent as nearly as possible the total amount of the real obligations of the State to the savings banks and friendly societies instead of their being unaware of what was the actual amount of their engagements, and, in fact, supposing it to be a couple of millions less than it was. That was the explanation of the 1st and 2nd clauses of the Bill. The 3rd clause was framed on the principle of maintaining the annual charge somewhere about what it was now, and when construed in connection with a subsequent clause it provided that a limited portion of the stock should be held as dead—stock not liable to bear interest. The principle on which this would be done was exactly analogous to that on which they now regulated by law the unclaimed dividends on the National Debt. The arrangement proposed by the Bill was to convert into that actual statement of capital liabilities the greater part of the stock now held by the Commissioners for the Reduction of the National Debt, but at the same time to retain in their hands such a portion as might be sufficient to meet any probable, and perhaps any possible, amount of calls. The abstract possibility of calls which might go beyond the limit was, indeed, provided for by certain parts of the Bill, which gave powers for the reconversion of the State deposit account into marketable securities in case of need. Practically, however, they might treat that as a contingency to be almost put out of view. The general rule would be that about three-fourths of the liabilities would be hereafter represented by means of the sum inscribed in the State deposit account, and the other part would be held in stock, in various securities, and in cash. And this was the first important restriction applied by the Bill to the powers of the Executive Government. At present the powers of the Executive were entirely uncontrolled with reference to the whole of these stocks. For the future they would be applicable only to about one-fourth part of these stocks—that was to say, to the portion of the assets of the Commissioners which would be ordinarily held in these securities, and not to the portion represented by the State deposit account, for that account could not be diminished by any act of the Commissioners, or of the Executive Government, except for the purpose of meeting absolute calls when they came from the creditor, that was, from the savings banks, and after all other means of meeting those calls should have been exhausted. The 5th clause provided another most important limitation of the powers of the Executive — namely, that deficiency Exchequer bills, and Ways and Means Exchequer bills, might not be funded by the Commissioners for the Reduction of the National Debt, The House will remember that at present, whenever there was a deficiency in the public revenue, or, indeed, whenever there was a deficiency in the sum applicable to meet consolidated fund charges for the coming quarter, it was in the power of the Executive to supply that deficiency by means, not of the revenue of the current year, nor of the funds which Parliament when appealed to should provide, but by means of money obtained from the savings banks and friendly societies. Indeed, even when the revenue of the year was amply sufficient for the purposes of the State, still, from the peculiar arrangements of the quarterly charges on the Consolidated Fund, and from the power which the Government necessarily held to cause an issue of deficiency bills to meet the excess of those charges, it was now positively practicable for the Executive, from quarter to quarter, to issue deficiency bills, and subsequently convert them into part of the permanent debt of the country without obtaining the consent of Parliament. That power was entirely cut away by the fifth clause of this Bill. It was another question whether it was necessary that the Chancellor of the Exchequer should possess the power of converting Exchequer bills into stock. He was not prepared to say that this power ought to be done away with, or whether it would be proper to limit it, but he did not wish to preclude the discussion of it in Committee. He came next to a set of provisions in which, following not the details, but the principles of the Report of the Committee on Savings Banks, the Bill gave a larger liberty of investment for these funds than had heretofore existed. Hitherto the investments had been entirely confined to the Parliamentary stocks of this country, to Exchequer bills and Exchequer bonds. It would, of course, be very exceptionable to give any large latitude of investment to the Commissioners for the Reduction of the National Debt, provided they were to exercise any judgment on the sufficiency of the securities, dependent on their own choice only, and not limited by Parliament. Parliament ought to define very rigidly the space within which they should have the power of selecting investments. The limitations expressed in this Bill were therefore very strictly defined. It was proposed to leave them entitled, as they now were, to invest in any Parliamentary stock or security—that was, in any instrument issued by the authority of Parliament, and chargeable directly on the revenues of the country, whether by way of supply service or on the Consolidated Fund. But besides these there were other Parliamentary liabilities. There were certain guaranteed stocks with respect to which the ultimate liability of Parliament was just as full and entire as with respect to the stocks of this country. There were stocks, for example, like the Proprietary Stock of the East India Company, with regard to which a certain amount of guarantee had been provided by the Legislature. The Bill proposed, therefore, that the power of investment now possessed by the Commissioners should be so far enlarged as to include that description of security. The effect of that would be, that they would in no respect go beyond stocks with reference to which Parliament had made a special provision to secure them; and at the same time they would be enabled, as to a certain portion of their assets, to get a better interest and manage their funds more profitably for the country than heretofore. They would not, however, go beyond a certain amount, especially in a given time. He would take the Canada guaranteed loan of a million and a half for the sake of illustration, although a considerable portion of that was now provided for. It was not at all desirable, where a third party was the debtor, and the Parliament of England only backed him with a State guarantee, that the Commissioners for the reduction of the National

Debt should acquire such a proportion of that stock as to become themselves the principal creditors. Parliament would then be placed in a false position. The Bill, therefore, proposed to limit the proportion of any stock of that character which the Commissioners might hold, as well as to limit absolutely the amount they might in any of these cases invest. It might be that other limitations would be suggested in Committee. Those he had specified were at any rate sound in principle, and would, he hoped, be taken as indications of the spirit in which the Bill had been framed. The Bill also contained other powers, enabling the Commissioners to make exchanges of securities under certain circumstances; but these could be better explained in Committee. Suffice it to say, that one of the objects of that exchange was to give the Commissioners the power of from time to time buying up certain stocks, of which the quantity was so very small in the market that they did not form a convenient medium of investment. The eighth and ninth clauses of the Bill related to the balancing of the whole of the accounts on the 29th of November, so as to represent the real amount of the liabilities of the State to parties. In the eleventh clause provision was made for giving to savings banks and friendly societies an absolute title in the funds vested under this Act in the Commissioners for the Reduction of the National Debt; and it was intended likewise to provide, in the case of the failure of those securities, that they should have a claim on other funds of the State. He might mention that the general effect of the measure would be to create very considerable public economy. He could not say precisely to what extent that economy would go, because he did not know yet what the Commissioners would find it practicable and advisable to do in the way of varying their investments; but various sources of economy would be opened up. At present, for instance, the Commissioners were holders of some £40,000,000 of stock, out of which they proposed to cancel £31,000,000; and the law fixed £300 per million payable to the Bank of England for the management of the National Debt. That arrangement was a very reasonable one as long as the different portions of the property that constituted the debt were continually undergoing transfer from hand to hand; but now that the State had itself become the possessor of a vast sum, nearly the whole of which remained entirely without involving any cost or trouble in transfer or management in any form whatever, the bargain required revision. The change which was now proposed would therefore effect a saving on that account of between £9,000 and £10,000 a year; and over and above that he expected the Commissioners would realize a considerably better income from whatever investments they might make under the authority of the Bill in funds guaranteed by Parliament, though not regular Government stock. There would be no sudden or wholesale alterations, but in the course of two or three years the effect of the Bill would be to secure a permanent saving to the country of not less than £40,000 or £50,000 a year. He ought also to mention that, in addition to the forms of investment he had mentioned, the Bill gave power to the Commissioners to invest money for the purposes of the Exchequer Loan Fund. He did not intend in submitting that provision to ask the House at that moment to give effect to any practical proposal on the subject. The power would remain dormant till the House had the opportunity of considering whether it was really desirable we should go on advancing money out of the Exchequer to the Exchequer Loan Fund Commissioners for the purpose of enabling them to lend it to various parties in the country, or whether it would not be better to transfer that function altogether to the Commissioners for the Reduction of the National Debt, who would then have a new and profitable mode of investment open to them. He did not mean to throw any disparagement on the Exchequer Loan Fund Commission, which had proved a very useful institution, and had worked exceedingly well. But it was certainly a question to be considered, whether a State heavily indebted as we were, and holders of means of that kind continually falling in, ought not to use a portion of those means to carry on useful works, in preference to advancing money for that purpose from a fund which had to be raised by taxation. A Bill would have to be brought in to provide for such advances, for the receipt of the money by the Exchequer Loan Fund, and for its management, and the question could then be fully discussed. These were the principal provisions of the present measure, which he hoped would meet with the favourable consideration of the House, both on that occasion and in Committee.

MR. HENLEY said, he did not rise to offer any opposition to the second reading of the Bill. As far as he understood the measure, its chief aim apppeared to be to make such arrangements as would prevent £30,000,000 of the savings banks funds from being jobbed—he did not use the word offensively—for the purposes of Government at particular times. It was the general opinion that if that object could be gained without inconvenience it would be most desirable. He thought, however, that some of the provisions of the Bill would require great consideration in Committee. There was no doubt that legislation on this subject was necessary, inasmuch as the Government were pledged to pay to those depositors every farthing of their money which passed into their hands. The simpler the accounts were kept the better for all parties concerned. There was, no doubt, an impression abroad—whether ill or well founded he could not say — that great losses had been sustained by the improper treatment of the funds by those persons who had immediate control over them. These were the only observations which struck him as necessary to make on the present occasion. He hoped they would go into Committee at such a time as would allow the matter to be fully discussed, as they had all one interest in getting this question put on a sound and satisfactory footing. It was a matter on which no party feelings could have place as all must be anxious to do the best they could to promote the welfare of these most useful and valuable institutions.

MR. AYRTON said, that the right hon. Gentleman the Chancellor of the Exchequer had not done complete justice to the Committee which sat upon this subject when he said that it had been chiefly employed in considering the transactions of the Commissioners for the Reduction of the National Debt; because that Committee had also made a full inquiry into the proceedings of the savings banks throughout the country, and their relations to the Commissioners, and had made a report thereupon. The assertion that this Bill would give great security to the savings banks might lead to misapprehension, by giving rise to the opinion that such security did not now exist, which, as far as the capital was concerned, would certainly be erroneous. The real question at issue was, what was to be done when the funds in the hands of the Commissioners were insufficient to pay the claims of the banks for interest? It was felt that, whilst that was the case, the Chancellor of the Exchequer would come down to the House and propose the reduction of the interest, so that, in point of fact, the loss on all the dealings with the funds that had taken place would in the end fall on the depositors. At present the capital funds belonging to depositors in the hands of the Government was deficient about £4,000,000. That deficiency had arisen from three causes. The first was, that at the outset the House of Commons authorized the Commissioners of the National Debt to pay the savings banks a very high rate of interest, higher, in fact, than the funds yielded immediately after the Act was passed. The ordinary rate of interest subsequently declined, and there had been every year an increasing deficit accumulating at compound interest. He estimated the loss from that source alone at £3,000,000. The second cause of the deficit arose from the practice of buying at a high rate when money was abundant and when the investments in savings banks were considerable, and of selling at a much lower rate when there was a disposition on the part of depositors suddenly to withdraw their deposits. The loss on that account had not been frequent, but had occurred only on two or three occasions. Its amount was not clearly ascertained, but it could not be less than £100,000. The third cause of the deficit was the mode in which successive Chancellors of the Exchequer had dealt with the funds belonging to savings banks for the purpose of sustaining the credit of the country. He did not blame them for the manner in which they had used those funds, but the objection was that all the profits and advantages went to the nation at large, while all the loss was placed to the debit of the special account of the savings banks with the Commissioners for the Reduction of the National Debt. There was still another cause of the deficit. The Commissioners, in order to pay the very high rate of interest which Parliament had allowed to depositors, had purchased 3½ per cent stock to a large amount, for which they had paid 10 per cent more than they would have for 3 per cent Consols, but in course of time the 3½ per cent stock was reduced to 3 per cent, and now it bore the same value as Consols. They had gained in the rate of interest for a certain time, but in the end a deficiency of 10 per cent had been created on all the 3½ per cent stock so purchased. All these causes combined had occasioned a gap in the capital of about £4,000,000, and the result was that at the present moment the funds belonging to savings banks produced £100,000 a year less than the interest annually paid to depositors. No Chancellor of the Exchequer had ever frankly come to the House and said—This is a loss which we must incur every year, and which should be provided year by year; but it had been added to the National Debt. This was a most injurious state of affairs. Mr. Hume had brought this matter before the House, and the Minister had twice met him by proposing a reduction of the interest, and he had no doubt the present Chancellor of the Exchequer, with his persuasive eloquence, might induce Parliament to authorize a further reduction. But the right hon. Gentleman, instead of doing that, had drawn up the Bill now before the House. What was the object of that Bill? It dealt in a very circuitous mode with a simple subject. It proposed that the Chancellor of the Exchequer should sit before a great book, and open an account No. 1, in which the first entry was to be a liability of the nation to the extent of £31,000,000. He did not know whether No. 1 was to be followed by No. 2 and a series of accounts, but certainly this provision of the Bill shadowed out a system which ought to receive the careful consideration of the House. The object which the Chancellor of the Exchequer had in view was to save £300 a year, paid to the Bank of England per million of stock for doing nothing at all; but what was there to prevent the right hon. Gentleman, instead of erecting the cumbersome and ominous system indicated by the present Bill, making the simple intimation to the Bank that it should no longer receive £300 per annum for keeping the account of each million of the capital fund of £31,000,000, which stood in the name of the Commissioners for the Reduction of the National Debt, and with respect to which no transfer or transactions of any kind ever took place? But it was said that the Bill gave improved powers of investment. It seemed to him, however, that those powers were exceedingly small. They were confined to a small part of the balance of the fund after deducting £31,000,000, and would give so small an additional interest to the Commissioners that he doubted whether it was worth while embarrassing the account with the responsibilities of the varied investments suggested by the Bill. What the Committee proposed was that a very large proportion of the entire fund, instead of being invested at 3 per cent, should be invested in securities, which for all practical purposes were as good as Consols, at the rate of 4 per cent, thus making it possible that the interest of the whole investments might be sufficient to meet the annual charge of the savings banks. He hoped the Chancellor of the Exchequer would give this point his renewed consideration, enlarge the field of investment, and so practically carry out the intentions of the Committee. It was said that very much was to be effected by the Bill for the safety of the depositors, but he could not discover that it placed them in a better situation than before, for he ventured to insist that the country already was absolutely pledged to make good the whole of their funds. On the other hand, there were certain funds of individual savings banks — the gains and savings which constituted a guarantee to make good deficiencies by losses and frauds—which were put in considerable jeopardy by the Bill. Then there was the power still remaining in the hands of the Chancellor of the Exchequer of dealing with the funds. The Committee were of opinion that that power should not be left entirely with the Chancellor of the Exchequer, but that some persons should be joined with him in order to guarantee that the funds were not hastily and inconsiderately dealt with. If this power were given to the Chancellor of the Exchequer it should be given on definite principles, so that he should use the funds for the benefit of the savings banks alone, and not for the benefit of the nation by sustaining in the market this or that security. It was evident that these several points did require looking into by the Government, and he hoped that when the Bill was next before them, some attempt would be made to elucidate the difficulties that he had felt it his duty briefly to notice.

Mr. HANKEY said, he was not aware that the Bill would have come on for discussion that night, but he should certainly not like to give a silent vote in approbation of a measure which appeared to him fraught with great mischief. It contained all the objectionable features of the former Bill, though there was a great deal of merit in some of the new provisions. The clauses, however, which gave to the Chancellor of the Exchequer power over a very large amount of stock, enabling him to increase the amount of funded debt by conversion of unfunded debt without applying to

Parliament, were clauses which ought never to be inserted in a Bill of this kind. At the same time he approved that part of the measure which permitted the Chancellor of the Exchequer to cancel certain parts of the debt; but it was a dangerous thing to give that functionary the power of propping up in the market one description of security by selling stock at one time and buying stock at another. At a future stage he should point out how, in his opinion, the objectionable features of the Bill could be removed.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

PACKET SERVICE (TRANSFER OF CONTRACTS) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

MR. HOPE said, he should like to know what would be the effect of the passing of this Bill on the labours of the Select Committee upstairs? If the Government were able to deal with the subject so much the better; but if they were, he trusted that the labours of the Committee would not be unnecessarily prolonged by their being called upon to go into the part of the inquiry embraced by this Bill.

MR. LAING said, that the question involved in this Bill had been brought before the Committee on Packet Contracts, and their opinion was that as this proposal merely provided for the transfer of the contracts from one department to another, and did not involve the mode in which the contracts were entered into, the Government might take upon themselves to deal with it.

MR. HOPE said, that as a Member of the Committee he was in a position to state that what they had declared was that if the Government thought fit to take the subject into their hands the Committee would leave it with them.

Clause 1.

SIR CHARLES NAPIER said, he was exceedingly glad the Government had decided upon taking the Packet Service contracts into their own hands, and out of the hands of the Board of Admiralty. He thought if the Government would make a regulation that no man should belong to the Packet Service vessels unless he belonged to the reserve it would be well for the service, and there would be no difficulty in the matter.

Clause *agreed to;* as were the remaining Clauses.

House *resumed.*

Bill reported without amendment.

To be read 3° *To-morrow.*

SETTLED ESTATES ACT (1856) AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. WHITESIDE moved the second reading of this Bill.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. BYNG said, he rose with reluctance to oppose the further progress of this Bill, and to move that it be read a second time that day six months. He wished to disclaim any personal hostility to the gentleman whose interests would chiefly be affected by it; but he was compelled to object to the Bill because many of his constituents were of opinion that it would interfere greatly with their rights, as well as the formerly expressed opinion of the Legislature. The subject was not a new one, having been before Parliament for the last twenty years. The gentleman whose property would be affected by this Bill had made many vain attempts to obtain building power upon the property at Hampstead. In the year 1829 the first application was made and refused. Since that period Bills were introduced almost every Session having the same object in view, but Parliament uniformly rejected them. Moreover, in the Leases and Sales of Settled Estates Act passed in 1856 it was provided that no such power should be granted by the Court of Chancery in cases where previous applications to Parliament had been unsuccessful. The will under which the gentleman in question took his property gave him power to grant building leases at Charlton, but not at Hampstead. The inference was that the testator had good reasons for the expection. The chief grounds on which he opposed the Bill was because he did not consider that a private Bill should override a public Act; and though the right hon. Gentleman had done his best to render the Bill as harmless as possible on public grounds, he (Mr. Byng) felt bound to move that the Bill be read a second time that day six months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. WHITESIDE relied upon the justice of the case to induce the House to pass the Bill. The gentleman in question, Sir T. Wilson, unfortunately for himself, lived within the jurisdiction of the metropolitan Members. He had an estate at Hampstead, and it was said that he intended to build on the Heath; but he had no more intention to do so than he had to build in the moon. He had consented to the introduction of a clause prohibiting him from building on Hampstead Heath, but that did not appear to satisfy all parties. The Judges had reported four times in favour of Sir Thomas Wilson: the House of Lords passed a Bill on the subject in 1854; and when that Bill came before the Commons the metropolitan Members had influence enough to throw it out. Since that time the question had been brought before the Court of Chancery, and, Sir William Page Wood, though he was prevented from entertaining the application, said there was nothing to induce him to think that the testator had the slightest conception of precluding those who came after him from building on the property in question. Every man who voted against this Bill would vote simply for this proposition—that a gentleman should not be heard in a Court of justice; for all that Sir Thomas Wilson asked was to be at liberty to represent his case to the Court of Chancery. His (Mr. Whiteside's) argument was founded upon the justice of the case, and he ventured to think that no Gentleman who respected justice could vote with the hon. Member for Middlesex.

Mr. EDWIN JAMES said, he could only suppose that the right hon. Gentleman was engaged to conduct the Bill through the House because no English Member would undertake it. He (Mr. James) dared to say that if a similar Bill, affecting a suburb of Dublin, were entrusted to an English Member, no man would be more eloquent against it than the right hon. Member for Dublin University. Besides, a similar Bill had been rejected by Parliament seven or eight times after the Judges to whom it was referred had reported against it. Although the Bill pretended to exclude Hampstead Heath it included the adjoining property, and the result would be, if the Bill passed, that Sir Thomas Wilson would be at liberty to build a wall entirely round the Heath. The object of the testator was, beyond all question, that the property should not be built upon at all; and an attempt was now made to hoodwink the House by introducing, in the guise of a public Bill, a measure which Parliament had over and over again rejected as a private Bill.

Mr. ALCOCK said, he should vote against the Bill. This was the eleventh time Sir Thomas Wilson had attempted the same thing, although he had no more right to enclose Hampstead Heath than he had to enclose the moon. The fact was that the father of Sir Thomas Wilson was charmed with the Heath, and left it in his will that no son of his should build over it.

Mr. E. P. BOUVERIE said, he trusted that hon. Members unconnected with the metropolitan representation would give this matter a fair consideration. The object of the Bill was practically to modify a clause in a general Act of Parliament which prevented Sir Thomas Wilson doing that which every other subject, under kindred circumstances, was enabled to do by that Act,—namely, to apply to the Court of Chancery to ascertain whether, according to the intention of the testator, he, Sir Thomas Wilson, was, or was not, empowered to grant valid leases of the land in question. It would be an act of gross injustice to this gentleman to throw out this Bill merely because the property it referred to adjoined one of the most beautiful spots in the neighbourhood of the metropolis.

Lord FERMOY said, there was but one inference to be drawn from the will as to the intention of the late Sir Thomas Wilson. He had left three estates to his son. As to two of them he had given ample leasing powers; but as to the third, that in contiguity with Hampstead Heath, he had debarred his son from those rights. It was clear, therefore, that that prohibition was intended to be permanent for the purpose of protecting one of the most beautiful spots near London. Credit was taken in some quarters for not taking in the Heath; but it belonged to the copyholders, and who would dare to interfere with their rights? They could not, however, build round the Heath without doing so in some measure; for it would be necessary to make roads, and to cart materials for the purposes of the buildings. It was desired by this Bill to obtain the prohibited right by a sidewind, and destroy the right the public clearly had to the uninterrupted enjoyment of Hampstead Heath.

MR. GEORGE said, he should support the measure, as Hampstead Heath was specially excluded from its operation. If leasing powers were to be granted to any owner of a settled estate he saw no reason why that power should be excluded with respect to Sir Thomas Wilson.

MR. HANBURY opposed the Bill. The fresh air and brown heath of Hampstead were necessary to the health and recreation of a large portion of his constituents, and they were not prepared to yield an inch of it for the benefit of Sir Thomas Wilson. Every one, therefore, who voted in favour of a measure that rendered its enclosure possible voted for an infraction of a poor man's right.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 43; Noes 86: Majority 43.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for six months.

House adjourned at half-past Eleven o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES.

VOLUME CLVI.

FIRST VOLUME OF SESSION 1860.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion. —*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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Erratum in Vol. CLV.

An error of some importance was committed in the Report of the Debate on Church Rates Abolition Bill, *Commons*, July 27 (Vol. 155, p. 476). A speech of *Lord* Henley is there attributed to the *Right Hon.* J. W. Henley.

As Mr. Henley has heretofore held Cabinet Offices, the mistake is one of much consequence, and the reader is requested to refer immediately to Vol. 155, p. 476, and to make the required alteration. It is also desirable that the Index should be altered in conformity, by striking out from Mr. Henley's speeches the first line:—

Church Rates Abolition, Comm. [155] 476,

and inserting—

Henley, Lord, *Northampton.*
Church Rates Abolition, Comm. [155] 476.

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ERRATUM IN VOL. CLV.

An error of some importance was committed in the Report of the Debate on CHURCH RATES ABOLITION BILL, *Commons,* July 27 (Vol. 155, p. 476). A speech of *Lord* HENLEY is there attributed to the *Right Hon.* J. W. HENLEY. By this inadvertence (which is due to the Printer's Corrector not being aware that Lord Henley had taken his seat only a few days previously), opinions adverse to the maintenance of Church Rates are imputed to Mr. Henley, who, on the contrary, is a firm supporter of the rights of the Church in that respect.—(See Commons, Debates, Abolition of Church-Rates Bill, March 28, 1860.)

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